

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, June 16, 2008

Present: John Sklenak, Vice-Chairman; Richard Bell; Parker Coddington; Ethan Jessup; Debbie Dineen, Coordinator

WPA & Bylaw Request for Determination: 22 Fox Run

Present: Dan Bridisi, applicant

Mr. Bridisi presented plans for a house addition requiring frost walls approximately 80' from the wetland. The addition and all activity associated with it will take place on existing lawn area.

D. Dineen informed the Commissioners that she was not recommending erosion control due to the distance to the wetland and the flat topography. The wetland resource area is a large shrub swamp marsh protected by a dual conservation and drainage easement placed on it in the early 1980's when the subdivision was constructed. She recommended a negative Determination.

On a motion by R. Bell, 2nd by J. Sklenak, the Commissioners voted unanimously in favor of a negative determination.

Informal Discussion: Sudbury Village Wastewater Treatment Design

Present: Mark Beaudry

Mr. Beaudry of Meridian Associates presented Sudbury Village grading changes resulting from the final design of Waste Water Treatment Plant as accepted by DEP. A small amount of additional grading for a maximum of 4' additional fill over the tanks is necessary to raise them away from ground water table. This will require some additional clearing beyond the clearing line shown on the plan referenced in the Order of Conditions. The additional cleared area now consists mostly of non-native scrub shrubs. On completion of the WWTP this area will become part of the meadow area to be created over the WWTP subsurface components.

The Coordinator summarized that the change is just swapping non-native shrubs for a native plant species meadow in order to raise septic further from the water table. There will be minor changes to the trail to avoid the mounded area and make the trail level and easier to maintain. She recommended approval as a field change.

Commissioners unanimously agreed to accept the change as a minor field change not subject to a public hearing.

WPA & Bylaw Notice of Intent: 25 Ronald Rd., Violation Correction & Mitigation

Present: Tom DiPersio, Thomas Land Surveyors

Mr. DiPersio presented a plan for the restoration of areas on the lot which were to be undisturbed during the house reconstruction and are now part of the lawn area. Native shrubs and trees will be planted with the area to be restored and iron pipes will be installed flush with the ground to locate these points in the future.

D. Dineen noted that the area of planting must not be mulched and treated as part of the landscaped area, but allowed to revert to a natural state. The area of encroachment of lawn is within 100' of a confirmed vernal pool contained wood frogs. If it were not for the fact that this new house resulted from a tear-down of an older house, not work would be permitted at all within 100' of the vernal pool.

The Steinman's, abutters, informed the Commission that the culvert under Ronald Road appears to be blocked and the water is at the highest level they have seen it on their property. The culvert is the outflow of the vernal pool.

D. Dineen explained that part of the original Order of Conditions for the reconstruction required the builder, Eligius Homes, to replace the existing catch basin at this culvert with a new catch basin with grease and gas traps and a sediment trap. During the construction of the four new houses on this street, Eligius Homes caused the flow of sediments into the catch basin and the stream located downstream from the vernal pool.

Commissioners agreed that a time limit on catch basin upgrade will be set for Sept. 1, 2008 unless the Commission grants an extension in writing due to weather conditions. Restoration plantings will be required to be installed by Oct. 15, 2008. All new plantings shall be native species from Commission's approved list. All existing plantings within 100' of the vernal pool shall be confirmed as native plants from the Conservation list or will be replaced with listed plants. The in-ground sprinkler system shall be rendered inactive within jurisdictional areas.

R. Bell moved to close the hearing. J. Sklenak 2nd ; unanimous in favor

J. Sklenak moved to issue the OOC as discussed. P. Coddington 2nd; unanimous in favor

Informal Discussion: Michael Lions: mowing of Piper fields

Present: Mike Lions, 18 Fieldstone Farm Rd.

Mr. Lions introduced himself as an abutter to the Piper Farm Conservation Land at 18 Fieldstone Farm Rd. and the recent purchaser of the adjacent house that was Mrs. Piper's. He contacted the Commission and spoke with Victoria Parsons and Bill Place about offering to mow the former Piper and Sears fields. Mr. Place gave him permission and all the fields have been mowed.

D. Dineen informed the Commission that the fields are mowed on a schedule that does not permit mowing at this time of year. She knows Mr. Place has a copy of this schedule and will speak to him concerning the deviations.

