

*approved PUBLIC DOCUMENT for release 3/24/2014*  
**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Executive Session Held Monday, January 27, 2014**

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

**Executive Session: Discussion and Comments to DEP on the Johnson Farm Revised Plans**

By roll call vote, all Commissioners voted to leave Regular Session and enter Executive Session for the purpose of discussing revised plans for proposed settlement of the current DEP adjudicatory appeal for Johnson Farm, Landham Rd. The SCC's peer review consultant, Fred King, was present for the discussion as well as to provide input on the revised plan.

The Commission will re-enter regular session following the closure of the Executive Session.

The Coordinator updated the Commission on the results of the pre-hearing conference held at DEP Wilmington on Jan. 9, 2014. Town Counsel Paul Kenny and the Coordinator attended on behalf of the Conservation Commission.

The adjudicatory proceedings were in response to an appeal by Madison Place, LLC of DEP's superseding Order of Conditions denying the development of the 56-unit townhouse development off Landham Road. This development is a Chapter 40B affordable rental housing development. The project includes the alteration of wetlands for crossing a perennial stream and associated bordering vegetated wetland (bvwm). Much of the original development would occur within 10' +/- of the bvwm and will isolate one vernal pool from a direct, unaltered connection to the upland areas. The Commission issued an Order of Conditions (OOC) approving the development, however the OOC contained very stringent conditions requiring greater setbacks to bvwm and replication of one vernal pool. Essentially, the DEP and the SCC's Orders required the same changes, only the DEP preferred to use the mechanism of a denial rather than an approval with many conditions.

The revised plans have significantly reduced the footprint of the development and created a much larger undisturbed area near the vernal pools. All undisturbed areas will be permanently protected. The 56 units of townhouses has been revised to be 60 units in 3-story apartment-style buildings. There will also be 8 townhouse units located two buildings in the field area along Landham Road. Most of the apartment-style units have one bedroom, allowing the developer to eliminate the need for the on-site wastewater treatment facility. The septic system will be sized for 9,980 gpd (gallons per day) which is 20 gpd below the state requirements for a treatment facility.

The wetland replication area has been relocated to be in closer proximity to the development area of the site for the purpose of maintaining the undisturbed woodland habitat.

The use of porous pavement has been eliminated and drainage will be handled through the use of subsurface infiltration structures. A drainage report was included with the revised plans.

The Commission reviewed the plans and offers the following comments to be submitted to the hearing officer for consideration at the Feb. 11 conference call of all parties.

1. A limit of lawn should be added to the plans;
2. The standard conditions in the SCC Order should be included (no use of sodium-based deicing chemicals, no herbicides or pesticides due to proximity to vernal pools, etc);

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3. All areas beyond the limit of disturbance should be placed within a perpetuity conservation restriction or gifted to the Town of Sudbury for conservation purposes in accordance with M.G.L. Chapter 40 section 8C. If the Conservation Restriction is used, the restriction should limit public access in the more sensitive areas of the site;
4. The drainage calculations should be peer reviewed by a DEP hydrology/stormwater expert;
5. A denitrification component should be added to the septic system. It is known from the information presented at the hearing that the direction of ground water flow is in a generally westerly direction. With a system at the maximum size for a Title V system, the project should address additional nitrogen loading to the ultimate receiving waters.

In conclusion, the Commission believes that with the proposed revisions to the plans, the development will have no significant adverse impact on wetland values and functions as determined by the performance standards of the Wetlands Protection Act.

By roll call vote the Commission voted unanimously in favor of adjourning Executive Session and resuming regular session,