

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, Sept. 8, 2014

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

Chairman Friedlander declared a quorum present and called the meeting to Order at 6:30pm.

Public Comments

Selectmen Len Simon stated he was present as the Commission's liaison to the board of Selectmen. He did not have any specific comments.

Minutes

On a motion by B. Armstrong; 2nd T. Friedlander; the Commission voted in favor of approving the Minutes of March 24, 2014. C. Russo and M. Sevier abstaining.

On a motion by C. Russo; B. Armstrong; 2nd the Commission voted unanimously in favor of approving the Minutes of April 7, 2014.

On a motion by C. Russo; B. Armstrong; 2nd the Commission voted unanimously in favor of approving the Minutes of April 28, 2014. M. Sevier abstaining.

On a motion by C. Russo; 2nd M. Sevier; the Commission voted in favor of approving the Minutes of August 11, 2014. B. Armstrong abstaining.

Sudbury's 375th Celebration Fair

Chairman Friedlander thanked Beth Armstrong, Charlie Russo, Mark Sevier, and Debbie Dineen for help with manning and setting up the booth as the Fair. Everyone felt the day was successful in generating a positive image of the Commission with residents. Only one negative comment was received and it was relative to the rail trail. Charlie Russo thanked Chairman Friedlander for his work in managing the image of the Commission in a positive way.

WPA & Bylaw Request for Determination of Applicability: 72 Plympton Road; National Grid Gas Line Installation

Present: Andrea Kendall, LEC Environmental, Inc.; Deb Blanch, National Grid

Ms. Kendall presented a plan for the installation of a subsurface gas line installation on long single family house driveway that will tie-in with the gas line that is currently located in Plympton Road. The driveway crosses a stream. Intermittent vs. perennial not known but it doesn't matter for the scope of this RDA. A 2" plastic gas in steel sleeve will be installed up to 30" deep in a trench dug 18" wide.

Abutter Michael Fields stated that there is a 53-year old stone culvert under the driveway for the stream. He stated the work was in the floodplain. The depth of the culvert to the surface is only 24" to 26" so National Grid cannot achieve the depth they stated. He believes the culvert should be replaced as it constructed with cement blocks and its integrity could be compromised during the gas line installation. Ms. Kendall stated that the 2" gas line will be encased in a steel sleeve allowing it to be installed at a shallower depth as needed. She noted that the FEMA maps do not show the area to be located within the 100-year floodplain.

D. Dineen asked what measures National Grid would take if they encountered subsurface conditions that would not permit excavation and installation in suitable material. Ms. Blanch stated that they would perform directional drilling under the stream.

Tom Gratzner, 80 Plympton Road, questioned the safety of this gas line installation when the exact method of installation is unknown at this time. D. Dineen replied that the Sudbury Conservation Commission does not get involved in reviewing National Grid methods for gas line installs except to the extent that the wetland resource areas are protected. The SCC will not question the method National Grid has chosen for the work as the SCC has no knowledge of the best method to perform the work. The SCC will look at how the proposed work impacts wetlands.

Wetland resource areas include presumed riverfront, minimal bordering vegetated wetland associated with the stream channel and bank, bank, and adjacent upland resource area. All work will occur within the driveway shoulder which is lawn and/or landscaped area or within the pavement on the driveway.

D. Dineen had informed the Commission that she had met with Mr. Fields who is concerned that the driveway culvert is undersized and backs water up the stream onto his property during large storm events. This is true and confirmed by the Town Engineer. Mr. Fields would like the Commission to require the installation of a larger culvert. The scope of work for the gas line installation is minimal, temporary, and does not warrant the spending \$10k – 20k for the necessary hydrological study that would be needed for the install of a larger culvert. I.e. would the larger culvert move the flooding issue further downstream? Would a larger culvert change the wetland characteristics with less standing water in the channel? Etc. If the property owners want to do something on the property in the future that might impact stormwater discharge rates and volumes, that would be the time to look at requiring a culvert change.

On a motion by B. Armstrong; 2nd C. Russo; the Commission voted unanimously in favor of issuing a negative Determination on the scope of work outlined in the Request for Determination with the requirement that the applicant submit any changes to the work as described in the RDA for review and approval by the Commission in a public meeting.

WPA & Bylaw Enforcement

Vote: NOV/EO 378 Boston Post Rd., Dunkin Donuts

The Coordinator presented a summary of outstanding issues on the Dunkin Donuts site. There have been long time on-going violations for non-compliance with 3 Orders of Conditions. Primary violations are parking on lawn area next to detention basin and failure to establish meadow area along Hop Brook. M. Sevier noted that the issues include both incomplete work and violations. The owner now wants to add parking and must now close out old Orders. The summary of site issues is as follows:
Orders of Conditions Issued:

DEP File #301-347- construction of donut shop, driveway, drainage, septic, landscaping, etc.

