

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, July 1, 2013

Present: Sam Webb, Chairman; Sharon Rizzo, Vice-Chairman; Richard Bell; Beth Armstrong; Rob Elkind; Debbie Dineen, coordinator

Request for use of Lincoln Meadows Conservation Land

A request has been received from Evan Adams, Migratory Bird Program Director, Biodiversity Research Institute for permission to install mist netting for the capture and tagging of veery birds on Lincoln Meadows conservation land as part of a migration study. The BRI is interested in using the portion of the Lincoln Meadows Conservation Area that is directly between the SVT Round Hill site and the Great Meadows NWR. It's a strip of land about 700 m x 100 m that is relatively thin but has good habitat and happens to have a lot of veerys on it.

Mist-nets tangle the birds without being dangerous to them. Small backpacks carrying tracking devices are fitted to the birds. There is always some risk to birds when they are captured for research, but the BRI makes all efforts toward minimizing this. The bird banding lab (run by the USGS) recognizes that backpacks such as these can be dangerous and has implemented a rule that suggests backpack weight should be 3% of the body mass of the bird or below. BRI follows this rule strictly and has acquired all necessary permits for this study.

The goal of this study is to determine the wintering grounds and migratory routes of songbirds breeding around the Sudbury River in Massachusetts. Sites along the river have been impacted by mercury contamination and this study is part of a restoration effort to implement full life cycle conservation strategies by understanding species better from here to the tropics. The data collected here would go toward identifying conservation sites in the tropics and improving restoration efforts on the breeding grounds as well.

BRI would come back to the property next year to complete the study by recapturing the birds and removing the backpack to obtain the data.

On a motion by R. Elkind; 2nd by B. Armstrong; the Commission voted unanimously in favor of permitting the research study as described by BRI subject to receipt of the a copy of the findings upon completion of the study.

WPA & Bylaw Request for Determination: 64 Cudworth Lane, Cohen residence

Present: Saulo Stewart, contractor

Mr. Stewart presented a plan for a deck and stair addition in upland resource area on an existing single-family lot abutting bordering vegetated wetland. The scope of work involves reducing the size of the existing, unpermitted deck as it is too close to the chimney and installing a set of stairs to the backyard. This project would legalize the deck as redesigned to meet code and provide access off the deck to the backyard.

On a motion by R. Elkind; 2nd by R. Bell; the Commission voted unanimously in favor of issuing a negative Determination.

Request for Renewal of Agriculture License- Fairbank Farm

Frost Farm and Mahoney Farm Fields, William Fairbank

The Commission is in receipt of a request from Bill Fairbank for early renewal of his

agricultural License at Frost Farm. His request for Mahoney Farm early renewal must be approved by the Town Manager. Commissioners had questioned the reason for the early renewal; grant application, etc? Mr. Fairbank just wants the security of knowing he can invest time and money into field maintenance and management because he will have the security of knowing his License is valid for 7 more years (2 years on existing License and a 5-year renewal).

On a motion by R. Bell; 2nd by S. Rizzo; the Commission voted unanimously in favor of granting the renewal request.

RFP for Agricultural Use of Lincoln Meadows south, Carding Mill, Piper Farm

The Coordinator informed the Commission that it was time to rebid several of the fields on conservation land for agricultural use. The RFP will be mostly identical to the previous RFP except it will allow the Commission to consider a longer term License agreement.

Commissioners agreed that they wish to continue the agricultural use of these fields and authorized the issuance of the RFP.

Notice of Resource Area Delineation: NStar substation, 163 & 183 Boston Post Rd.

Present: David Halliwell, VHB; Michael Zylich, NStar; David Burke, Commission's wetland consultant

Mr. Halliwell presented a plan showing the wetland delineation done by Brad Holmes at the NStar substation on Boston Post Road.

Mr. Burke was hired as the ConCom's wetland consultant to review the 5,076 linear feet of bordering vegetated wetland. Mr. Burke noted that there were two sets of wetland flags in the field. They appear to be from ERC in June 2012 and VHB/Holmes. He disagreed with the identification of all wetland as bordering wetland. There appears to be a large area of wetland north of the railroad track that is not connected hydrologically to other wetland resource areas. This would make this area isolated land subject to flooding. It would also meet the criteria for presumed vernal pool habitat under the local wetlands bylaw. He noted that there are at least two other areas on site that are potential vernal pool habitats. Although they occur within bordering vegetated wetland, they must be shown as a separate resource area under the local wetlands bylaw. Mr. Burke also noted that there were missing flags between B42 – B51 as well as between B 68 - B76. The ditch along the railroad tracks may also be a resource area.

