



SUDBURY CONSERVATION COMMISSION

Monday, March 2, 2015

6:45 – 8:50 pm, DPW Facility, 275 Old Lancaster Rd., Sudbury MA

Present: Tom Friedlander (chair), Beth Armstrong (vice chair), Dave Henkels, Mark Sevier, Robert Elkind, Bruce Porter (arrived 6:50 pm), Charlie Russo (arrived 7:05 pm), Linda Hansen - staff, Debbie Howell - staff

Minutes – February 23, 2015 – Unanimously passed.

WPA & Bylaw Notice of Intent: Bruce Freeman Rail Trail, DEP file no. 301-1153

The Town proposes selective brush and sapling clearing along the BFRT alignment for the purpose of surveying and delineation of wetland resources. The proposed clearing will be limited to 12 feet centered on the railroad embankment and within Riverfront areas and buffer zone/upland resource areas. No clearing will be done in wetlands areas, flood plain, or banks to ponds or streams. As part of the survey work, the wetlands resources boundaries will be delineated, and provided in an Abbreviated Notice of Delineation to be filed as part of the preliminary design.

Gene Crouch, Wetlands Scientist from VHB, and Tracy Lenhardt, Project Manager, VHB, presented.

Wetlands flagging along the alignment is almost done. No clearing has been done for this, or is proposed. The scope of the NOI includes clearing for the sole purpose of surveying the wetlands flags so that an ANRAD can be filed. The applicant clarified that the proposed work is more pruning or trimming than clearing. All work will be done within six feet on either side of the centerline.

The proposed trail will be 4.6 miles, and about 10-25% is expected to require some pruning. The consultant estimated this work will take about three weeks, and agreed to notify the Commission prior to any site work. Jim Kupfer, Town Planning Department, stated that he will oversee town employees on this site work. Jody Kablack, Town Planning Department stated that the entire length of the project is within jurisdiction, therefore, any change to the scope will require Commission approval. All cutting will be done sparingly with minimal impacts.

The sequence of work was discussed. The applicant's approach is to flag the wetlands, selectively prune/clear as per the NOI, survey, and then submit the ANRAD for approval. This requires selective clearing before the wetlands delineation is reviewed by the Commission. Another option is to flag the wetlands, have the Commission concur with the flags, and then prune/clear to allow surveying. This would minimize or help to avoid work in sensitive areas. The consultant assured the Commission that they will avoid specific areas such as vernal pools and habitat areas.

Any trees greater than 4-inches in diameter will not be cut. The consultant explained that 4-inch diameter is the typical size where you transition from shrub to tree. He stated that the DEP designates 5-inch diameter as a tree, and they have no intention of removing any trees. Cutting will be done by hand equipment. No construction equipment will be used. No digging, grading, or grubbing will be conducted so the surface of the embankment will not be disturbed and erosion will be minimized. Cuttings will be discarded on the ground in same location as cut to decompose over time. The consultant stated that invasive plants will not sprout from cuttings. However, areas left vacant by shrub removal may allow invasive plants to spread.

Public Comments:

Robert Abrams, 48 Horse Pond Road – Inquired if any work will take place outside of the RR right of way, and wanted assurance that easements will be obtained. Consultant response: All work will be within the right of way.

Dick Williamson, 21 Pendleton Road – Atlantic Engineering has done prior work, can this information be useful? Consultant response: Portions may be useful, but DOT standards have changed. Very little of the previous wetlands flagging will be useful.

Carol Wolfe, 37 Concord Road – A lot of clearing has occurred in the past, and so there is little brush in those areas, and therefore, there is no need to clear. There are many intermittent streams that hug the rail so she is very concerned about clearing of 12 feet. If there is no ANRAD before survey, how do you qualify your clearing? Consultant response: Surveyors will not cut more than needed.

Laura Mattei, SVT - Confirmed that all surveying will occur within the right of way.

The Commission generally accepts the proposal. The hearing cannot be closed until the Commission has received comments from Natural Heritage (for the clearing proposed within priority habitat areas).

The hearing was continued to March 23, 6:45 pm. Note: this time may be adjusted based on schedule. Staff (Linda Hansen) will draft special conditions to the OOC for review prior to the meeting.

Note: Charlie Russo recused himself and was not present for the discussion.

