

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held July 20, 2015

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

Minutes

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of approving the regular session only of the minutes of 6/23/2015 as drafted.

On a motion by R. Elkind; 2nd B. Porter; the Commission voted unanimously in favor of approving the minutes of 6/29/2015 as corrected.

WPA & Bylaw Request for Determination of Applicability: 5 Ward Rd.

Present: P.J. deBernardo, Gibraltar Pools Corp.; homeowners (Murphy)

The RDA was filed for the installation of an above-ground pool within 100' of pond/vernal pool. All disturbance is on existing lawn area.

On a motion by B. Armstrong; 2nd R. Elkind, a negative Determination with the condition of no draining the pool in a manner that will drain water into the wetland was approved unanimously.

Plan: Sudbury MapsOnline; Plot Plan of Land in Sudbury MA as revised 6/17/15

WPA & Bylaw Request for Determination of Applicability: 7 July Rd.

Coordinator presented

The RDA was filed for a septic system reconstruction associated with house tear down. The new septic system will replace an existing cesspool. Disturbance is within 190' – 200' of a riverfront area. No exact RFA delineation is necessary due to roadway (August Rd.) and houses located between new septic and riverfront. The number of bedrooms for the new house will not exceed the bedroom count for the old house.

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

Plan: Sudbury MapsOnline; Sewage Disposal System 7 July Rd., Sudbury MA dated 10/3/14, rev. 4/30/15 by Lakeview Engineering Assoc.

WPA & Bylaw Request for Determination of Applicability: 64 French Rd.

Present: Barbara Baker and Thomas Dooley

The RDA was filed for a 12' and 16' house addition off the back of the house and grading within 100' of bordering vegetated wetland. The house will have a full basement. Wetland area was flagged by Dave Burke who has determined that the stream is intermittent as it was observed dry for over 30 days. If perennial, the proposed barn would be subject to jurisdiction.

On a motion by R. Elkind; 2nd B. Armstrong; the Commission voted unanimously in favor of a negative Determination provided excavated soils, except that amount used for backfill around the new foundation, is removed from the site. Erosion control is necessary.

Plan: Site Plan 64 French Rd., Sudbury MA dated June 17, 2015 by Snelling & Hamel Assoc., Inc.

Eversource Maintenance

In response to the Commission's letter to Eversource, their representative clarified that the maintenance work was only along specific sections of the r.o.w. where there are no wetland issues.

WPA & Bylaw Notice of Intent: 4 Powder Mill Rd.

Present: Renee Newton and Tom Corley, owners

Ms. Newton presented plans for a house addition within 100' of bordering vegetated wetland. The wetland is listed as a NHESP Estimated habitat area for Atlantic White Cedar. The addition is located between the road and an outbuilding. Paving of the driveway is the result of an agreement with the Town. To offset illegal tree removal from the property by the town, the town agreed to pave the driveway. This may, or may not happen. If it does, driveway runoff should be channeled to a water quality swale and infiltrated as part of the driveway is within the AURA. B. Porter questioned if the house will have a foundation. A full foundation is not planned.

On a motion by B. Armstrong; 2nd M. Sevier; the Commission voted unanimously to close the hearing. On a motion by R. Elkind; 2nd D. Henkels; the Commission voted unanimously in favor of issuing the Order as discussed and drafted to approve the project with conditions for: 1) infiltration of roof runoff 2) water quality swale if driveway paved 3) haybale/limit of disturbance installation.

Plan: Certified Plot Plan of Land in Sudbury MA; dated May 6, 2015, by Colonial Surveying Co., Inc.

WPA & Bylaw Abbreviated Notice of Wetland Resource Area Delineation (Cont.) 100 Horse Pond Rd.

Present: Robert Drake; Rabbi Freeman

Revised plans had been received showing the perennial stream and vernal pool location. Evidence for intermittent stream has not been presented, however after a review of the plan with the engineer, it appeared that the stream could be presumed perennial and the project could proceed if the rain garden was slightly relocated or if the Planning Board agreed it could be down sized. It is now sized for the 100-year storm event. This would eliminate any work in any "worst-case" wetland jurisdiction as the stream is presumed perennial if no rebutting information is submitted. Although the vernal pool has no outflow, it is still considered a vernal pool under the local wetland bylaw. The applicant always has the opportunity to present further information to overcome and change these presumption in the future.

