

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, June 2, 2014

Present: Beth Armstrong; Vice-Chairman; Rob Elkind; Tom Friedlander; Bruce Porter; Charlie Russo; Mark Sevier; Debbie Dineen, Coordinator

Emergency Certification: 11 August Rd.

At the request of the Building Inspector, Mark Herweck, and the Facilities Director, Jim Kelly, the Coordinator issued an Emergency Certification last week to permit the tear down of the house at 11 August Road. The abutting garage was also removed. The Coordinator requested ratification of this decision and direction from the Commission on the pending stabilization of the site.

The site currently has a large hole where the foundation was. Town safety officials felt this condition presented a public safety hazard. Although the foundation was below the floodplain elevation, the basement when functioning properly, did not provide flood storage. The entire site is within the inner riparian area of Run Brook.

On a motion by R. Elkind; 2nd B. Porter; Commissioners voted unanimously favor of allowing the DPW to backfill the foundation holes and re-grade the disturbed areas of the site to pre-existing contours to the extent it satisfies safety issue. Loam and a native seed mix shall be added for stabilization. Any further work on the lot requires a wetland filing.

WPA & Bylaw Abbreviated Notice of Resource Area Delineation: Borden Hill Ln.

(aka Lot 2A Goodman's Hill Rd.)

Present: David Burke representing applicant; Robert McGinty, applicant

Mr. Burke presented a plan showing the recently flagged wetlands on a 6.7-acre undeveloped lot. He had flagged the wetland in this lot back in 1994 however that delineation has expired. His client, Robert McGinty, now would like to purchase and build a single-family dwelling on the lot. A new ANRAD will "freeze" the lot dynamics for three years and provide limits for development. He used a combination of hydrology, vegetation, and soils to establish the wetland location.

D. Dineen added that the lot had a perpetuity conservation restriction recorded on it in 1994. The CR runs to the Sudbury Valley Trustees and encompasses most of the wetland area. This CR was mitigation for the development of the abutting lot at 30 Goodman Hill Road. Lot 2A Borden Hill Lane has frontage on Old County Road. Access is off Goodman's Hill Road via a common driveway with 30 Goodman's Hill. Borden Hill is a "paper" street and effectively was constructed as a common driveway. She stated she had no issues with the wetland line as flagged by Mr. Burke.

On motion by R. Elkind; 2nd T. Friedlander; the Commission voted unanimously to accept the wetland delineation as shown on the plan submitted with the ANRAD.

WPA & Bylaw Abbrev. Notice of Resource Area Delineation: 69-71 Brewster Rd.

At the request of the applicant, the hearing was continued to June 16 in order for the Commission's representative to check the wetland delineation and for the applicant to respond to DEPs request for more information to be added to the plans.

WPA & Bylaw Request for OOC Amendment: 77 Hudson Rd., Police Station site

Present: Michael Melnick, Permanent Building Committee

Mr. Melnick requested the Commission consider amending the OOC for the new Police Station to permit the installation of the tight tank in front of the Fire Station, the new septic tank, and the expanded leach field for the septic system prior to filing the final SWPPP with the Commission for review. He explained that the Town DPW would be doing that scope of work in order to save the town money and bring the project closer to the \$7.2 million cost that was voted on the ballot. They cannot go out to bid with insufficient funds and they cannot bring on a contractor without bidding. In addition, it is best for the Town to do the site work that requires the most coordination with the Fire Dept. as they are a 24/7 operation.

D. Dineen added that the tight tank needs to be installed regardless of whether or not the Police Station is built. The septic system also needs to be fully inspected before it is enlarged. It makes sense to do the improvements when the area is being disturbed for investigation. The three items being requested; tight tank, new septic tank, enlarged leach field, all represent environmental improvements that could stand on their own without further site development.

M. Sevier expressed concern that the three items are part of a larger project and that the erosion/sedimentation controls and project phasing are part of the larger project. He felt that pulling out individual items from the overall plan and phasing could result in detrimental impacts. Commissioner Sevier stated that he was not comfortable making changes that might disrupt redevelopment continuity of a project that had major stormwater and wetland implications if errors are made.