Status: Order expired; no COC issued

Known outstanding items as of 2003 (no updates provided to date) include:

- a) No spring or fall monitoring reports of drainage system ever received;
- b) No maintenance contract ever received;
- c) On-going Violation for illegal parking off the pavement next to the detention basin;
- d) No results submitted of the testing of the site monitoring wells;

DEP File #301-490 - Status: e) Native vegetation never fully established
 f) Use of salt and sodium-based deicing chemicals documented
 g) Confirmation of snow removal and storage areas properly sited and used addressing corrections of violations of #301-347 (in addition to #301-347)
 NOI covered work to enlarge detention basin to bring it into compliance with the plan approved in #301-347. Order expired. COC not issued due to:
 a) Walkways not constructed (requirement for walkway along brook subsequently waived);
 b) Failure to establish native meadow and apply acceptable loam and seed;
 c) Removal of fill around tree roots in the rear of the site;
 d) Proof of no sprinkler heads or coverage within 100' of the wetland;
 e) As-built plan needed, included location of all lawn areas; removal of fill below the floodplain elevation
 (Performance Bond Released for reconstruction of detention basin, \$1000 remaining?)
 DEP File #301-820 - Status: septic system repair
 unknown; nothing received since issuance of the Order June 2003
 Notice of Responsibility - Issued 10/12/2010 requesting compliance with all outstanding Orders, new NOI if work remains, and final as-built plans to assist with Certificate of Compliance issuance

WPA & Bylaw Enforcement (cont.)

Ratify and Sign Duplicate Original for Recording: 443 Peakham Rd.

Chairman Friedlander explained that violations have occurred on this site per a Notice of Violation letter sent in August. Several other letters have been sent to the homeowners to try to prevent the violation by informing them that they needed to have a formal wetland delineation approved by the Commission before they proceeded with more clearing and leveling on their property. Due to the homeowner's disregard for obtaining approval prior to proceeding, it is policy of the Commission to record the NOV/EO at the Registry of Deeds in an attempt to achieve compliance on the site.

On a motion by B. Armstrong; 2nd C. Russo; the Commission voted in favor of ratification and recording of Order at Registry of Deeds. B. Porter abstaining.

WPA & Bylaw Certificates of Compliance:

1. 557 Dutton Rd.

The Coordinator reported that the project had been scaled back involved only the reconstruction and stabilizing of the front entry to the apartment house. The addition and drainage work in the rear of the building was never completed. The Order has expired.

On a motion by B. Armstrong; 2nd C. Russo; the Commission voted unanimously in favor of issuing a partial COC for the work completed.

2. 209 Maynard Rd./27 Martin Drive

This Order covered road and drainage construction for the Ashton Knoll subdivision.

The Town accepted the street over a decade ago and the Town Engineer has certified in writing that the as-built plans have been received and the drainage is working correctly.

On a motion by C. Russo; 2nd B. Armstrong; the Commission voted unanimously in favor of issuing the COC.

3. Landham & Woodside Rds. Drainage #301-371

These are accepted streets where the as-built plans were received many years ago. The drainage is working correctly and is being maintained by the Town.

On a motion by C. Russo; 2nd B. Armstrong; the Commission voted unanimously in favor of issued the CO subject to receipt of written certification by B. Place that the drainage is functioning correctly.

WPA & Bylaw Order of Conditions: Review of Amended Plan – Lot 7 Kato Drive

Present: Perry Beckett

Mr. Becket had submitted a revised plan to the Commission for approval of a minor change to the building layout. Originally the house and garage were in linear configuration. Potential buyers would like to angle the garage slightly to break up the façade. Stone work will be added to the garage exterior.

D. Dineen explained that the property is an approved lot with an existing Order of Conditions valid until 2016. There is very limited area to be developed, almost no lawn, and a CR on 2/3 to ¾ of lot abutting Great Meadows National Wildlife Refuge. The changes proposed by Mr. Beckett are minor and all work remains within the limit of disturbance established in the Order. She stated that the Commission could 1) accept the change as a field change, not requiring a new public hearing; 2) agree to hold a public hearing and make a decision at that time; or, 3) deny the change. She recommended approval as field change due to the very minimal nature of the revisions to the plan.

On a motion by C. Russo; 2nd M. Sevier; the Commission voted unanimously in favor of approving the revisions to plan for Lot 7 Kato Drive as a field change. The Order will incorporate the new plan.

Discussion & Vote: 2014 Bowhunting Program

D. Dineen explained that the archery program has been in existence since 1999 with no issues. Up to 25 bowhunters are assigned to 9 – 13 properties each hunting season. The season runs from mid-October to the end of each year. The Commission votes each year whether or not to continue the program. Hunters must give a minimum of 2 hours of land stewardship work and must keep of log of what they see (flora and fauna) while on conservation properties. She recommended approval for 2014. Applications and proficiency is done each year for any new hunters. She anticipates 3 -4 opening this year and there are 4 applications from new hunters for inclusion this year.

On a motion by B. Armstrong; 2nd B. Porter; the Commission unanimously approved the bowhunting program for 2014. Chairman Friedlander will sign the permits and attend the proficiency testing for new participants.

Melone Gravel Pit Study Group

Vice-chairman Beth Armstrong volunteered to be appointed as the Commission's representative to the Melone Land study group. The property is town-owned and located on the north side of route 117 near the Concord line.

Weaver Property, 248 Old Lancaster Rd. - 61 Forestry

The Coordinator informed the Commission that a state-approved Forest Management Plan has been received for 10.91 acres of land under Tax Assessment Chapter 61 Forestry. Some of the stands of trees proposed for thinning are located in or near wetland resource areas, including a vernal pool. Having an approved Forestry Management Plan eliminates the requirement for a wetlands permit under both state and local wetland regulations. Work may proceed without approval of the Commission.

The meeting was adjourned at approximately 8:20pm.