

**SUDBURY CONSERVATION COMMISSION
MINUTES OF THE MEETING HELD DECEMBER 2, 2013**

Present: Greg Topham, Chairman; Beth Armstrong, Vice-Chairman; Rob Elkind; Tom Friedlander; Sharon Rizzo; Debbie Dineen, Coordinator

Chairman Topham called the meeting to order at approximately 7:20pm when a quorum was achieved.

WPA & Bylaw Request for Determination of Applicability: 45 Woodmere Rd.

Present: Eric Lally, property owner; Ed Friedlander, contractor

Mr. Friedlander presented a plan for an 18' x 18' family room addition on the rear of the house. The addition will be placed on footings and will be located in the area now occupied by a deck. The deck will be removed and there will be a small enlargement of the footprint for the addition. Two dry wells are to be installed for infiltration of roof runoff from the addition. For mitigation, native plantings of silky dogwood, winterberry, and viburnum will be planted on the edge of lawn to provide additional wildlife value and clearly provide a physical delineation of the existing lawn area.

D. Dineen explained that all work will be contained on existing lawn or other developed area of the lot. There is a slight slope of the rear yard to a bordering vegetated wetland associated with Pantry Brook. There is no riverfront area on the property. The addition will be approximately 35' to the wetland. She recommended approval with a negative determination contingent upon erosion control installation around the side of the garage and along the limit of activity in the rear yard.

On a motion by G Topham; 2nd B. Armstrong, the Commission voted unanimously in favor of a negative Determination.

WPA & Bylaw Notice of Resource Area Delineation (cont.): Arboretum Way & Cutting Lane

Present: Jesse Johnson; Frank Cutting; Beth Cosgrove; Dave Burke

Mr. Johnson of Ross Associates updated the Commission on the items in question following the previous hearing. The ponds within the Open Space area of the subdivision have been confirmed to contain predatory fish. Therefore, they are not vernal pools.

The banks of the ponds were delineated based on a series of 15 - 20 survey shots along the leading edge of the bank. The bank location was added to the plans using this information and interpolating the additional area of bank.

There is a 2,895 sq. ft. of isolated wetland that is jurisdictional under the local wetlands bylaw. This area was created from roadway runoff and lack of maintenance of the drainage pipe and forebay. It is unclear if this area is jurisdictional under the WPA because it is not known what resource area this bvw borders. It is clear that the bvw would not exist except for the drainage outfall.

D. Burke, Commission peer review consultant, stated that the issues have been much better defined as far as the extent of jurisdictional areas. The area of wetland vegetation at the drainage outfall could be either BVW or IVW. For the purposes of future activity on the subdivision and lot infrastructure, it makes sense to meet both the state and local regulations for future work in this area.

D. Dineen noted that she and Mr. Burke witnessed the removal of the minnow traps in the ponds. They contained an abundance of horned pout and red finned pickerel. Horned pout can be

considered predatory. None of the fish were adults, however it can be assumed that they would become adults in that environment. She added that although there are still questions on how to handle alteration of some of these resource areas in an NOI for construction, she recommends closing the NRAD hearing as all information needed to approve the delineation of the resource areas has been received and reviewed by the Commission and the peer review consultant.

On a motion by G. Topham, 2nd T. Friedlander, the Commission voted to accept the wetland delineation as shown on the revised plan dated Nov. 22, 2013 by David E. Ross Associates.

In an informal discussion prior to the achievement of a quorum and the opening of the meeting by the Chairman, three of the Commissioners discussed the NOI for Arboretum Way and Cutting Lane informally with the applicant. Ms. Cosgrove expressed a desire to continue to maintain the areas of field that will remain after lot development as fields to be mowed several times each year. She wishes to see the lawn areas minimized on these lots.

The drainage outfall will be redesigned to state and local stormwater standards. An NOI will be needed for any modifications to this drainage and any work within 100' of wetlands for final road and lot construction. The IVW area will be used as a sediment forebay without recharge.

WPA & Bylaw Notice of Resource Area Delineation: 96 Moore Rd., Candace McMahon

The applicant had requested a continuation of the hearing to Dec. 16, 2013

Discussion: MEPA Comments Mass Central Rail Trail –Wayside Branch

The Coordinator advised the Commission that comments are due to MEPA on Dec. 20, 2013 on an Expanded Environmental Notification Form filed by the State Department of Conservation and Recreation. This is the former MBTA rail bed that runs west-east through Sudbury. It borders the Hop Brook conservation land, USFW ARNWR, and SVT Memorial Forest. The project is “categorically included” for the filing of an Environmental Impact Report (EIR) due to exceeding the thresholds for wetland alteration and new impervious surface.

