

SUDBURY CONSERVATION COMMISSION  
MINUTES OF THE MEETING HELD NOVEMBER 18, 2013

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

**WPA & Bylaw Request for Determination: 71 Concord Rd., Rick Watson, applicant**

Present: Rick Watson; Bud Haworth

Mr. Haworth, builder, presented plans for the construction of a garage addition and the enclosure of the small area between the current garage and the house. The garage expansion will be located within the existing gravel driveway. Runoff from the new impervious surface will be infiltrated through drip trenches or infiltration pits.

D. Dineen explained that the work is located is 50+- feet from an intermittent stream that appears to be the result of drainage off Concord Rd. The existing house is located between the proposed work and the wetland resource area.

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 Resource Area Delineation: 96 Moore Rd.; Candace McMahon, applicant**

Present: Candace McMahon; Patrick McMahon; Andrea Kendall of LEC; Scott Goddard, wetland peer reviewer for the Commission

Ms. Kendall presented a plan showing her delineation of the wetlands at 96 Moore Road. Resource areas include bordering vegetated wetland; perennial stream under local bylaw; bank; floodplain; and upland resource area under the local bylaw.

A site visit was held prior to the hearing with A. Kendall; S. Goddard as peer reviewer for the Commission; and D. Dineen. At the site visit it was clear that there was little evidence of flow outside the obvious channel of the stream. However, subsequent to the inspection, D. Dineen noted that the regulations do not look at evidence of flow as the only indicator. Changes in vegetation and soils can be an equally important indicator. She noted an area that had a change from mostly woody vegetation to an area dominated by tussock sedges. The soils were muckier in this area which indicates greater inundation over a longer period. Although there was no evidence of flow in this tussock sedge area, she questioned if it could be part of the mean annual high water (MAHW) as there was clearly a vegetative distinction.

Both Ms. Kendall and Mr. Goddard stated that they did not believe this area was part of MAHW as it was above the first observable break in slope with no evidence of flow.

D. Dineen suggested that the Commission conduct its own site visit to look at the evidence first hand. All parties concurred and agreed to continue the meeting to Dec. 2, 2013 to allow for the site visit.

**Certificates of Compliance:**

**DEP File #301-1083; Raytheon Drainage**

On behalf of Raytheon, Paul Finger Associates requested Certificates of Compliance for three older Orders of Conditions and a partial COC for the above Order. The above Order was for reestablishment of the detention basin and drainage conveyances volumes. Two of the older COC's were issued as partial COC's as the ability to have on-going conditions in a COC was not an option at the time of issuance. The final Order was for the required upgrades to the sewage treatment system.

The Coordinator reported that all work has been done in accordance with the Order for the drainage and sewage Orders. She noted that a partial COC was appropriate in this case as the project was phased and it makes sense to have a review of approval as each phase is completed. The sewage treatment plan Order appears to have been adhered to as it was approved by the state/and or local Board of Health. The disturbance on the ground was in accordance with the order. She recommended approval of all COCs.

On a motion by G. Topham; 2<sup>nd</sup> B. Armstrong; the Commission voted unanimously in favor of issuing the COCs.

**DEP File #301-1036; Flynn, 530 Dutton Rd.**

The Coordinator reported that the as-built plan had been received and she has inspected the property. All work complies with the approved plan and conditions.

On a motion by G. Topham; 2<sup>nd</sup> T. Friedlander; the Commission voted unanimously in favor of issuing the COC.

**DEP File #301-382; 22 Codman Dr.**

The Coordinator reported that the as-built plan had been received and she found a discrepancy between the approved plan and the as-built. Specifically, no bounds had been set at the limit of lawn. Subsequent to her inspection, iron road have been set at angle points along the approved lawn limit. Photos of these bounds have been submitted. Commissioners inspected the photos and on a motion by G. Topham; 2<sup>nd</sup> by T. Friedlander; Commissioners voted unanimously in favor of issuing the COC.

**WPA & Bylaw Notice of Intent (cont.): 67 Brewster Rd.; drainage**

**Order of Conditions: 67 Brewster Road (contingent upon close of hearing)**

No additional information was received. Applicant requested a hearing continuation. Hearing continued to Jan. 6, 2014.

## **Minutes**

On a motion by G. Topham; 2<sup>nd</sup> by B. Armstrong; the Commission voted unanimously in favor of approving the Minutes of 11/4/13 as drafted. T. Friedlander abstaining.

## **Duplicate original – 11 Kendra Lane (Lot WR9) (signatures only)**

The Commission signed a duplicate of a previously-issued Certificate of Compliance for recording.

## **BFRT/BOS walk and meeting**

Commissioners were enthusiastic to walk the proposed rail trail with the BOS to show them the environmental constraints to some of the proposed rail trail designs. A time will be scheduled when the most members of both boards area available.

## **Discussion: FY2015 Budget**

The Coordinator informed the Commissioners that staff has been directed to prepare 2 budgets for FY2015. One budget must not exceed a 1.24% increase and the second budget must not exceed a 3% increase. The most effected line items will be trail maintenance and travel reimbursement. The Commission agreed as there is no other place in the budget to make any cuts.

## **Comments to Planning Board: 82 Maynard Rd subdivision**

The Commission reviewed the plans dated October 23, 2012 (detail sheet dated Oct. 2, 2013) and had the following concerns:

1. The only wetlands shown on the plan appear to be conceptual off-site wetland locations. These wetlands have never been submitted to the Commission for accuracy review through an NRAD.
2. The lots appear large enough so that no work needs to occur within jurisdictional resources.
3. The limit of clearing should be shown on the plan, particularly in the area of the septic systems.
4. Is it possible to relocate the septic system on Lot 3 further from the wetland an on a less steep slope to reduce the amount of grading?
5. Lots 1 & 4 should be restricted to limit the removal of vegetation to only that required for sight distance.
6. No drainage calculations, soils, data, or O & M plan was submitted for review.

The meeting was adjourned at approximately 8:50pm.