

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, November 4, 2013**

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

**WPA & Bylaw Request for Determination: 185 Peakham Rd.**; house addition

Present: Saulo Stewart

Mr. Stewart presented a plan showing the addition of a 5' x 8' front portico on existing lawn, landscaped area, and entry steps. The resource areas include a riverfront area and associated bordering vegetated wetland on both the rear and the side of the house.

On a motion by G. Topham, 2<sup>nd</sup> B. Armstrong, the Commission voted unanimously in favor of a negative Determination.

**WPA & Bylaw Notice of Resource Area Delineation (cont.): Arboretum Way & Cutting Lane**; Redspire, Inc.

Present: Beth Cosgrove; Frank Cutting; Robert Dionisi; Gary Shepard; David Burke

Mr. Shepard presented a plan showing the Ross Associates wetland delineation. The bordering vegetated wetland delineation is no less restrictive than the previous, expired delineation. He is anticipating a hearing continuation but wanted to have a discussion tonight to find out what the Commission needs.

Mr. Shepard stated that they are presuming there are several vernal pools on the property. They are not challenging the presumption. Some of these pools are connected but the connection has not been maintained. The pond shown as a single pond on the revised plan dated 11/1/2013 (received by the Commission today) is known to contain fish as it is connected in some spring floods with the Willis Pond wetlands. Therefore it is not a vernal pool. The Commission will require proof.

The cattail area at the end of Cutting Way is full of silt material from the Maynard Road drainage discharge. Loam has been stockpiled near the outfall for many years since construction on the project was halted due to the economy. This loam has trapped water and created the growth of cattails. He is not considering this to be a jurisdictional wetland area.

David Burke, wetland specialist peer reviewer for the Conservation Commission, stated that the wetland delineation was in general a conservative delineation and he had agreed with most of the wetland line. He noted that the plan, received today, shows what were previously shown as three separate ponds now consolidated into one pond. He noted that there is cart road with a dry crossing separating the last pond (northern) from the other two ponds. No pipe connection was visible and there was no evidence of water flowing into this last pond. He did not see fish, however there may or may not be fish present. To confirm that this last pond is not a vernal pool, adult predatory fish must be present. He believes this last pool is isolated from the other pools.

Mr. Burke expressed concern regarding the isolated area of cattails. The soil are hydric soil and the vegetation is 100% obligate wetland plants. The area is approximately 90' x 15'. The hydric soil layer is 12" – 14" thick and is totally depleted soil. There is wetland hydrology associated with this area. The site from Maynard Road completely buried the outfall of the drainage pipe.

Mr. Dionisi noted that the project was started in 2001. Lots 1 – 6 are currently under a Purchase & Sale agreement. Attorney R. Dionisi asked if the Commission would consider releasing Lots 1 & 2 without concluding the NRAD hearing so they can obtain building permits. Chairman Topham explained that it was not possible under the local wetlands bylaw to look at a wetland delineation on only a portion of a site. He will not compromise the standards of the Commission and will not release or act on anything until the Commission is presented with all of the required information.

D. Dineen added that the previous delineation was done in 2000. The applicant let it expire without requesting any extensions or without refileing the NRAD prior to this time. Now the Commission is being rushed to make a determination without having all the information. She recommended to the Commission that they not deviate from their regulations, policies, and procedures, including the Commission regulation and policy of requesting a hearing continuance for four to six weeks when the applicant has failed to provide the requested information.

D. Burke stated that the applicant's wetland specialist needs to look at the soils and hydrology and qualify the wetland extent and type.

D. Dineen questioned if a Notice of Intent will be filed for the completion of road & drainage work within the subdivision. Mr. Shepard stated that a new Notice of Intent will be necessary.

All parties agreed to a hearing continuation of four weeks to Dec. 2, 2013.

