

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held July 29, 2013**

Present: Sharon Rizzo, Acting Chairman; Beth Armstrong; Rob Elkind; Tom Friedlander; Debbie Dineen, Coordinator

**Welcome New Member- Tom Friedlander**

Newly appointed member, Tom Friedlander of 75 Water Row, was welcomed to the Commission.

**WPA & Bylaw Notice of Intent: 4 Farm Lane; Driveway Bridge Repair**

Present: Dave Burke, Wetland Specialist; Mario Quintal, Landscape Endeavors

Mr. Burke explained that the Notice of Intent was submitted for the replacement and 36” increase of the width of a bridge on a private driveway serving a single family house. A structural engineer has determined that the lateral walls of the bridge are failing. The enlargement has been designed with no impact to wetland or upland resource areas. Cribbing and a tarp will be used under the bridge to protect the watercourse which is cold water fisheries stream. The tarp under the bridge shall be fully secured with cribbing and a platform to prevent any materials associated with the bridge construction from entering the stream. The tarp shall be emptied daily with the collected material properly disposed of. Only acrylic paint shall be used on the bridge parts and shall be applied by hand using a brush. No mixing of material shall occur within a resource area. There will be no alteration to the width of the driveway.

Mr. Burke further explained that the erosion on the sides of the bridge have been a result of driveway runoff. There is no stormwater management in the driveway and the driveway is flat. D. Dineen questioned if they had considered an arched bridge to help direct the runoff to a stormwater structure. Mr. Burke agreed that the engineer will investigate the use of an arched bridge and report the findings to the Commission.

If an arched bridge is found not to be feasible, the sides of the bridge shall have a berm, or other method of preventing scouring and erosion from driveway runoff, installed at all four corners. Following construction of the new bridge and prior to the installation of the berms or other methods of permanent erosion control, a site visit shall be requested and held to allow the Commission to approve the method and details of erosion control to be installed.

The Conservation Commission found that the work as described by Mr. Burke, as stated in the NOI, and as conditioned in the Order will not have a negative impact to wetland values and functions. As a result of securing the bridge to prevent a full failure and direct impact in the stream, the wetland resource will be better protected.

This Order will not confirm the wetland delineation due to the limited nature of new site disturbance and the limited availability of other options.

On a motion by B. Armstrong; 2<sup>nd</sup> by R. Elkind; the Commission voted unanimously in favor of closing the hearing.

On a motion by R. Elkind; 2<sup>nd</sup> by B. Armstrong; the Commission voted unanimously in favor of issuing the Order as discussed.

**WPA & Bylaw Notice of Intent: 0 Washington Dr., Hollyer**

Present: Dan Wells, Goddard Consulting

Mr. Wells had filed the NOI to address outstanding items that are not in compliance with the former Order of Conditions, DEP #301-623. The property consists of a lot currently developed as a single-family residential house. The resource areas with jurisdiction on the subject property consist of bordering vegetated wetland, adjacent upland resource area (AURA) under the local wetlands bylaw, and a pond.

The Commission finds that this project is designed to complete much of the work required under expired DEP File #301-623. This work is in addition to the work covered by the OOC issued May 2013 (#301-1093) for the same applicant and property.

The applicants submitted this NOI in an attempt to comply with expired #301-623. The Commission finds that the mitigation required in #301-623 continues to apply to this site. The Commission determined that several items in non-compliance may remain due to the extensive impact to the 100' upland resource area that would occur in order to achieve compliance with the original Order. These items are:

- 1) house may remain in its current location;
- 2) house foundation size may remain as is;
- 3) grading may remain as it.

All other activity shall be in compliance with #301-623, except where it is superseded by #301-1093.

