

SUDBURY CONSERVATION COMMISSION

Minutes of the Meeting Held Monday, Nov. 3, 2014

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

Minutes

On a motion by R. Elkind; 2nd by B. Armstrong; the Commission voted unanimously in favor of approving the Minutes of Oct. 6, 2014; T. Friedlander abstaining

On a motion by B. Armstrong; 2nd by R. Elkind; the Commission voted unanimously in favor of approving the Minutes of Oct. 20, 2014; T. Friedlander abstaining

WPA & Bylaw Request for Determination of Applicability: 9 Stagecoach Dr.;

Present: Colleen LaBibe, homeowner; and builder

A plan was presented for a deck replacement on existing lawn. Pin foundations, rather than sonna tubes will be used for support to avoid digging into the soil.

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

WPA & Bylaw Notice of Intent: 19 Washbrook Rd.,

Present: Scott Goddard of Goddard Consulting; Cohen, homeowner

Mr. Goddard presented a plan for house addition and patio expansion. The lot contains floodplain, bordering vegetated wetland, adjacent upland resource area, bank, and riverfront area. The existing house and lawn are in the floodplain and the area is fairly regularly inundated with flood water. A drainage easement for town storm drains runs through the property and in 1989, a former owner had tied in runoff from a portion of the property to these drains, with town permission.

The homeowner wishes to add a deck, expand the existing patio, and repair the runoff drain in the driveway. The existing septic tank is under the current patio. The tank cannot be within 10' of the house and will need to be relocated resulting in the patio wall being pushed out into the floodplain.

The questions and comments the Coordinator had for the applicant are as follows. These questions were posed in writing to the wetland consultant.

1. Where is the outlet to the current driveway drain? Where does the drain pick up runoff from? Is there any pre-treatment of runoff?
2. The leaching field appears to be just at the 50' Title V set back and partially within the inner riparian area. The commission will need to confirm edge of bwv on site. What options are there to relocate this leach field further from the bwv?
3. Reduction of lawn area would also (in addition to the patio) serve to keep recreational activities further from the resource area and provide a level of mitigation for some or all of the proposed work. No mitigation is shown for the deck and patio expansion.
4. No matter how minor, any increase in impervious surface must be infiltrated and any loss of flood storage must be compensated for. The plan does not show this.
5. Will the current Board of Health permit the septic tank under the patio?
6. The small increase in patio size and the small amount of flood plain alteration are not to be considered reconstruction and are subject to 10.58 .

7. The plan does not limit the work in the riverfront area to the maximum extent feasible as required in the redevelopment performance standards 10.58(5). The plan does not meet the redevelopment standards in 10.58(5) (a. & b.)

It appears that with the extent of proposed work, mitigation could be offered in the form of:

- providing greater separation between leach field and bvw, and/or adding denitrification;
- reducing impervious surface by reducing the patio area;
- reducing lawn;
- infiltrating some impervious surfaces; and,
- providing necessary compensatory storage.

She summarized by stating that the current plan shows that the proposed work adds a house addition and deck yet offers no meaningful mitigation to improve wetland values and functions. See SWAB 7.12. It may be that the cost of adding denitrification or relocating the leach field (if possible) may not be prohibitive in terms of the overall costs of the addition, new deck, patio reconstruction and drain improvements. The Commission may want documentation of these costs.

Mr. Goddard responded to the above by submitting a revised plan dated 10/31/2014, showing a compensatory flood storage area for fill below the floodplain, including the 6 sonna tubes posts. The revised plan also shows a small area of restoration of lawn to native plantings. D. Dineen noted that the proposed restoration area is bisected by a strip lawn and as a result does not provide a continuous undisturbed area adjacent to the wetland. The values and functions of this proposed restoration area is minimal at best.

T.Friedlander questioned if the leach field could be relocated outside of the riverfront area as part of mitigation for the proposed work. Mr. Goddard responded that the system has not failed. The homeowner plans to remove or relocate the shed.

D. Dineen questioned if the patio needed to be expanded into the floodplain, if additional treatment (i.e. denitrification) could be added to the septic system, and if pre-treatment of the runoff entering the storm drain could be added. This would provide some meaningful mitigation that would improve wetland values and functions.

With the agreement of all parties, the hearing was continued to Dec. 1, 2014.

WPA & Bylaw Notice of Intent: 18 Wolbach Rd., Sudbury Valley Trustees

Present: Scott Goddard, wetland consultant; Steve Sloan & Bruce Osterling, representing SVT

Mr. Goddard presented a plan for activity within 100' of a bordering vegetated wetland and stream. Mr. Goddard indicated that the stream was intermittent. D. Dineen questioned if it was a Type I or Type II intermittent stream under the local wetlands bylaw. Mr. Goddard stated that observations were not conducted for the required 30 days in order to determine type.

Work consists of greenhouse remediation and restoration. The greenhouses must have asbestos removal completed. New glass, doors, windows, chimney repointing, and a new roof will be installed. Overgrown brush will be cut between the greenhouse and the wetland to reopen the previous grassy area that provided access to the greenhouses. Trash will be removed and a silt fence will be installed around the work area. A chain link fence will be installed around the greenhouse for safety purposes. The edge of bvw will be better defined by the planting of a row of high bush blueberry bushes at the edge of wetland at the greenhouse entrance.

