

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, June 3, 2013

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

WPA & Bylaw Notice of Intent: Boston Post Rd.; Nobscot Rd.; and Dudley Rd. Water Main Replacement; Sudbury Water District

Present: Dr. Chiang; Al Renzi

Dr. Chiang presented plans for the installation of a new water main on portions of Boston Post Road, Nobscot, and Dudley Roads. Water main diameter will also be increased. All work will be located within the paved area of these roads with some minor work on the road shoulders for hydrant servicing. The water main in Boston Post Road will be placed over the culvert at Chiswick Park. Water mains need 4' to 4.5' of cover. They do not anticipate any dewatering will be needed. Any open trenches will be closed at the end of each work day.

The Commission makes no determination on the location of the wetland line for this project. MA DOT should be contacted for approval for Rt. 20 work. Mr. Renzi did not think the section of Boston Post Road they will be working in is controlled by MA DOT. The Coordinator will check the ownership.

On a motion by S. Rizzo; 2nd R. Elkind, the Commission voted unanimously to close the hearing.

On a motion by S. Rizzo; 2nd R. Elkind, the Commission voted unanimously to issue the OOC as discussed.

WPA & Bylaw Notice of Intent (cont.): 32 Skyview Dr.; pool, shed, grading; ledge removal

Present: Scott Goddard; Mike Coutu; Peter Ferlund

Mr. Coutu presented a revised plan dated 5/23/13 showing a relocation of the shed and a berm at the back of the lawn for drainage. The lawn area expansion was reduced by 500 sq. ft. A Conservation Restriction area is proposed beyond the limits of work.

Mr. Goddard reviewed the basic site characteristics as a rocky hilly forested ledge. He stated that the applicants will not reduce the scope of the project any further.

To address the issue of cumulative impact, Mr. Goddard assessed the amount of upland resource area in the immediate neighborhood. He calculated that there is 276,000 sq. ft. of AURA. The applicant wishes to alter 5,316 sq. ft. of this AURA that is on his property. If everyone in the immediate area alters 5,000 sq. ft. of AURA, it will result in loss of 15% or the AURA in the neighborhood.

The CR will cover approximately 10,000 sq. ft. of the remaining undisturbed area of 32 Skyview. The Conservation/Drainage Easement will be in addition to the CR. D. Dineen expressed concern that the CR area is very small and it may be difficult to establish a public benefit for an area of this small size. The EOEEA may not accept it and the Commission must certify a public benefit for the acceptance.

B. Armstrong stated that the history of the development is important to take into consideration. The Flexible Development was approved for the purpose of retaining natural site features, such as the ledge and steep slopes. The subdivision development plan shows a limit of clearing on each lot to visualize the extent of disturbance. 32 Skyview had only a small area of

clearing in the rear of the house in order to leave the natural ledge and slope intact. Scott Goddard argued that if the Planning Board thought it was important to protect the remaining undisturbed areas in a Flexible Development, they would have required a permanent restriction on this area. They did not.

D. Dineen said the Planning Board's decision was based on saving natural features, it does not matter if there was no CR required at that time because the Commission can protect the area now under the wetlands laws. S. Rizzo agreed and stated that the Flexible Development has a purpose and permitting the 32 Skyview alterations is contrary to that purpose and sets a precedent for additional alteration in the development. R. Elkind added that leaving the area undisturbed is better than taking one-half of it away and placing a CR on the balance. S. Webb agreed and stated that the intent of the Flexible Development was obvious to maintain minimum disturbance foot prints. Permitting the work requested at 32 Skyview would negate what was created and open the door to further alterations along the wetlands.

S. Rizzo stated that the work proposed is basically not for lot development but for entertainment purposes without any meaningful mitigation offered. Generally the Commission approves projects where the encroachment is minor and the mitigation is major. Sam Webb added that Mr. Goddard makes a good case but is based in quicksand without the mitigation.

All parties agreed to continue the hearing to June 17, 2013.

WPA & Bylaw Request for Determination: 507 North Rd.; deck construction

Present: Mark Wollenhaupt, property owner

Mr. Wollenhaupt presented a plan for a 16' x 36' deck on the rear of his property. The property abuts a pond with a small area of associated bordering wetland vegetation. The deck will be located in the area of a former pool and patio. Currently there is crushed rock in this area. A small track vehicle will be used to dig the holes for the sonna tubes. All work is on existing disturbed area.

On a motion by S. Rizzo; 2nd R. Elkind, the Commission voted unanimously to issue a negative Determination.

WPA & Bylaw Notice of Intent: 91 Bent Rd.; Septic repair; Pureground

Present: property owner; and Bill Murphy

The Notice of Intent was submitted for the replacement of an existing sewage disposal system to meet current Title V requirements. The new leaching field is located as far as possible from the vegetated wetland and is constrained by the pipe required for pumping effluent to the leach field. The current failed system is in the water table. The new system will be raised 3' above the water table. Elevating the system further would require retaining walls along the roadway and directly in front of the house. The capacity of the system is not being enlarged. The system has not failed but is not draining well.

The Conservation Commission finds that the work as shown on the referenced plans and conditioned in this Order will have an overall benefit to wetland values and functions as a result of meeting current Title V septic code.

This Order does not confirm the wetland delineation as shown on the referenced plans due to the limited nature of new site disturbance and the limited availability of other options.

