

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held January 6, 2014

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

WPA & Bylaw Request for Determination: 151 Dakin Road:

Present: Jane Santinelli, homeowner

Ms. Santinelli presented a plan showing deck construction over an existing patio in the rear of the house. In addition, a chimney will be removed outside as part of an interior kitchen remodel. All work is on existing lawn, landscape, or patio areas.

D. Dineen explained that the property has a small pond approximately 50' from the back of the house. There is also a perennial and intermittent stream on the large lot. The work proposed will not disturb any news areas of the site and the deck will be pervious. She recommended a negative Determination.

On a motion by G. Topham; 2nd by S. Rizzo; the Commission voted unanimously in favor of a negative DOA.

WPA & Bylaw Notice of Intent: 118 Peakham Rd.:

Present: Rachel Watsky of Goddard Consulting; Renata Pomponi & Karl Buttner, homeowners

Ms. Watsky presented a plan showing the subject property consists of lot currently developed as a single-family residential house. The wetland resource areas with jurisdiction on the subject property consist of bordering vegetated wetland, and riverfront area. No work is proposed within the bordering vegetated wetland.

The house and yard are also located partially within the riverfront area. The existing house will have an addition of 500 sq.ft. +/- on current lawn and landscaped areas. A patio and deck area will be constructed within the outer riparian area on existing lawn. These structures are designed to allow for infiltration of runoff. The changes to the site do not exceed the maximum limits for work in the riverfront area and appropriate mitigation is proposed.

This redevelopment project includes the upgrading and relocation, but not expansion of the current septic system. The current system is composed of two leaching pits which no longer meet today's Title V requirements. The new system will comply with current Title V requirements. The alternatives analysis shows that the only alternative to move the system out of the riverfront area would require additional disturbance of the riverfront area and would result in a pump system rather than gravity feed.

A substantial replanting of lawn area with native plants is proposed for mitigation for riverfront area work (and upland resource area disturbance under the local wetlands bylaw). A revised plan showing the enlargement of the planting area is required. Should the applicant decide to save a large maple tree, the septic system will be slightly closer to the wetland. The planting plan, or vertical offset to groundwater for the trenches, should be amended accordingly.

The Commission finds that this project is designed to meet the performance standards of the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw with conditions in this Order requiring additional mitigation in the area closest to the wetland. Removal of the invasive plants will enhance the wetland values and functions with the replacement with native shrubs.

On a motion by G. Topham; 2nd B. Armstrong; the Commission voted unanimously in favor of closing the hearing.

On a motion by G/ Topham; 2nd T. Friedlander; the Commission voted unanimously in favor of issuing the Order as discussed.

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

Present: Candace McMahon, applicant; Patrick McMahon; Andrea Kendall; several abutters

Ms. Kendall explained that although the Sudbury GIS maps show the parcel to be endangered species habitat, the 2006 Town GIS is outdated. She confirmed with Natural Heritage & Endangered Species Program that the 2008 maps removed the area from the maps. Ms. Kendal also confirmed that the new FEMA maps show bordering land subject to flooding still contained within the bordering vegetated wetland area. The floodplain elevation for 166' has not changed.

Ms. Kendal read the 2005 Preface to the WPA regulations where the regulatory status of a stream is discussed. It states that overcoming the criteria used to determine intermittent streams can be done only by prolonged observation. D. Dineen stated that, as a direct abutter to the stream (not to the project lot) a competent source (herself) has 17 years of continual observation of this stream. She has never seen it dry. It supports trout and other fish. She cannot recommend that the Commission classify the stream as intermittent only because it meets criteria in the WPA that was meant as guidance when prolonged observation was not possible.

The WPA criteria is based on modeling, averages, and broad scale information. As an example, according to Andrea Kendall, the % stratified drift in the watershed is 62% vs the needed 75% for a perennial indicator. D. Dineen noted that the margin of error on this statistic could be enough to find that the area may have 75% or more stratified drift. In addition, the headwaters of the stream are a series of 3 bogs on the Assabet River National Wildlife Refuge.

D. Dineen did agree with A. Kendall and S. Goddard's determination of mean annual high water. She and Andrea revisited the site and took a level across the stream from bank to bank. The bank in question (Moore Road side) was actually higher than the opposite bank. She recommended that the Commission accept the wetland delineation for all wetland and upland resource areas except for the classification of the stream as intermittent under the WPA.

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

On a motion by G. Topham; 2nd R. Elkind; the Commission approved all resource areas shown on the plan and as described in the NRAD as accurate, except that the stream is inaccurate as intermittent under the WPA.

WPA & Bylaw Notice of Intent: 163/183 Boston Post Rd., NStar

Present: Michael Zylich & Beverly Schultz, and Joanne O'Leary of NStar; David Halliwell, Rich White & Marc Bergeron of VHB, Inc.; Brian Butler of Oxbow Associates; and Fred King of Schofield Brothers for the SCC

Ms. Schultz presented the overview of the project which consists of the Sudbury substation expansion. The expansion is necessary to accommodate a reactor, a new pump station for auto-cooling and an autotransformer, and the replacement of wood transmission towers with steel towers. Wetlands will be impacted on both a temporary and a permanent basis. 1:1 wetland mitigation is provided on site to comply with state and federal requirements. Off-site mitigation is proposed to comply with the local wetlands bylaw. Off-site mitigation includes the

purchase and gift to the Town, by NStar of a 1.4-acre parcel of buildable land directly on the Sudbury River.

