



SUDBURY CONSERVATION COMMISSION

Meeting Minutes

Monday, December 15, 2014

6:30 pm, DPW Facility 275 Old Lancaster Rd., Sudbury MA

Present: Tom Friedlander (Chair), Beth Armstrong, Bruce Porter, Dave Henkels, Robert Elkind, Charlie Russo (joined at 6:45 pm), Debbie Howell (staff)

Minutes Dec. 1, 2014 and Nov. 3, 2014

Unanimously accepted.

Discussion: Bruce Freeman Rail Trail

There will be a filing for vegetation cutting for survey purposes only. VHB, the contractor, along with the Planning Department, asked the Commission to determine if an RDA or NOI will be appropriate. After learning that VHB is considering cutting a 20-foot swath over 4.1 miles total length of trail for a total affected area of 10 acres, the Commission unanimously agreed that an NOI is required. The Commission also questioned why a 20-foot swath will be affected during surveying, as the foot path will only be 10-12 feet in width.

VHB will prepare the NOI with the intention of a hearing at the January 12, 2015 meeting.

Resident Carol Wolfe, 637 Concord Road, provided her input.

Discussion: Public Use and Stewardship: Johnson Farm property

The Planning Department (Jody Kablack) along with SVT (Dan Stinson) requested the Commission's comments on three topics: Conservation Restriction, Public Use through trail connections with Lyons-Cutler Reservation, and Stewardship.

The Commission acknowledged that SVT is the logical entity to hold the CR, based on past relationship and good stewardship of other properties (Nobscot, Cutting, Pantry Brook). Typically, there is a fee to hold a CR to maintain the property, but this is not anticipated in this case. The closing is in February, and the CR will come to the Commission for review and approval at that time.

SVT owns Lyons-Cutler Reservation, an abutting property. Access to this property is currently through an easement through a private yard, and public parking is at the Loring School and only during non-school hours. SVT is excited to have better access to Lyons-Cutler as well as additional parking, and offers stewardship. SVT would not request funds from the town for stewardship, but will be raising their own funds for this purpose. SVT would like to collaborate.

Continued: WPA & Bylaw Request for Determination of Applicability: 29 Elsbeth Road

Continuation to January 12, 2015 at 6:45 pm.

Certificate of Compliance: 41 Chanticleer Road

This is a confirmatory certificate, as the original one dated 9/14/76 was apparently never recorded. A thorough title exam by the Planning Department revealed this, and the homeowner is requesting the documentation for the closing. The Commission signed the COC.

WPA & Bylaw Order of Conditions – Conservation Restriction: Lot 7 Kato Drive

Perry Beckett, Wayland, property owner, was present. The original OOC, issued October 16, 2009, required a Conservation Restriction. The OOC has not yet been recorded, and will be at the same time as the CR. The OOC was given a Permit Extension and does not expire until 2016.

The Planning Department has been working with the applicant to prepare a draft CR. Debbie Dineen has provided input. Paul Kenney, Town Counsel, has reviewed. A draft CR has been submitted to the State (EOEEA Irene Del Bono). Comments have not yet been received. The Commission was asked to approve the draft CR pending approval by the State.

The Selectman must also review and approve the CR. The next Selectman's meeting is January 13. Therefore, there is no urgency for the Commission to approve the draft CR, as the next Commission meeting is January 12.

The CR must be recorded prior to start of any site work. Additionally, there are many other open conditions in the OOC that must be addressed prior to the start of work. These outstanding issues were briefly discussed. A deed restriction in perpetuity stating no lawn area is required prior to the start of any site work, and has reportedly been drafted.

Additionally, prior to the start of site work, the following must be submitted for review and approval:

- a revised plan showing the final limit of the stone wall and a clear delineation of the no disturbance area;
- a plan (showing physical scope, methods, timing, and stabilization) for the removal of siltation in the vernal pool and BVW; and
- the pipe outfall from the drainage system must be repaired so that it functions as designed, and in accordance with the Town Engineer/DPW Director.

The Commission along with the Planning Department requested that all of the required information be submitted in one package rather than one at a time.

Continuation to January 12, 2015 at 6:30 pm. This time may be adjusted once the final agenda is determined.

Later, the potential buyer arrived. Meeting minutes will be provided to Richard Dacey, rfd@daceylaw.com and Chris Beard, beardc1@gmail.com.

WPA & Bylaw Notice of Intent: 49 Briant Drive – Correction of Violation

Applicant Diane and Dan Delaney, consultant Gary Shepard of David E Ross Associates, and current property owner, Nicholas Malone present.

There is an outstanding OOC from 1995 to construct a new home. This OOC was recorded but a COC never issued. The property changed ownership twice with an open OOC. The prior title search did not pick up the open OOC, possibly because of the property address was Lot 15 Cudworth Lane on the original OOC, and it is now 49 Briant Drive. During the most recent sale, the buyer held money in escrow pending issuance of the COC. The seller is now motivated to obtain the COC. They were not aware of the OOC, the presence of resource areas, or the no disturb line until the recent sale.

In reviewing the as built and the approved original OOC plans, there are discrepancies and violations. The lawn and bark mulch area was extended over time well beyond the limit of no disturbance. The neighbors (Bevacqua) have also put in lawn on the property. Marking of a no disturbance line was not done.