WPA & Bylaw Certificate of Compliance: 590 and 592 Hudson Road, DEP file no. 301-1070

Read comments from Debbie Dineen. “The Order of Conditions is a result of encroachment over the bank into the wetland due to very close proximity of activity to the wetland. The OOC required a chain link fence to be installed at the approved limit of work, all debris over the bank to be removed, and an area of invasive plants (mostly buckthorn) to be hand removed in the northeastern portion of the site. Based on my site visits in 2014, all work has been completed in accordance with the OOC and I recommend a complete COC be issued with the perpetuity conditions from the Order.”

Elkind made a motion to issue COC, Armstrong seconded. Unanimously passed.

WPA & Bylaw Notice of Intent: 170 Wayside Inn Road, DEP file no. 301-1155

Renee McDonough, Goddard Consulting, presented. Scott Goddard was also present. Abutter notification green cards submitted.

This NOI is for construction of a 360-square foot porch on the front of an existing house, and reconfiguration of the existing walkway. Wetlands are located along the western boundary of the property. The entire house is located within the 100-foot buffer zone/adjacent upland resource area. There is a potential vernal pool approximately 100 feet to the north of the house on site. All work will be within previously disturbed areas.

There is a perennial stream approximately 200 feet to the west of the house. The applicant offered evidence that the stream is intermittent. If perennial, the riverfront area standards would apply, and mitigation would be required. The evidence provided by the consultant is not sufficient to change the designation of the stream to intermittent.

An erosion control barrier is proposed to the west as well as along the front of the house. Construction parking is proposed on the existing driveway to the northwest. There were some concerns over erosion control, particularly at the 'bumpout' of the driveway. The consultant stated that since there is vegetation already in this area there is little concern with runoff. The Commission will ask for straw bales or an equivalent (no seeds), rather than hay.

Armstrong made a motion to close the hearing. Russo seconded. Unanimously passed. Russo made a motion to issue the Order (with no hay bales) as proposed. Henkels seconded. Unanimously passed.

WPA & Bylaw Notice of Intent: Lot 4 Anthony Drive (338 North Road, DEP file no. 301-1154)

Renee McDonough, from Goddard Consulting, representing Distinctive Acton Homes, presented. Scott Goddard was also present. Abutter notification green cards submitted.

Rob Elkind recused himself, as an abutter.

The lot is part of a six-lot subdivision with a previously issued ORAD. The other five lots are outside Conservation Commission jurisdiction. This NOI is for construction of a driveway (312 square feet) and grading/landscaping associated with a new house located within the 100-foot buffer zone/adjacent upland resource area. Moving this driveway 'bumpout' outside the 100 foot buffer zone would require significant grading and was not considered a viable option. All structures (house, deck, and garage) are outside jurisdictional areas.

The work will occur within an area dominated by invasive species, including Norway maple saplings and buckthorn shrubs. The applicant states there is 'almost no' native species that would be impacted.

The area between the limit of work and the wetlands contains a large concentration of invasive plants, including Japanese barberry, burning bush, Oriental bittersweet, buckthorn, garlic mustard, Norway maple, and multiflora rose. As mitigation, the applicant proposes a one-time intensive eradication effort of the existing invasive species. This will include hand removal and herbicide treatment. A detailed invasive species management plan will be submitted upon approval of the project. To minimize return of invasive plants, the plan will include planting for any void space greater than 100 square feet and subsequent monitoring of the area. The Commission will review this management plan prior to implementation. An existing large white pine, oak, and dead snag will remain in place.

An erosion control barrier is proposed along the limit of work which coincides with the 100-foot line from an intermittent stream. Boulders at spacing to demarcate the limit of work will be placed every 10 feet.

To control runoff, a drainage well is proposed for the house and the Commission proposed a recharge trench be located along the edge of the driveway (towards the wetlands).

Public Comments:

Syrie Fried, 330 North Road – Asked for her property to be identified relative to the project on the map.

Alan Hatton, 20 Willard Grant Road – Stated that the area of the footprint of house is now clear of trees, and is concerned that grading may have already been done in the 100-foot buffer zone without a permit. Goddard offered to confirm that this is not the case after snow melt.

Marianne Hatton, 20 Willard Grant Road – Stated that there has been significant blasting of rock at the location of the house siting, and there is now lots of rubble.

Porter made a motion to close the hearing, and Sevier seconded. Unanimously passed.

Porter made a motion to issue an Order of Condition with conditions for line of boulders, invasive plant monitoring, potential native plantings, and swale/runoff as discussed. Russo seconded, all in favor except Henkels opposed.

