

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, July 22, 2013

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

Comments on Preliminary Subdivision Plan: Bonnie Brook; Maynard Rd.

The Conservation Commission reviewed the preliminary subdivision plan for this 5-lot subdivision on Mineway Brook. The subdivision layout appears unrealistic from a wetlands perspective. The following comments were developed for the Planning Board's consideration.

- The wetlands shown on the plan were flagged several years ago. These wetlands were not confirmed by the Commission through the Resource Area Delineation process (NRAD). Based on the plan received for review, the wetland delineation is not acceptable as it does not show the mean annual high water of Mineway Brook or the riverfront resource area. The 200' riverfront area begins at the demarcation of the mean annual high water. Where Mineway Brook has a low channel, mean annual high water is likely to exceed the channel banks in normal spring rains. This could place significantly more resource area and regulatory restrictions on the site. The Commission will urge the Planning Board to require an NRAD filing with the Commission before proceeding further with this subdivision.
- No proposed grading was shown on the plan, however it appears significant grading will be needed for the cul-de-sac construction. This grading may encroach into a wetland area.
- No soils data was submitted to determine possible septic system placement under Title V and the Sudbury Board of Health regulations (100' from wetlands), or the ability to infiltrate stormwater runoff.
- No drainage concepts were submitted.
- Lots 3, 4 & 5 cannot be constructed outside of 100' from a wetland. As this is new construction, lots must be reduced and/or reconfigured to avoid wetland and upland resource areas. Mitigation of protection of undevelopable land is not acceptable to increase lot density on new subdivision construction.

This property is listed on the Open Space and Recreation Plan for protection of Mineway Brook and the important riparian habitat areas along this watercourse. Mineway Brook is also a pending cold water fisheries resource area. The Conservation Commission will request that no waivers be granted for this project that will result in a degradation of these resources.

Notice of Resource Area Delineation (cont.): NStar Substation, Boston Post Rd.

Present: David Burke, Commission's wetland consultant for this project; David Halliwell; Chris Wagner; Michael Zylich

Mr. Burke explained that this was a continued hearing for an NRAD on 5,076 linear feet of bordering vegetated wetland and other wetland and upland resource area at the NStar Substation at 163 & 183 Boston Post Road. A revised plan was received by Mr. Burke at 3pm last Wednesday, 7/17/13. This revised plan contained no numbers or data points for the

additional wetland flags added. Mr. Wagner noted that 180 data points had been added in the field. A subsequent revised plan and letter from VHB, Inc. was received mid-afternoon today by

Mr. Burke. This plan showed the presumed vernal pool habitat and incorporated the changes due to the non-functional culverts on the site as well as the numbered data points.

The Coordinator reminded the Commission that under the Sudbury Wetlands Administration Bylaw (SWAB), all material to be considered at the hearing must be received a minimum of 4 business prior to the hearing to allow adequate review time. She had not reviewed the revised plan received several hours ago by Mr. Burke. She asked Mr. Burke if he felt comfortable making recommendations to the Commission at this time on the latest plan.

Mr. Burke stated that the latest revision, dated July 22, 2013, included all wetland flag numbers and the isolated land subject to flooding (ILSTF) on the NStar property. He further stated that there are additional off-site wetland resource areas in the area covered by the plan, however not all of these off-site resource areas are shown.

Following further discussion on this issue a motion was made by R. Elkind to: “accept the NStar plan dated July 22, 2013 showing the wetland flag numbers and ILSTF for the wetland resource areas on the NStar property only. And to add that the Commission is aware of off-site wetland and upland resource areas and reserves the right to require the delineation of these resource areas to be identified and shown on future plans as these resource areas may have WPA or SWAB jurisdictional areas that extend onto the NStar site”.

WPA & Bylaw Request for Determination: 25 Robert Best Rd., R. Rose

No applicant or representative was present for the discussion. The Commission had questions that needed to be answered before making a Determination. The meeting was continued to July 29, 2013.

WPA & Bylaw Emergency Certification: Stearn’s Mill Dam Repair

The Coordinator reported that the Town Engineer has requested an Emergency Certification to repair a leak in the Stearn’s Mill dam on Dutton Road. Due to the Commission’s meeting schedule, the next time an NOI could be presented would be in early September. He is very concerned that the dam’s condition presents a public safety hazard that cannot wait the two months for an Order of Conditions. Any increase in downstream velocity or volume due to the leak, or expansion of the leak, could impact the culvert under Dutton Road. This would result in a serious safety concern, much more involved repair, and impact to Hop Brook.

The work will require the installation of a coffer dam to divert water around the leak. New concrete will be poured on a lower section of the dam. The work will be done immediately as the water is low right now.