Commissioners thanked Mr. Lions for his offer of mowing and explained that they would gladly accept his offer provided the fields were mowed on the schedule set by the Commission. The mowing schedule is set to achieve two goals: 1) the eradication of woody vegetation; and, 2) the management of these areas for ground-nesting birds. They would be happy to enter into a written agreement with him for field mowing under these goals.

Mr. Lions agreed to continue to offer his mowing services.

WPA & Bylaw Notice of Intent (cont.): 1030 Concord Rd., Macone Violation Correction and Mitigation

Present: Douglas Macone; Brad Holmes; Atty. Mark Burke

Vice-Chairman Sklenak opened the hearing continuation and noted that the copy of the transcript has not been received from last meeting, as promised. Atty. Burke stated he will check for it and be sure the Commission receives a copy. D. Dineen noted that only a copy of the first hearing session has been received to date.

Commissioners reviewed the revised plan provided by Sitec showing the location of boulder placement at the top of the bank to the wetlands. Mr. Macone was not willing to place the boulders farther from the top of bank to provide a greater buffer between site activities and the wetlands.

Discussion followed concerning the location of non-operational vehicle parking. Mr. Holmes stated these vehicles would be located outside of the riverfront area. The storage area was not shown on the plan because it is outside of the riverfront area as delineated by Sitec. The Commission reminded the applicant that it does not agree with this riverfront delineation.

D. Dineen suggested neither the Commission nor the applicant should get side-tracked by the delineation of riverfront area. The issue is that the stored vehicles should be a risk to the wetland or upland values and functions regardless of their location. It was ultimately agreed that non-operational vehicles which are not intended for future use will be removed from the site. Any stored vehicles shall be drained of all fluids..

The issue of the stockpile of soil in the riverfront was the next topic of discussion. D. Dineen was concerned that a significant amount of fill from this material has been added to the floodplain between 1995 and 2007. The Commission must address the loss of flood storage and be sure that the WPA regulations are met. Mr. Macone reminded the Commission that in 1993 the EPA approved a limiting barrier for this material. The barrier (a maintained silt fence) has remained in this location with no additional compost material east of the barrier as approved by EPA.

The next issue discussed concerned the leaking of fluids from the vehicles currently on site. Mr. Holmes noted that GZA Environmental has completed a Phase I review under the Mass. Contingency Plan. Mr. Holmes and Mr. Macone did not believe that GZA found any reportable levels of contaminants. After further discussion, Commissioner Jessup suggested the requirement for submission of the GZA report to the Commission not be included in the Order of Conditions because under Phase I MCP process, if contamination is found to be an issue by GZA, Phase II will be required. This is public information.

Further discussion concerning the establishment of a "non-disturb" line resulted in the boulder placement at the top of bank as shown on the Sitec revised plan except in the area of the stone rip rap swale for runoff.

R. Bell moved to close the hearing. J. Sklenak 2nd ; unanimous in favor

R. Bell moved to issue the OOC as discussed. P. Coddington 2nd ; unanimous in favor

Vice-Chairman Sklenak reminded Atty. Burke of his agreement to provide copies of all recording transcripts from all meetings and discussions to the Commission. Atty. Burke agreed. On receipt, the transcripts will become part of the record.

WPA & Bylaw Request for Determination: 56 Washington Dr.

Present: Michael & Nancy Marks

Mrs. Marks presented plans for a house addition on existing lawn. The addition is only 8+-feet and extends to the edge of the current house bump out. All work is planned on existing lawn area.

D. Dineen had visited the site and found that the area of the addition had a slight slope toward the wetland. The proposed construction is approximately 50' from the wetland. The wetland was just beyond the edge of lawn. She recommended a negative Determination conditional upon installation of erosion control at the edge of lawn and 6+ native shrubs be required at the edge of lawn for runoff velocity control and pollutant uptake. The Marks agreed with these recommendations.

On a motion by R. Bell; 2nd by P. Coddington the Commission voted unanimously in favor of a negative Determination contingent upon the installation of erosion control and the planting of a minimum of six native shrubs at the edge of lawn adjacent to the wetland.

WPA & Bylaw Notice of Intent: 112 Powers Rd. Star/Manning

The Coordinator explained that the applicant was unable to be present tonight due to family obligations. She had agreed to present the project to the Commission

The project consists of an addition to an existing house. All work will take place existing lawn and landscaped areas. The wetland resources include a riverfront area to the west and south of the house. To the west, a barn/garage/office structure and gravel driveway is located between the house and the river/wetland. Landscaping, lawn, and a large garden are located between the house and the southern portion of the perennial stream.