The Commission saw that restoration of an area containing gravel and a small portion of the driveway will allow the applicant to comply with the original proposed Conservation Restriction (CR) as it was delineated on the plan entitled: "As-built Plan of Land in Sudbury MA, dated May 29, 2003; prepared by Everett M. Brooks Co., West Newton MA, signed and stamped by Bruce Bradford PLS. Any CR boundary markers installed in 2012 as part of a reduced CR area proposed by the applicants shall be relocated to reflect this 2003 boundary.

The only remaining encroachment into this conservation restricted area shall be the stone wall. In addition, the restriction shall recognize that the owner of 0 Washington Drive is responsible for the outfall spillway of the pond and shall permit activities necessary to maintain the desired pond elevation of 152.4'.

The catch basin in the road at 17 Stone Road shall be retrofitted with a grease and gas trap to the design satisfaction of and with approval of the Town Engineer.

Greg Topham, 210 Concord Rd., stated his opinion that the Commission was acting fairly by allowing them to keep the alterations from the approved project that would be a hardship and large expense to correct. The conditions that the Commission were requiring to be upheld from the previous OOC are of minimal expense in the overall picture and will have the largest positive impact on the wetlands.

On a motion by R. Elkind; 2<sup>nd</sup> by B. Armstrong; the Commission voted unanimously in favor of closing the hearing.

On a motion by S. Rizzo; 2<sup>nd</sup> by T. Friedlander; the Commission voted unanimously in favor of issuing the Order as discussed.

**WPA & Bylaw Request for Determination (cont.): 25 Robert Best Rd.**

Present: Robert Rose, contractor

Mr. Rose presented a plan for the construction of a 14' x 20' deck that will extend 4' beyond the existing solarium. Access to the backyard will be off the end of the driveway. Four new sonna tubes will be hand dug.

The Coordinator informed the Commission that the work will take place within the outer riparian area of the riverfront. The wetland resources include a perennial stream and bordering vegetated wetland. All work will be on existing lawn or deck area. She recommended approval through a negative Determination of Applicability.

On a motion by R. Elkind; 2<sup>nd</sup> by T. Friedlander; the Commission voted unanimously in favor of issuing a negative Determination.

**Agricultural Field License RFP Bid Opening**

**Lincoln Meadows South Field and Root Cellar**

The only bid received was from Cavicchio Greenhouses, the current Licensee. The Conservation Commission unanimously agreed to award the Lincoln Meadows field to Paul Cavicchio, Cavicchio Greenhouses last night. Mr. Cavicchio has been renting this field for several decades and we have had no issues with his use of the area. The Commission will enter into a new formal License agreement to be approved by Town Counsel. The License will include the \$1400 per year payment.

**Carding Mill Field**

The Conservation Commission unanimously agreed to accept the bid from Laura Abrams, Bartlett's Greenhouses, for the Carding Mill Field. Bartlett's was the only bid received for this field. The Commission expressed concern for the proposed water withdrawal from the pond but agreed to allow the Licensee to demonstrate that the amount of water taken will not impact the wetlands. The Town does need to raise the water level of the pond when the pond growth is harvested in late July of most years. They also will consider a request for installation of a well on the property.

Draft Licenses will be developed by the Coordinator and Town Counsel for review and discussion at a later meeting.

**Certificate of Compliance: Lot 11 (#20) Thornberry**

Present: David Somers, owner; Robert Dionisi, attorney

The Coordinator reported that the property appears to have been constructed in accordance with the approved plan, however the paperwork had just been received and she has not yet visited the site. The only outstanding issue is whether or not the lawn had been installed within the approved limit of lawn.

Due to scheduling issues, the Commission is not meeting again until Sept. 9<sup>th</sup> and the closing is expected to take place in August. She recommended voting to issuance the COC conditional upon a site visit resulting in compliance with the Order.

On a motion by R. Elkind; 2<sup>nd</sup> by T. Friedlander; the Commission voted unanimously in favor of issuing the COC conditional upon a site visit to be sure the lawn had not exceeded the originally approved limits.

The meeting adjourned at approximately 8:25pm.