The applicant filed a NOI to correct the violation with the hope of a COC on the original OOC. However, the proposed plan is essentially a 'let nature take its course' approach. The Commission requested that the applicant complete a more proactive restoration and native planting plan. The proposed approach will allow invasives to colonize. The area borders rare species habitat (Blandings turtles). Once an appropriate plan is submitted, a site visit can be conducted. The applicant is concerned about cost. A list of wetlands specialists in the area will be provided so the applicant can obtain price quotes.

Applicant agreed to continue to January 12, 2015 at 6:30 pm. This time may be adjusted once the final agenda is determined.

Continued - WPA & Bylaw Notice of Intent: Dunkin Donuts 378 Boston Post Road

Greg Hochmuth, Williams & Sparages, representing Constantine Scriveranos, applicant, was present. An NOI (301-1143) was submitted in September 2014 in response to a Notice of Violation. The intent of the NOI was to allow the applicant to do work (including fence installation) within jurisdictional areas to bring the site into compliance with three outstanding Orders. Once the site is in compliance with all Orders, a Certificate of Compliance for all three outstanding Orders as well as the new Order 301-1143 can be requested.

Minutes from the October 20, 2014 meeting along with a November 20, 2014 submittal summarize the action items up to that point. A letter dated December 15, 2014 was submitted at the meeting, and addresses the remaining issues. Specifically, it provides a statement from the snow removal contractor (Kadosh Landscaping), an invoice from the contractor (Casaceli Trucking) hired to provide pumping and maintenance of the septic tanks and grease traps, and a COC from the Board of Health for septic system installed in 2003.

The issue of maintaining the ground surface above the septic system that serves the adjacent neighbor was discussed. The applicant believes this is the only outstanding issue. The property owner does not believe that maintenance as a field (annual mowing) is required as it is not explicitly written as a condition in perpetuity in the prior OOC. He prefers to let the area remain as brush. The Commission discussed including this condition in the new OOC to clarify the intention of leaving the area as meadow. Woody growth may affect the septic system. However, the applicant is concerned about removing the woody growth and damaging the system in the process.

The Commission and the applicant agreed to wait on issuing any COC until all OOC are in compliance.

Motion to close the hearing, all in favor with the exception of Porter who abstained.

Motion to issue a new OOC to address all outstanding issues, all in favor with the exception of Porter who abstained.

Continued - WPA & Bylaw Notice of Intent: 79 Jarman Road

The applicant's representative, Kanayo Lala, was present. He reported that the most revision of the proposed plan was submitted to DEP. This version has the curb open on all sides to allow water to enter and meet flood plain mitigation requirements. He did not have any written documentation from DEP that they are satisfied with the proposed plan. Although he stated the issue had been resolved with DEP and Bill Place (Town Engineer,) and now it is up to the Commission to approve the plan. The applicant will follow up with DEP to obtain written documentation, Jody Kablack/Jim Kupfer will continue to review DEP's concerns.

Additionally, affirmation for abutter notification is still outstanding.

The hearing was continued to January 12, 2015 at 6:30 pm to allow the applicant to obtain written documentation, as there seems to be unanswered concerns and a lot of confusion. This time may be adjusted once the final agenda is determined.

WPA & Bylaw Request for Determination: 35 Robert Frost Road

Mike Marcello, general contractor, was present. Applicant is constructing a three-season porch on an area that currently has a deck and lawn. Work is in riverfront area and within wetlands upland area resource. Porch will require sonna tube installation that will be hand dug with removed soil transported by wheelbarrow. No heavy equipment will be used. Stone will be placed around the outside of the porch for infiltration. Additionally roof runoff will be directed via gutters to dry wells on both sides of the porch.

Motion for a Negative Determination with condition of added second drywell (west), all in favor.

Continued - WPA & Bylaw Notice of Intent: 19 Washbrook Circle

Dan Wells from Goddard Consulting along with, Brian Cohen, homeowner, was present.

The NOI includes a house addition, deck addition, patio reconstruction, septic tank replacement, runoff drain repair in the driveway, and shed relocation. The lot has floodplain, BVW, adjacent upland resource area, bank, and riverfront area. A drainage easement runs through the property, and runoff from the property is tied in through these drains.

Debbie Dineen had been working with the applicant's consultant, Scott Goddard. There were several issues raised and then addressed in October 31, 2014 correspondence and in the November 3, 2014 Conservation Commission meeting. The outstanding issues that remain after that meeting included:

- planting plan for the restoration area,
- pretreatment of the runoff entering the drain system, and
- treatment (such as denitrification) added to the septic system.

A revised plan dated November 24, 2014 and a detailed planting plan dated December 3, 2014 was submitted. The consultant reported that the planting plan comfortably meets the '2x area of disturbance' mitigation requirement for deck and patio work.

Runoff from the existing house will go to drywells. An infiltration drip trench will handle additional runoff from deck and patio. The applicant agreed to work with Bill Place, Town Engineer, regarding pretreatment of the runoff entering the drain system to catch sediment, including potential installation of hoods in existing catch basins, as well as cleanout of sumps.

The applicant reported that the Board of Health has approved the septic under the patio. However, given the house addition, the tank needs to be upgraded and moved at least 10 feet from the house. The leaching fields cannot be moved to the front of the property, according to soil testing done by Schofield Bros. Regarding treatment (such as denitrification) to be added to the septic system, this has not yet been addressed. The applicant agreed to price it out, if deemed critical.

A written summary of these issues and how they will be addressed will be provided to the Commission.

Motion to close the hearing, all in favor. Motion to issue OOC, without denitrification, all in favor.

Meeting adjourned at 8:30 pm.