On a motion by R. Bell; 2nd S. Rizzo; the Commission voted unanimously in favor of issuing and emergency for dam repair at Stearn’s Mill dam.

WPA & Bylaw Notice of Intent (cont.): 32 Skyview Dr.; Collings

Present: Scott Goddard of Goddard Consulting; Mike Coutu of Sudbury Design Group

Mr. Goddard, acting on behalf of the applicant formally WITHDREW the Notice of Intent for 32 Skyview Lane under the Sudbury Wetland Administration Bylaw (SWAB). He requested that the hearing continue only under the Wetlands Protection Act for the pool, pool

accessories, grading, lawn, and drainage in the buffer zone to bordering vegetated wetland and intermittent stream. He recognized that in order for the project to move forward his clients will need to obtain SWAB approval as well as approval under the Sudbury Stormwater Management Bylaw, and WPA approval.

Reviewing the project only under the WPA regulations, the Coordinator recommended denial of the project and advised the Commission of the wording in the 2005 Preface to the WPA regulations. This section states: *“The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. The issuing authority may consider the extent of existing development in its review of subsequent proposed work.”*

S. Rizzo stated that the Commission had requested the applicant look at alternatives that would minimize the amount of disturbance on the slope and reduce new impervious surface. This included allowing the rock outcrop to remain; eliminating the lawn expansion in areas beyond the rock outcrop; redesigning or minimizing the pool decking, sitting walls, and retaining walls; relocating the shed outside of the buffer zone; and looking at the feasibility of providing infiltration outside the buffer zone to the extent feasible. The applicant was not willing to reduce the scope of the proposed accessory use to minimize disturbance in the buffer.

The Commission found that the proposed work cannot be conditioned to protect the interests of the Act identified for the adjacent resource area. On a motion by R. Bell; 2nd by B. Armstrong; the Commission voted unanimously in favor of closing the hearing. On a motion by R. Bell; 2nd S. Rizzo; the Commission voted unanimously in favor of issuing a denial.

The Commission encouraged the applicant throughout the hearing process to consider revising the plans to eliminate the ledge removal, significantly reduce the lawn expansion and reconfigure the pool decking (perhaps by redesigning/relocating the proposed terrace and patio area which is outside the buffer zone) to keep most of the activity within the existing lawn area. They continue to encourage the applicant to revise the plans to reduce the amount of alteration on the slope.

On a motion by R. Bell; 2nd S. Rizzo; the Commission voted unanimously in favor of issuing a denial for the reasons stated.

Review for Comments to Selectmen – Notice of Intent to Sell- Chapter 61B Newbridge Road

The Commission is in receipt of the “Notice of Intent to Sell Land Classified under M.G.L. Chapter 61B”; dated July 3, 2013; submitted by the Newbridge Farm Trust, Rosanne Dickey, Trustee, for the sale of a 40,000 sq. ft. single-family house lot for \$305,000.

The Coordinator advised the Commission that Town has had the first option to purchase

the 4 lots the Trust has already sold along Newbridge Road. The Commission did not recommend exercising the Town's option to purchase on these lots due to their limited conservation values. The lot they intend to sell now is no different.

The Open Space and Recreation Plan ranks the entire Newbridge Trust property as ninth in priority for permanent resource and conservation protection due to its size, potential for public trails, and proximity to other protected natural area. Lot 3 alone, with frontage on Newbridge Road, would not rank at all on the priority parcel list as it does not contain the natural resource, recreation, and conservation areas that are important to protect.

On a motion by S. Rizzo; 2nd R. Elkind; the Commission encouraged the Town to continue discussion with the Trust toward the goal of town acquisition of the large balance of the parcel, particularly the northern and eastern sections, but not to recommend the Town purchase of this frontage lot per the reasons stated in the discussion.

Certificate of Compliance: 63 Canterbury Dr.; R. Simon

The Coordinator reported that the required plantings on the slope at the edge of the lawn had been completed in accordance with the requirements of the Order. She had several photos taken on the site visit for the Commission to review.

On a motion by R. Bell; 2nd S. Rizzo; the Commission voted unanimously in favor of issuing the COC.

Resignations and Appointments as Associate Members

The Commission acknowledged and thanked both Richard O. Bell and Samuel L. Webb, II for their valuable service on the Commission. This was their last meeting.

Following further discussion, and on a motion by S. Rizzo; 2nd by B. Armstrong; the Commission voted unanimously to appoint both Richard O. Bell and Samuel L. Webb, II as Associate Members to the Conservation Commission.

The meeting adjourned at approximately 9:10pm.