Commissioner Porter added that without the benefit of the development details he was not comfortable acting on revisions.

Charlie Russo agreed that it was difficult to make a decision without all the background knowledge; however it appeared that the real issue now before the Commission was the approval of three items prior to the submission of the SWPPP. He felt that as long as the erosion and sedimentation control was in place and inspected prior to other site activity, he had no problem with the request for amendment.

A motion was made by T. Friedlander to approve the replacement of the septic tank, install the tight tank, inspect the septic system and enlarge it in accordance with the plans approved with the OOC. C. Russo amended the motion by adding that the work was subject to proper installation of erosion control in the affected areas which will be inspected by the Conservation Commission or its designee, prior to any site alterations. Motion as amended was seconded by R. Elkind. Unanimous in favor with M. Sevier and B. Porter abstaining from the vote.

WPA & Bylaw Request for Determination of Applicability: 166 Willis Rd.

Present: Jane Shoplick, Landscape Architect; Mr. Trenkle, applicant

Ms. Shoplick presented plans for landscape improvements at 166 Willis Road. The homeowners would like to replace the rotting deck in kind, replace the timber retaining walls with stone slabs, and replant the lawn and planting beds. An area at the edge of lawn that is currently just gravel will be revegetated with native shrubs.

D. Dineen informed the Commission that the wetland resource areas consist of a perennial stream, a second stream which appears to be intermittent, bordering vegetated wetland, and adjacent upland resource area. The mean annual high water of the streams were not determined for this project because the scope of work does not include any new construction, enlargements, or drainage changes. The project is more of a repair of existing landscape features using stable materials to correct rotting and erosion. She recommended a negative Determination.

On a motion by R. Elkind; 2nd T. Friedlander; the Commission voted unanimously in favor of issuing a negative Determination.

WPA & Bylaw Notice of Intent (cont.): 8 Dawson Dr., house reconstruction

Present: Leon & Yelena Melamed, homeowners; Karon Catrone, wetland specialist

Ms. Catrone presented a plan showing an enlarged area of revegetation of existing lawn. This revision was in response to the Commission's request that the applicant meet the requirements in the redevelopment section of the riverfront area wetland regulations. This section requires a 100' (inner riparian) wide area of native vegetation to be established to the extent practicable. At the previous continuation of the hearing, the extent practicable was determined to be enough room for access around the house.

D. Dineen reviewed the additional materials submitted by the applicant on May 26, 2014. The materials had not been updated to reflect discussions at the last several hearings. There was still no clear calculation of amount of degraded riverfront area. The Commission reviewed the disturbance table and agreed that there was no clear indication of the amount of existing degraded area. In addition, the table credited the site with an offset for the proposed original amount of revegetation. The WPA regulations do not allow this credit.

C. Russo stated that the revised plan showing the revegetation of the lawn area to the extent practicable did not appear acceptable to him. The latest plan adds only a 10' wide strip of vegetation on existing lawn. He did not feel that met the definition of "extent practicable". The applicants questioned what was practicable. D. Dineen stated that the Commission cannot design the plan for them. Their wetland specialist should understand the regulations and present and defend a plan that they feel meets these performance standards. She noted other similar situations where "extent practicable" was determined to be the maximum amount of revegetation possible, up to a 100'-wide area, while still leaving access around the house. She marked up the plan showing a 10' offset on the northeast corner of the house and a 20' offset on the southeast corner, as an example of what has been done in the past. This would be very similar to what was done and approved to meet the regulations for redevelopment at 41 Lincoln Lane.

All parties agreed to continue the hearing to June 16, 2014 for resolution of the following outstanding issues:

1. Calculations showing the amount of degraded area currently existing on the site; the removal of the inappropriate credit for restored area;
2. A corrected narrative reflecting the current proposal;
3. A revised plan showing proposed edge of lawn and proposed vegetation restoration area.

The meeting adjourned at approximately 9:20pm.