On a motion by D. Henkels; 2nd B. Porter; the Commission voted to accept the wetland delineation as shown on the revised plan.

Plan: Proposed Chabad Center No. 100 Horse Pond Rd., Sudbury MA; by Drake Associates, Rev. through July 13, 2015

Rob Elkind left the meeting at this point.

WPA & Bylaw Request for Determination of Applicability: Conservation Land Bridge Reconstruction

Coordinator presented.

The RDA was filed for bridge reconstruction in the Hop Brook and King Philip Woods conservation lands. The project is a trail maintenance project that involves the reconstruction of four foot bridges on two conservation land properties. Three of the bridges are located in the Hop Brook Marsh conservation land off Dutton Road and one bridge is located in the King Philip Woods conservation land off of Old Sudbury Road. Reconstructin is necessary to address public safety issues.

Bridge #1 - Hop Brook Marsh at the end of Surrey Lane

The existing trail crosses an intermittent stream and small area of bordering vegetated wetland. Currently three sets of three 8' long x 6" wide boards have been placed in the wetland area bordering a small intermittent stream which flows into Hop Brook. Two of these sets of boards are in the bordering vegetated wetland, one set has been placed over the intermittent stream resting on the top of the banks.

One new bridge in the bordering vegetated wetland (bvwm) will replace two of the existing bridges. This new bridge will be raised on 6" x 6" boards and will be lengthened and widened by approximately 4' to span the bvwm and be raised out of the wetland.

Bridge #2 - Hop Brook Marsh just south of the DCR abandoned railroad

This bridge crosses an intermittent stream & area of bordering vegetated wetland located between Duck Pond & Hop Brook. In 2012 the Sudbury Conservation Commission received a grant for the purchase of environmentally sensitive pin foundations for use in the area of bordering vegetated wetland for this bridge. The pin foundations were installed in 2012 under a separate (now expired) RDA. Temporary boards were placed in the bvwm and over the stream to facilitate users of the trail. Funds were not available for the purchase of the support, decking and railing materials at that time. With the availability of funding, the Commission is proceeding with this project.

The new bridge will be constructed on the existing pin foundations. The length of the bridge is 72' which is approximately the length of the existing boards. Width will remain at the current 3'. The only activity in the bvwm will be foot access to the foundations. Work is planned for this summer when the area will be as dry as possible.

Bridge #3 - Hop Brook Marsh just west of Dutton Rd.

This small bridge crosses a small channel that seasonally connects two larger wetland areas. This channel historically allowed the flow of water between two former cranberry bogs that are now vernal pools. The bridge width will remain unchanged however it will be lengthened to approximately 10' with boards placed "bank-to-bank" to avoid the small area bordering vegetated wetland associated with the channel. The ends will be tapered to the ground to accommodate horses. No work will occur with the bvwm or the channel.

Bridge #4 - King Philip Woods north of Old Sudbury Rd.

This small bridge crosses a bordering vegetated wetland and intermittent stream which flows into Coddington Pond. The bridge will be replaced in-kind and will span the stream to eliminate work in the channel. The bridge is 16' long x 2.5' wide.

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted unanimously in favor of a negative Determination.

Sign Enforcement Orders: 0 Washington Dr. voted at 6/29/15 meeting

The Commission signed the E.O. for DEP File #301-1093 and authorized its issuance and recording at the Registry of Deeds. The E.O. for #310-623/1117 will be held for wording and discussed at the August 24th meeting.

Releases:

Enforcement Order: 213 Old Sudbury Rd.

D. Dineen had inspected the site with Scott Goddard of Goddard Consulting and found that no violation exists. The large ditch that was dug has no connection to the bordering vegetated wetland and there was no evidence of flow into the 100' upland resource area from the end of the ditch. A small amount of grass clippings had been disposed of within 100' of wetlands. These will be removed.