#### **WPA & Bylaw Request for Determination: 8 Dawson Dr.**; septic repair

Present: Leon Melamed; Mike DiModica

Mr. DiModica presented a plan for the repair of a failed septic system. The property contains bordering vegetated wetland and outer riverfront area. The system capacity will not be expanded. The new system will be raised 3' for better off-set to groundwater. The Board of Health has granted a variance for the use of leaching beds rather than trenches to permit a shallower system and reduce the amount of fill. The leaching bed will be moved farther from the edge of wetlands to the extent possible.

D. Dineen stated that the new system will be an improvement due to proper functioning, increased depth to groundwater, and a greater off-set to the edge of wetlands. She recommended a negative Determination.

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

#### **WPA & Bylaw Notice of Intent 430 Boston Post Rd.**, Northern Bank & Trust

Present:

The Northern Bank & Trust Company site is a 0.52-acre commercial site presently developed with two buildings, septic system, parking, and car storage areas for the existing auto repair facility. This project is a redevelopment project within a riverfront area under the Sudbury Wetland Administration bylaw and work within the 100' buffer zone under the Wetlands Protection Act. The area is currently almost 98% degraded and 100% impervious by building, pavement, and hard-packed gravel where cars are stored. Following construction, the impervious area of the site will be reduced to 16%.

The project consists of the construction of a 2,500 sq.ft. bank building with remote drive-through, parking, septic system, and landscaping. The site egress will be onto an existing private access road to the north abutting the stream. Two feet of existing pavement width will be

removed along the top of the bank of the ditch and two feet in width of pavement will be added on the south side of the access roadway. The existing chain link fence along the top of the bank of the stream will be removed and a wood guard rail will be installed. The slope to the stream will be revegetated with native species and the stream will be cleaned of debris in the area along the property boundary with the subject site.

The site currently has no treatment of stormwater. Stormwater management improvements include best management practices and pre-treatment of runoff for water quality improvement. Three catch basins will be installed that will be routed to a Stormceptor treatment structure. Approximately 2/3 of the area within 100' of the bordering vegetated wetland to the stream will be restored with loam and planting of native plant species. This area is now hard-packed gravel.

As part of Northern Bank & Trusts' due-diligence on the property, a 2011 21E soil examination revealed no contamination of the soils

Therefore, the Conservation Commission finds that the project as presented in the Notice of Intent and carried out in accordance with the conditions contained in this Order will provide a net improvement to existing conditions due to the upgraded drainage with the pre-treatment of stormwater runoff prior to it entering the town drainage system. An Operation & Maintenance Plan with monitoring report requirements will have a positive impact on the wetland values and functions. The project meets the Massachusetts Stormwater Standards for redevelopment.

#### **WPA & Bylaw Notice of Resource Area Delineation (cont.): 96 Moore Rd.**

McMahon

Request for continuation to Nov. 18 received Oct. 31, 2013

#### **Minutes**

On a motion by G. Topham; 2<sup>nd</sup> R. Elkind; the Commission voted in favor of accepting the Minutes of 10/21/2013 as drafted. B. Armstrong abstaining from the vote. 10/21/13

#### **Certificates of Compliance (Bylaw only)**

The coordinator reported that as-built plans have been received and she has inspected the sites at 72 & 68 Dakin Rd., D. Aho, applicant. The project involved only the cleanup of an old private debris dumping ground within jurisdiction of a vernal pool protected only under the local wetlands bylaw. The site is well-stabilized and the cleanup and final grading was accomplished in accordance with the plan.

On a motion by G. Topham; 2<sup>nd</sup> R. Elkind; the Commission voted unanimously in favor of issuing the Certificates of Compliance.

#### **Orchard Hill 761 Boston Post Rd., violation action**

The Commission agreed that the violation at Orchard Hill did not need to file a Notice of Intent. Much of the understory removal was outside of jurisdictional areas and consisted to a large degree of invasive vines. The Commission approved the removal of the one remaining marked dead tree next to the driveway and the spreading of wood chips provided no wood chips containing the bittersweet vine seeds could be spread. The area will be monitored over the next 2 growing seasons for regrowth of native species only.

The meeting adjourned at approximately 9:15pm.