Mr. Burke stated that soils were incorporated into his review where necessary. In general, he found the delineation to be conservative and he had no issues other than what he mentioned. He recommended continuing the hearing to address these concerns.

With the agreement of all parties the hearing was continued to July 22, 2013.

WPA & Bylaw Notice of Intent & Stormwater Management Permit (cont.): 65 & 71 Union Ave.; Methods Machine Tools

Present: David Duane, MMT; Tom DiPersio, Jr.; engineer; Lisa Eggleston, Sudbury Stormwater Consultant

The Methods Machine Tools (MMT) site is a commercial site presently developed with two buildings, septic systems, parking, and limited stormwater treatment including a detention

basin. This project does not enlarge the facility but involves upgrades and maintenance to some portions of the existing drainage infrastructure and parking lot to accommodate the new office space within the existing building at 71 Union Ave. Upgrades are limited on the site due to the present build-out of the property and the close proximity of the wetlands. The Commission believes that the drainage has been upgraded to the extent practicable for the site and the scope of the non-drainage work (interior building upgrades and septic upgrades) proposed as part of this project.

The proposed upgrades include the installation of stormwater best management practices. A forebay will be added to the detention pond and grassed filter strips will be added in several areas where drainage from the parking lot does not flow to the detention basin. A rain garden will be added to accommodate existing runoff flow from Union Avenue onto the MMT property at 65 Union Avenue

The Commission reviewed the revised plan dated 6/10/2013 that eliminates the wetland fill at the headwall near Union Avenue. This revised project will provide a net improvement in existing conditions due to the upgraded drainage with the pre-treatment of stormwater runoff prior to it entering the detention pond, and an updated Operation & Maintenance Plan with monitoring reports requirements, all of which will have a positive impact on the wetland values and functions. The project meets the Massachusetts Stormwater Standards and the local Stormwater standards for redevelopment.

Other issues discussed by the Commission include:

A Stormwater Operation & Maintenance Plan will be required and must include the new drainage structures (forebay, grassed filter strips, and rain garden) and shall be strictly adhered to. This Stormwater O & M Plan shall be submitted to the Commission within 60 days of issuance of this Order or prior to a request for a Certificate of Compliance, whichever occurs sooner. If any changes to the stormwater system occur during construction due to site conditions, the O & M Plan shall be amended accordingly and a final O & M shall be submitted to the Commission with the request for a Certificate of Compliance.

Maintenance of the parking area and stormwater management system, including the rain garden, should be overseen by a responsible party that is knowledgeable with regard to the site restrictions and the O & M Plan

During snow removal, snow shall not be pushed into or piled in any wetland, stream area, drainage channel, or detention basin at the site. Snow stockpile areas shall be located where they will not drain into any wetland area unless they are routed through pre-treatment structures. Snow storage areas shall be clearly marked to be readily visible to snow removal contractors, especially at night and during snowstorms. Should the amount of snow exceed the capacity of the designated snow storage areas, snow shall be trucked off-site to an approved snow disposal site.

All work shall be accomplished at a time of low flow through the drainage system. If dewatering is necessary, a plan for dewatering shall be submitted to the Commission for approval by staff.

To protect the wetland, a row of large boulders shall be placed in the general location shown on the plan in the northwest corner of the site on the unpaved ground. Prior to placement of these boulders, all debris and trash shall be removed from the wetland and bank.

No fill is permitted in a wetland resource area. The headwall may be repaired, however

no pipe may be extended without an amendment to this Order and approved wetland replication plans.

Regular maintenance of the detention basin includes the periodic removal of woody vegetation on the slopes of the detention basin.

The Commission expressed concern for the large equipment use on the unpaved portion of the rear parking area. This equipment needs traction to maneuver in an area directly adjacent to bordering vegetated wetland and a stream. The Commission will require the applicant to design and construct a water quality swale, rain garden, or other appropriate best management practice to prevent erosion and sedimentation into the wetlands from this activity.

On a motion by R. Bell; 2nd by R. Elkind; the Commission voted unanimously in favor of closing the hearing.

On a motion by R. Elkind; 2nd by B. Armstrong; the Commission voted unanimously in favor of issuing the OOC as discussed.

Pantry Brook Farm Reimbursement Grant

On a motion by B. Armstrong; 2nd R. Elkind; the Commission voted unanimously in favor of signing the document necessary for the reimbursement of \$400,000 of the purchase price of the Pantry Brook Farm conservation restriction.

The meeting adjourned at approximately 8:40pm.