To improve wetland values and functions, the Coordinator recommended the planting of native plant species at the rear of the lot behind the garden and at the edge of lawn. This area is mostly devoid of vegetation. Mrs. Star had agreed with the requirement for these plantings on the site visit.

On a motion by J. Sklenak, 2nd by P. Coddington, the Commission voted unanimously in favor of closing the hearing and issuing the Order as discussed with the requirement for plantings at the southerly edge of the lawn as discussed.

Informal Discussion: Maynard Rod & Gun Club violations

Present: Anthony Vitale, Maynard Paint Ball Club; Nicholas Palermo, Attorney for MRGC; John DeMars and other representatives of MRGC

In response to the Notice of violation issued to MRGC at the end of May, Mr. Vitale, President of Maynard Paintball, presented information to the Commission on the non-toxic, biodegradable properties of paintballs. He explained the paintball courts are 180' x 100' each in area with high nets attached to cables with carabiner clip strips so the nets can be raised during play and lowered when the fields are not in use. Following field use the used paintballs are air-blown to the center of the court, raked up and disposed of in a contracted commercial dumpster for weekly disposal. The courts are only in use seasonally. The surface is artificial turf with a 48" per hour drain rate.

D. Dineen reminded the applicant and the Commission that the purpose of the meeting was not to hear all the details at this time but to discuss an approach to the Notice of Intent that will have the greatest positive impact on the wetland and upland resource area values and functions. She informed the Commission that an area of roughly ½ of the one of the new courts is located within the 100' upland resource area to a shrub swamp/emergent wetland pond. Bordering vegetated wetland is present at the edge of the pond. A stream appears to flow both into and out of the pond. The pond is bordered by the former Maynard landfill to the southwest.

The area of the paintball court in the upland resource area is shown on the Town's 1971 aerials as being an open, dirt area. State aerial photos in 1995, 2003, and MSN photos from 2004 (approx.) show various stages of revegetation. The latest photos show a large stand of pine trees in the area of the paintball court. Dineen went on to explain that although the installation of the court was a clear violation, the area was not undisturbed in the relatively recent past. There is also evidence of previous grading in the area approximately 40 -50 years ago as a section of the bank of the pond is disturbed with boulders. However, these boulders now provide wildlife habitat values. She suggested there may be other areas around the pond for restoration of the

upland resource area that may provide greater long-term values and functions of the jurisdictional resources.

Atty. Palmero suggested the possibility of replanting an approximate 900' x 45' area (roughly one acre) located between the parking/roadway area and the pond. This area also contains a shed used for skeet. A stone path will be created for access to the skeet shed. Mr. Vitale provided an engineered plan of the area including the area disturbed by the paintball court and the degraded area closer to the pond. A concept sketch of the revegetation was submitted. Cedar timbers are shown be used to demarcate the edge of the parking area.

Commissioners agreed that the approach to mitigation made sense from a wetland and upland protection standpoint. They would entertain a Notice of Intent on this concept. The MRGC and Mr. Vitale were thanked for their prompt and thorough response to the Notice of Violation. The Commission agreed to permit Mr. Vitale to continue use of the paintball court in the upland resource area at this time, provided the barricades remain in place to keep vehicles within the original parking area as determined on site. Mr. Vitale agreed to do so.

WPA & Bylaw Orders of Conditions: 821 Boston Post Rd., Ciampa

The Coordinator reviewed the draft OOC and explained that the draft was essentially the requirements in the expired Order with changes made to request a Conservation Restriction in place of the Deed Restriction. It also requires the applicant to move the driveway within the roadway layout to save the most important wildlife habitat features. These features will be flagged in the field prior to construction and the Commission will conduct a site visit.

J. Sklenak requested a condition be added that a plan be provided detailing how damage during construction to the wetland and upland resource areas will be avoided.

On a motion by R. Bell; 2nd J. Sklenak, the Commission voted unanimously in favor of the Order as drafted and explained.

Resolution: Commisison Reappointments

Commissioner Parker Coddington proposed a Resolution to inform the Town Manager and Selectmen of Commissioner McClure's positive contributions to the Commission and recommend his reappointment. Commissioners Jessup and Sklenak agreed. Commissioner Bell agreed with the sentiment, however he did not feel it was appropriate to comment on reappointments in this manner.

The proposed Resolution was tabled.

The meeting adjourned at approximately 10:10pm.