T. Friedlander questioned the composition of the proposed rubber membrane roof material. D. Dineen noted that some runner lining materials, such as EPDM liners, are packed with a talc powder to prevent sticking. This talc is toxic to aquatic organisms. The talc must be thoroughly washed off the rubber in an area where it will not flow or seep into any wetland prior to installation.

D. Dineen asked for clarification of the use of the grassy area at the entrance to the greenhouses. Mr. Sloan replied that the area will only be used for drop-off and deliveries. No parking will be permitted in this area.

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

On a motion by R. Elkind; 2nd B. Armstrong; the Commission voted unanimously to issue the Order as discussed.

WPA & Bylaw Notice of Intent: 21 Hayden Circle, Pearlstein

Present: Scott Goddard; Stephen & Nicole Pearlstein; D. Adams, builder

Mr. Goddard presented a plan for a network of several small additions on an existing house on a 3-acre lot. In addition to the house, the lot also contains a pool, pool decking, lawn, driveway, and patios. The proposed work also includes pool deck replacement and tree removal. The site contains bordering vegetated wetland (BVW) on 2 sides of the property. An ornamental ditch with a footbridge is located within the bvw. The ditch is not a stream of any type. The lawn is at the edge of the bvw. There is historic fill to 2'+- on much of the site. A Conservation Easement/Drain Easement is shown on a portion of the property. A small portion of the pool decking is within these easements. No information could be found on the actual wording of the easements.

D. Dineen noted that old conservation easements were often overlain over drainage easements in new subdivisions that were developed from the 1960s to the mid-1980s. They were meant to be drainage easements with the conservation easement added so the area's drainage patterns were not altered. This was before the Wetlands Protection Act prohibited much of this type of work. She noted that the corner of the pool decking was not inhibiting drainage patterns and she did not feel that it needed to be removed.

Mr. Goddard noted that the proposed tree removal were all trees located within the current lawn area. The trees are old, tall white pines that are dropping branches and are being removed for safety reasons. D. Dineen stated that the Commission has never been concerned with trees located within existing lawn area. Trees that are contiguous with the natural area adjacent to a wetland provide much greater value and function for wildlife, shading, wind dissipation, etc. as it relates to wetland functions.

In response to a Commission question, Mr. Goddard stated that new impervious areas will have runoff channeled to 6' long by 2' deep dry wells. D. Dineen questioned if the 2' depth provided enough separation to the groundwater to allow the drywells to function properly. Mr. Goddard stated that the drywells could be installed in raised areas of fill to

provide greater depth. The Commission will require this in the Order.

D. Dineen noted that no mitigation has been offered for the house expansion. Infiltration of runoff is required and not considered mitigation. Mr. Goddard suggested a 5' wide native shrub planting strip at the edge of lawn. This will provide a permanent transition zone at the limit of lawn, provide additional uptake of runoff, and add wildlife value. The Commission will require this in the Order.

The driveway will be repaved and a small, historic brush dump off the driveway will be removed. The driveway pitches the runoff to the street.

On a motion by B. Porter; 2nd M. Sevier; the Commission voted unanimously to close the hearing and the issue the Order as discussed.

WPA & Bylaw Notice of Intent (cont.): 79 Jarman Rd., Robert Brais

floodplain fill and compensatory storage creation to offset new FIRM Map insurance rates

Request for another hearing continuation was received 10/29/14. The Commission granted the continuation request.

Miscellaneous:

1. **141 Goodman Hill Rd.**

Review of engineering calculations regarding status and functioning of Revegetation area; request for approval to proceed with garage addition.

Present: Doris Goldthwaite; Vito Colonna; Scott Goddard

The Commission reviewed the engineering calculations developed by Mr. Colonna. These calculations showed that the re-vegetation of the area of tree removal has colonized to the point where runoff calculations showed no increase in runoff in storm events up to the 100-year storm.

On a motion by R. Elkind; 2nd B. Armstrong; the Commission agreed to allow the project to proceed to Phase II for the garage and driveway addition based on Mr. V. Colonna's report.

2. **Certificate of Compliance: 15 Kendra Lane**

The Commission signed the previously-voted COC.

3. **Community Garden Request for Policy Change-**

A request for an increase in number of perennial plots has been received from Debbie Watson, Community Garden Coordinator. This is a Policy decision for the Commissioner that the Commission has been hesitant to grant in the past. An increase in the number of perennial plots can lead to issues of unsightly gardens and can reduce the area available to wildlife in the fall and spring. Fall gardening could impact hunting.

Another issue with the garden has surfaced in the past several days. Gardeners had been using thin plastic netting that had been folded over. A downy woodpecker was killed in one of these folded nets. Folded nets have not been

permitted and past issues have included trapping of dragonflies and small mammals in these nets.

On a motion by R. Elkind; 2nd B. Porter; the Commission voted unanimously to ban the use of small plastic netting and any other netting that presents a hazard to wildlife. A new Community Garden License agreement will be developed in the spring which will include the goals of providing a place for a community garden while also protecting and providing a safe area for wildlife. No action was taken on the request to expand the perennial section of the garden at this time.

The meeting adjourned at 9:20pm.