The project needs approval by MEPA (received), NHESP (received), MA Historic, Army Corps of Engineers, Water Quality Certifications, and ISO New England before work may commence. The mitigation purchase will not be finalized until all permits are in hand. The Town and NStar will enter into an MOU that states the intent of both parties for the project.

Mr. Bergeron reviewed the chart submitted with the plan that details the extent of wetland alteration. The Impact Summary Table shows the following temporary and permanent wetland and upland disturbances for the 9 separate impact areas:

1. 3,630 sq. ft.+/- wetland permanent fill for substation expansion;
2. 1,150 sq. ft. +/- wetland temporary disturbance for retaining wall construction;
3. 10,250 sq. ft. +/- wetland temporary swamp access mats;
4. 2,200 sq. ft. +/- wetland temporary swamp mats for electric transmission structures;
5. 200 sq. ft. +/- wetland permanent alteration for three proposed structure foundations;
6. 5,530 sq. ft. +/- wetland secondary impacts for selective tree removal;
7. 17,700 sq. ft. +/- selective upland tree removal;
8. 2,350 sq. ft. +/- upland tree removal;
9. 7,300 sq. ft. +/- upland tree removal

Mr. King, stormwater peer reviewer for the SCC, stated that the SWPPP submitted with the NOI is only preliminary and will need more detail and sequencing of activities before construction begins. D. Dineen suggested the SCC might want to have an Environmental Monitor on site during wetland work as has been done in the past for larger projects. More information was needed for the wetland replication plan and the landscaping plan for the front of the site. The stabilization plan should be included on the contract drawings. Swamp mat removal and surface restoration must be addressed.

The Long Term Pollution Prevention Plan (LTPPP) must be revised to be more site specific.

Methods of weed control should be addressed for SCC review.

Mr. King suggested a 6" to 12" gravel base be installed under the stone to permit infiltration to the extent that there will not be an increase in peak rates of volumes of runoff off-site. If 6" of new gravel is used, calculations should be done to ensure proper infiltration. If 12" of gravel is used, no calculations because the margin for error will compensate.

More detail is needed on the restoration of the area to be used for the easterly temporary access road. Seeding and stabilization specifications should be reviewed and approved by the SCC.

A more detailed wetland replication plan is needed for review. The wetland replication area is 3,500 sq. ft. and 125 plants are proposed. The wetland area to be disturbed is currently an area of invasive plants. Brian Butler added that the wetland replication area will include woody debris, log, stumps, etc. as cover for the migrating salamanders. The timing of project is during the spring migration. Fencing and daily sweeps of the area will be used to reduce any mortality rates. D. Dineen suggested a pre-construction site meeting so all involved will understand what needs to be done to reduce salamander mortality during construction.

All parties agreed to continue the hearing to Jan. 27, 2014.

WPA & Bylaw Notice of Intent (cont.): 145 Lincoln Rd.

Present: Rachel Watsky, Goddard Consulting; James Cummings, applicant

The subject property consists of a 2.5-acre lot currently developed as a single-family residential house lot. The resource areas with jurisdiction on the site consist of bordering vegetated wetland and adjacent upland resource area (AURA) under the local wetlands bylaw.

The Commission finds that this project is designed to mitigate for the illegal activity (lawn expansion, shed foundation, failure to maintain restoration plantings from previous permit, and pool & deck construction within the adjacent upland resource area. The NOI also seeks approval for a new 320 sq. ft. garage addition on current driveway and lawn area. The site contains sandy, loamy well-drained soils suitable for infiltration from the new impervious surface of the garage.

Mitigation offered for illegal activities include the removal of the shed foundation, restoration of the former restoration area and the area of the shed foundation, and additional replanting with native plantings of current lawn area closest to the wetland. The timber along the lawn edge will be removed. The mitigation area shall be expanded to include a minimum of 640 sq. ft. of native plantings on lawn area close to the wetland. This is the bylaw requirement of 2:1 mitigation for new structures.

The Commission finds that with suitable quantity, height, and spacing of new native plantings, the wetland and upland values and functions on the site should be restored. This Order is *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. In addition, mitigation for previous violations must be completed and approved by the Commission prior to the start of any work associated with the new garage.

The Commission makes no determination on the exact location of the wetland resource areas on this property as part of this filing.

On a motion by B. Armstrong; 2nd T. Friedlander; the Commission voted unanimously to close the hearing and issue the Order as discussed. R. Elkind abstaining.

Minutes

On a motion by T. Friedlander; 2nd B. Armstrong; the Commission voted unanimously in favor of accepted the minutes of **Nov. 18, 2013** and **Dec. 2, 2013** as drafted. R. Elkind abstaining from accepting the minutes of Dec. 2, 2013.

The meeting adjourned at approximately 9:10pm.