On a motion by R. Elkind; 2nd S. Rizzo, the Commission voted unanimously to close the hearing.

On a motion by R. Elkind; 2nd B. Armstrong, the Commission voted unanimously to issue the standard septic repair OOC as discussed.

WPA & Bylaw Notice of Intent: 34 Meadow Drive: Septic repair; Pureground

Present: property owner; and Bill Murphy

The Notice of Intent was submitted for the replacement of an existing sewage disposal system to meet current Title V requirements. The new leaching field is located as far as possible from the vegetated wetland and is constrained by the pipe required for pumping effluent to the leach field. The current failed system is in the water table. The new system will be raised 3' above the water table. Elevating the system further would require retaining walls along the roadway and directly in front of the house. The capacity of the system is not being enlarged. The system has not failed but is not draining well.

The Conservation Commission finds that the work as shown on the referenced plans and conditioned in this Order will have an overall benefit to wetland values and functions as a result of meeting current Title V septic code.

This Order does not confirm the wetland delineation as shown on the referenced plans due to the limited nature of new site disturbance and the limited availability of other options.

On a motion by R. Elkind; 2nd S. Rizzo, the Commission voted unanimously to close the hearing.

On a motion by R. Elkind; 2nd S. Rizzo, the Commission voted unanimously to issue the standard septic repair OOC as discussed.

WPA & Bylaw Notice of Intent: 123 Austin Road; Septic repair; Pureground

Present: Charles Kaplan; Bill Murphy

The Notice of Intent was submitted for the replacement of an existing sewage disposal system to meet current Title V requirements. The new leaching field is located as far as possible from the vegetated wetland. A state waiver was granted by the Sudbury Board of Health to reduce the offset to groundwater to 4' from the required 5' in the fast-perc soils. The waiver was necessary to minimize grading along the roadway and directly in front of the house. The capacity of the system is not being enlarged. The Conservation Commission finds that the work as shown on the referenced plans and conditioned in this Order will have an overall benefit to wetland values and functions as a result of meeting current Title V septic code.

This Order does not confirm the wetland delineation as shown on the referenced plans due to the limited nature of new site disturbance and the limited availability of other options.

The Coordinator noted that the plan from Sudbury's GIS maps shows a Conservation Restriction line on the lot. If there is a CR, there is encroachment with lawn into this area. She does not have any information on a CR in this area and suspects it might be a mislabeled drainage easement.

On a motion by S. Rizzo; 2nd R. Elkind, the Commission voted unanimously to close the hearing.

On a motion by S. Rizzo; 2nd R. Elkind, the Commission voted unanimously to issue the standard septic repair OOC as discussed.

WPA & Bylaw Notice of Intent (cont.): 65 & 71 Union Ave., Methods Machine

At the request of David Duane of Methods, the hearing has been continued to June 17th

due to a health issue with the project engineer.

Minutes:

A motion was made and seconded to accept the Minutes of May 13, 2013 as drafted.

Amend OOC 74 Tippling Rock Road

The Coordinator presented a revised plan for the stormwater at 74 Tippling Rock Road. The new revision has the infiltration pits and changes to the septic system located outside of wetland jurisdiction. The Commission accepted the plan and determined that a new wetlands public hearing is not necessary.

Interview Tom Friedlander; 75 Water Row -Commission vacancy recommendation to Town Manager

At present, the Commission is down one member (John Sklenak's seat) and had been informed in writing that both Richard Bell and Sam Webb will formally turn in their resignation to the Selectmen once they know a replacement is ready to take over their terms. Dick Bell's term expired April 30, 2013.

The Commission has received an Application for Appointment from the Selectmen for Tom Friedlander of 75 Water Row. Tom has been a land steward for the King Philip, Piper, Libby property for the past year. He and his wife have kept the trails cleared and helped with invasive plant removals. He stated he comes with "steel toed shoes, kevlar pants, and a chainsaw". Tom also provides land stewardship for SVT. He is retired and shows a great deal of interest in learning the wetland regulatory aspects of the Commission's duties as well as continuing as a land steward.

The Commission unanimously endorses Mr. Friedlander for appointment to fill the vacancy that will be created with the departure of Dick Bell

Fairbank Farm Agricultural License Renewal Request

The Coordinator informed the Commission that Bill Fairbank is already seeking the 5-year option to renew his agricultural Licenses with the Commission for the Frost Farm and Mahoney fields. He is currently only starting year 3 of the 5 year license. The Conservation Commission is curious for the reason for early renewal. The Coordinator suggested he might be applying for funding that requires longer-term use of the land.

Usually the Commission waits until Year 5 in order to determine if the Farmer has been a good steward of the land and adhered to the terms of the Licenses. However, if there is a compelling reason, such as grant funding, they will certainly consider the early renewal. So far the Commission is very happy with Mr. Fairbanks' activities on the land.

The Coordinator will get more information on the reasons for the early renewal for discussion on June 17th.

Certificate of Compliance: 460/490 Boston Post Rd.; Emerson Medical

The Coordinator reported that the one remaining item required in the OOC for Emerson Medical has been accomplished. The conservation Restriction has been approved by EOEEA and has been recorded. She recommended issuing the Certificate of Compliance.

On a motion by S. Rizzo; 2nd B. Armstrong, the Commission voted unanimously in favor of issuing the COC.

Meeting adjourned at 9:10pm.