Commissioners reviewed the plans for the Sudbury section submitted with the EENF and noted that the trail also runs through several areas of designated priority wildlife habitat. It is unclear if DCR will be meeting the requirements of the local wetlands bylaw.

Issues on this trail will be similar to the issues on the proposed BFRT for stormwater runoff. Commissioners were surprised to hear that DCR has not had conversations with the Town prior to the submission of this EENF. It appears from the EENF that Sudbury and Hudson will both have extensive wetland alteration, whereas other towns will not have much in the way of wetland impacts. It was noted that the conclusions drawn by DCR were faulty because the total of the impacts was looked at as though it was equally distributed among the towns.

The Coordinator advised the Commission that there will be a MEPA meeting on the EENF in Wayland on Dec. 16, 2013. Both she and Commissioner Friedlander will attend. The Coordinator will draft a letter to MEPA requesting a full EIR be required for these reasons discussed. The Commission will review the letter at the Dec. 16, 2013 meeting.

WPA & Bylaw Notice of Intent: 145 Lincoln Rd., Cummings Violations and New Garage Construction

Present: Michele Girard of Goddard Consulting; James Cummings

Ms. Girard presented a plan seeking after-the-fact approval of shed, pool, and lawn expansion within 100' of bordering vegetated wetlands (BVW) associated with the Sudbury River. The applicant also wishes to construct a new garage within 100' of the wetlands on existing lawn area 28' from the edge of bvw. A stone trench is proposed to infiltrate roof runoff from the garage. Proposed mitigation for the lawn, shed, and pool involves the restoration of 2,150 sq. ft. of lawn by replanting with native species.

G. Topham informed the applicant that under the local wetlands bylaw, the Commission cannot approve new activity on a property with existing violations. These violations have been outstanding for several years after repeated attempts by the Commission to bring the property into compliance. D. Dineen added that the mitigation proposed of lawn restoration was required in part previously for other work approved on the property.

Abutter Gail , expressed concern for the location of the shed at the edge of the wetland. She feels that there are other locations on the property that would better protect the wetlands.

D. Dineen listed questions that she had regarding the plans:

1. There are no soils data or details of the proposed infiltration trench;
2. There is no mitigation proposed for the violations on the property. The planting of a single row of shrubs at the top of the retaining wall does not add to wetland values and functions in any meaningful way.
3. The extent of disturbance for the garage is unknown. There is a 12' drop from the driveway elevation to the wetland with a retaining wall installed at the edge of lawn. There is a change in elevation from the front to the rear of the garage that will require fill or leveling. No changes in grade are shown on the plan.
4. Alternative locations for the shed should be investigated and the area of the shed floor that has been constructed should have a specific restoration plan.

The Commission agreed that these items were lacking from the NOI. With the consent of all parties, the hearing was continued to Jan. 6, 2014.

Certificate of Compliance: 151 Boston Post Road, Buddy Dog

The Coordinator informed the Commission that she had received the final as-built plans and report from Schofield Brothers for the parking, septic, and drainage improvements at Buddy Dog. She visited the property and recommends the issuance of a COC as all requires of the Order have been met.

On a motion by S. Rizzo; 2nd G. Topham; the Commission voted unanimously in favor of issuing the COC to Buddy Dog.

Quorum

The Commission acknowledged that it has been difficult to achieve quorums with only 5 members of a 7-member board. There has been one opening on the Commission for almost one year with no one expressing interest. Commissioner Parker Coddington has been out with medical issues since the early summer. This requires the Commission to have 4 members for a quorum on a Commission of only 5 active members.

Following additional discussion, Chairman Topham moved: “to request the appointing authority remove Parker Coddington as a full member of the Commission effective Dec. 2, 2013 due to his prolonged absence resulting from medical issues. Sharon Rizzo seconded.

The Commission wanted to go on record that this was not an easy action to take. Parker has served as an active, valuable, knowledgeable Commissioner since 1994. He will always be welcomed back in as either a full associate member. The Commission wished his the best and hoped he would be rejoining them in the future.

The meeting adjourned at approximately 9:20pm.