

***SUDBURY CONSERVATION COMMISSION***  
**Minutes of the Meeting Held Monday, May 13, 2013**

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

**WPA & Bylaw Notice of Intent (cont.): 96 Peakham Rd., Maxwell**

Present: Joyce Hastings, GLM Engineering, Inc.

Ms. Hastings presented a plan on behalf of the applicant for the correction of violations on the site.

The subject property consists of 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 riverfront area (not determined but presumed for this filing).

The Commission finds that this project is designed to correct violations by the applicant as submitted with the NOI. These violations include creating a gravel parking area, clearing of understory, and installation of picnic table and bark mulch in the inner riparian area directly adjacent to the stream.

The NOI corrects the violations by restoring the illegally-altered areas. Restoration consists of removing the stone/gravel parking area and planting 2 native spruce trees within the area; removing the picnic table and bark mulch and planting native spruce, witch hazel, winterleaf viburnums, and native dogwoods. Composted leaf mulch will be installed in this area.

The areas disturbed as part of this filing shall be monitored for the growth of invasive plants. All invasive plants shall be removed by hand. No chemical means of invasive plant treatment is permitted.

The field area beyond the stream crossing may not be used for parking of cars or any other use that would impair the conservation or agricultural values of this field. Any potential activity in this field within jurisdictional areas is likely to require a permit from the Conservation Commission

The Commission finds that compliance with the NOI and the conditions in this Order will restore the values and functions of the altered jurisdictional areas.

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

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

**WPA & Bylaw Notice of Intent: 133 Goodman's Hill Rd.; Robert Campanella; Tree removal**

Present: Mr. & Mrs. Campanella

Mr. Campanella explained that he would like to remove approximately 21 mature trees, mostly 100' tall white pine, from a 2500 sq. ft. area located between his driveway and the road and within 60' to 70' of the house. An intermittent stream flows along the edge of this area and under the driveway. Recent storms have taken down trees and branches in the area and the identified trees have the potential to cause damage to the house if they were to fall.

Commissioners understood the potential threat especially where the trees border the intermittent stream and recent heavy flows have occurred. The concern was for the shading of the stream during periods of flow.

Mr. Campanella agreed to plant a hedge of native shrubs 50' long x 30' wide along the bank of the intermittent stream to help provide shade. No equipment will need to cross the stream for any of the proposed work.

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

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

### **WPA & Bylaw Notice of Intent: 336 Hudson Rd., Jaber;** Correction of violations

Present: Jad Jaber; Arthur Allen, EcoTec

Mr. Allen present a plan showing that the subject property consists of 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 riverfront area; Run Brook. Run Brook is a Designated Cold Water Fisheries Resource.

The work in violation consisted of the removal of at least ten mature trees adjacent to Run Brook. In addition, branches were chipped on site with the chips blown into the bordering vegetated wetland. This Notice of Intent approves restoration of the site by removal of the wood chips and slash that was placed in the wetland and upland resource areas; restoration of forest floor organic material with native bark mulch compost; and the planting of native shrubs in an appropriate location to provide shading for Run Brook.

As part of the Notice of Intent the applicant requested permission to remove an additional six trees in the inner riparian area of Run Brook. The NOI contained a letter from a certified arborist attesting to the compromised condition, and resulting threat to the house, of these trees.

The Commission finds that with suitable quantity, height, and spacing of new native plantings, particularly for shading the perennial stream, the wetland and upland values and functions on the site should be restored. The Order will be *performance-based* with the goal of restoring these values and functions. As such, the Commission retains the right to require additional plantings or other solutions, if necessary to restore these values and functions.

The Commission makes no determination on the exact location of mean annual high water or whether bordering land subject to flooding occurs on this property as part of this filing.

The Commission finds that this project is designed to correct violations by Ross Tree and Contracting of Sudbury MA on the applicant's property.

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

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

### **SWEET, Inc. Grant Application**

The Commission voted unanimously in favor of supporting the grant application of the Sudbury Weed Education and Eradication Team (SWEET), Inc. for funding for invasive plant removal on Town of Sudbury property. The grant is administered by the River Stewardship Council.

**WPA & Bylaw Request for Determination: 137 Horse Pond Rd.;** Septic repair

Present: Mike Sullivan

This single-family house property is bank-owned. There are bordering vegetated wetlands at the rear of the lot. Mr. Sullivan presented a plan for the repair of a septic system as it failed a recent Title V inspection. The new system will be 73' from the bvw as this is the furthest it can be located from the wetland. The current system is for a 3-bedroom and it will remain a 3-bedroom system. Haybales will be installed for erosion control.

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

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

At the request of the applicant, this hearing is continued to June 3, 2013.

**Community Garden: Request for additional perennial plots**

The Commission briefly discussed the expansion of the perennial section of the Community Garden. They expressed concern that expansion will make plowing more difficult for the other plots. They suggested identifying an area that can be separated for ease of maintenance. For example, maybe turn the organic section into the additional perennial section and make the rest of the garden organic as well. What they don't want to happen is to have a garden that becomes an eyesore (look at Wayland's CG off Rt. 27). This area was never intended for intense, on-going use.

They also suggested that Sudbury residents get first priority for the perennial plots.

**Order of Conditions: 0 Washington Dr.; Hollyer Violations**

Present: Matthew Watsky; Mr. & Mrs. Hollyer

At the advice of the Commission's attorney, Amy Kwesell of Rubin & Rudman, the Commission voted unanimously in favor of rescinding the Enforcement Order/Notice of Violation issued March 29, 2013. The violations listed in this document were also conditions contained in the Order of Conditions for #301-623 for this property, including the recording of a Conservation Restriction. Rather than a violation, these items should be looked at as non-compliance with the expired Order and a Certificate of Compliance should not be issued.

The Commission reviewed the draft Order. With the advice of the Commission's attorney, the draft addresses only the correction of the violations created by the Hollyers.

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

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

The Commission agreed unanimously that the Certificate of Compliance for #301-623 should not be issued for failure to comply with all conditions. These conditions were listed in the November 2012 Notice of Intent filing by Goddard Consulting, Inc.

The meeting adjourned at approximately 9:20pm.