The Commission voted to release the Notice of Violation. D, Henkels abstaining from the vote.

Cease & Desist Release: Lots 10, 11, & 12 Meadowbrook Cir.

Although no files are accessible on this 40-year old Cease & Desist, the 3 parcels were subsequently build with single family homes. Therefore the Commission concluded that a later review must have been done and the lots were built under the applicable wetland laws at the time.

On a motion by B. Armstrong; 2nd M. Sevier; the Commission voted in favor of releasing the C & D. B. Porter abstaining.

Discussion: Landham Brook Marsh Trails and Agricultural Use

Dave Henkels reported that he attended a site visit to the property with SVT representatives to look at possible trail locations. There are potential areas to connect the SVT Lyons Cutler land with the Landham Brook Marsh trails. The Commission needs to determine what the use and goals are for this land. SVT suggests a trail stewardship committee be formed for this parcel. D. Henkels noted that the SCC has enough to do to maintain their own trails and should not get involved with issues on other non-town owned lands. The overall goal is to determine an agreed-upon trail system.

Beth Armstrong added that SVT's goal of a connecting trail system is excellent, but they should not think they can circumvent the regulatory process for trail construction.

Bruce Porter left the meeting at this point (9:20pm).

Discussion: Review of draft letter to SVT re: Memorial Forest Cutting Plan

T. Friedlander and B. Armstrong will meet with SVT to hand deliver the letter and discuss the Commission's concerns associated with doing the work through a Forest Cutting Plan and thereby circumventing the wetlands laws. B. Armstrong noted that the letter is not intended to offend, but to have a paper trail on the record. Although a FCP allows SVT to circumvent the WPA and SWAB regulations, just because they can do this doesn't mean they should, especially where both SCC and AVT should share the same goal of protecting wetland values and functions. M. Sevier stated that the letter may not benefit the SVT/SCC relationship. B. Armstrong replied that he makes a good point but she hopes that the letter will help reinforce the relationship. The fact that the letter will be delivered in person with the goal of maintaining a mutually beneficial relations speaks volumes for the SCC's intent.

Both T. Friedlander and M. Sevier felt that the letter could be edited to remove the legal references in the middle. D. Dineen noted that omitting the middle part of the letter removes the reason for the request to eliminate work in the 200' riverfront area. B. Armstrong offered to revise the letter to make the intent of the request clear but eliminate the legal references. Commissioners agreed to this approach.

Certificates of Compliance:

Methods Machine #301-1104 – The Coordinator reported that the additional water quality swale has been installed. The engineer has certified that it was installed in accordance with the plan.

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

Landham Crossing

The Coordinator has re-inspected the site for the remaining outstanding items. All items have been addressed and a report has been received from Desheng Wang.

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted unanimously in favor of issuing the OOC.

Villages at Old County Rd.

The Coordinator has re-inspected the site for the remaining outstanding items. All items have been addressed and a report has been received from Desheng Wang.

On a motion by D. Henkels; 2nd by B. Porter; the Commission voted unanimously in favor of issuing the OOC.

24 Cudworth Rd.

D. Dineen and T. Friedlander visited the site and found that a row of native plantings has been established at the edge of the rear lawn. This will further delineate the permanent no-disturb area around the pond/detention basin and help intercept runoff from the lawn area.

On a motion by M. Sevier; 2nd B. Porter; the Commission voted unanimously in favor of issuing the OOC.

17 Briant Dr.

T. Friedlander and D. Dineen visited the site and found that much of the brush pile has been removed. D. Dineen informed the Commission that Linda Hanse, past Assistant Coordinator, had advised the homeowner to remove only the smaller, more recent landscape debris. He has done that. The remaining debris is larger branches that will provide some wildlife habitat features. The homeowner has been informed not to continue to dispose of landscape debris in this area.

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

On a motion by Beth Armstrong; 2nd Dave Henkels; the Commission voted unanimously in favor of adjourning the meeting at 9:30pm.