King Phillips Conservation Land – Eagle Scout project

Eagle Scout candidate, John Curtis, proposed a project at King Phillips. He will build and install 10 cedar post markers to identify native species alongside the trail. Post hole diggers and shovels will be used. All on site work will occur in the Spring after the ground thaws. This is a temporary disturbance.

He will also prepare an informational booklet, and build (off site) a storage box for the booklets to be attached to the current kiosk. The pamphlet will describe and identify each plant. The Conservation Office will need to refill the box periodically.

Elkind made a motion to approve the project as proposed, Henkels seconded. Unanimously passed.

King Phillips Conservation Land – SWEET

Rebecca Chizzo requested to update/inform the Commission about SWEET activities. The Commission has allowed removal of invasive plants in the past. Any new work, including use of chemicals, will require additional approval.

Elkind made a motion to continue to support SWEET in these efforts. Russo seconded. Unanimously passed.

WPA & Bylaw Notice of Intent: 8 Brook Lane - Correction of Violations, DEP file no. 301-1156

Michael Pistorino, homeowner, presented and provided an update. The applicant has retained a new consultant, John Dick, Hancock Survey Associates, Danvers. An amended NOI was submitted to the DEP (file # 301-1156), but not to the Commission. Sudbury staff had not reviewed the NOI. Abutter notification had not been completed.

The hearing was continued to March 23, 6:45 pm. Note: this time may be adjusted based on schedule.

Discussion: WPA & Bylaw Order of Conditions: 27 Mossman Road, DEP file no. 301-1086

Renee McDonough, from Goddard Consulting, presented. The applicant submitted a Planting Plan, which was required in an Order of Conditions from 2012. The Order allowed removal of six white pine trees. The proposed restoration/mitigation includes 14 shrubs (rhododendron, maple-leaved viburnum, and lowbush blueberry). There was also some accidental clearing of approximately 91 square feet within the 100-foot buffer zone along the property line. Proposed restoration for that violation is planting of 3 dogwood shrubs. The applicant requested approval of the Planting Plan. A site visit will be conducted following implementation of the Planting Plan to ensure the objectives of the plan are met.

Armstrong made a motion to approve Planting Plan as proposed, Porter seconded. Unanimously passed.

WPA & Bylaw Notice of Intent: 24 Run Brook Circle

Renee McDonough, from Goddard Consulting, presented. Abutter notification cards were submitted. DEP file # has not been yet been issued. Additionally, comments from Natural Heritage have not been received.

This NOI (revised from the original) is for construction of house addition, removal and reconfiguration of an existing patio, and removal of a pool. The work is located within already disturbed areas (existing lawn and patio) and within the inner riparian zone and within 100 feet of wetlands. There is also Estimated Habitat of Rare Wildlife to the east and west of the house. Willis Pond is located the northwest, connecting to Run Brook (perennial) which extends along the back of the property.

The proposed house addition is 693 square feet. The impervious surface of the patio will decrease from 387 to 360 square feet; however grade changes are proposed. Total added impervious surface is 153

square feet. Mitigation offered is removal of the pool and associated concrete patio (2160 square feet), and filling of this area with soil and grass. The overall impervious surface will therefore be reduced by 1494 square feet. There will be temporary disturbance of 5610 square feet during construction. This temporary alteration will be within existing lawn but also within Estimated Habitat of Rare Wildlife.

Lawn is not 'natural condition', and there was discussion of the value of replacing the pool with grass. While grass may be more suitable for wildlife than the pool, it does not offer the value that native species would provide.

The Commission discussed removing the existing chain link fence which is located in the riverfront and associated wetlands. The fence is a barrier to wildlife in an area designated as priority habitat. The applicant agreed to remove the fence and will resubmit a plan to show removal of the fence. Estimated Habitat of Rare Wildlife must be shown on the map.

With no response from Natural Heritage and no DEP file #, the hearing was continued to March 23, 6:45 pm. Note: this time may be adjusted based on schedule.

Untimed Discussion:

Community Gardens – Henkels will be our liaison, Howell will connect him with the previous liaison. The Commission reaffirmed banning netting that harms wildlife.

Order of Conditions – Commission affirmed wording (see below), as proposed by Friedlander, to be included as a special condition at our discretion that requires 'as built' plans for building foundations.

"Immediately upon completion of the dwelling foundation and prior to further construction activities, the applicant shall engage a Professional Engineer or Surveyor to prepare an as-built plan which accurately depicts the foundation location and its proximity to wetland resource areas as approved under this Order of Conditions. Said plan shall immediately be submitted to the Conservation agent for review."

Meeting adjourned 8:50 pm.