

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held January 10, 2011

Present: John Sklenak, Chairman; Victor Sulkowski, Vice-Chairman; Ethan Jessup; Parker Coddington; Richard Bell; Debbie Dineen, Coordinator; Victoria Parsons, Technical Assistant

Certificates of Compliance: First Baptist Church, Landham Rd.

The Commission has received the report from Sullivan Connors, Inc. indicating that the berm on the water quality swale was constructed at a slightly lower elevation than designed. Commissioners want to know the impact on water treatment and quality from this reduction before considering a Certificate of Compliance.

The Coordinator will ask Mike Sullivan to report on the impacts, if any, of the lowered elevation for the next meeting.

Discussion: Agricultural Land Purchase and License Negotiations

The Coordinator informed the Commission that the discussion could take place in Executive Session as it involved current land negotiations and potential license agreement issues and litigation.

On a motion by J. Sklenak; 2nd by R. Bell, the Commission voted unanimously by roll call vote to enter Executive Session for the purpose stated.

Executive Session:

By roll call vote; motion J. Sklenak; 2nd R. Bell; the Commission voted unanimously in favor of exiting Executive Session and reentering the regular meeting

Minutes

On a motion by J. Sklenak; 2nd R. Bell; the Commissioners voted unanimously in favor of accepting the Minutes of 10/18/10 as drafted.

WPA & Bylaw Notice of Resource Area Delineation: 192 Boston Post Rd.

Trask Development, applicant

Present: DeSheng Wang

A site walk was held on Dec. 2, 2010 to review the wetland line in the field before snow cover and frozen ground. J. Sklenak, D. Dineen, and D. Wang were present on the site walk. Both vegetation and soils were confirmed with only one bordering vegetated wetland flag (bvww) relocated.

J. Sklenak explained that a review of historic topographical maps shows a perennial stream and a small pond located within the large bvww, however the stream is close to 300' from the property and the pond is over 400' from the property boundary.

Abutter Lawrence Hoaglin stated that he disagreed with the wetland line. He had no evidence or documentation to support his position. D. Dineen stated that the wetland line was fully investigated, including confirming the soils by augering along the entire boundary. She was very comfortable recommending approval of the bvww line as presented with the one amendment.

J. Sklenak moved to accept the Resource Area Delineation for the bvw line as shown on the revised plan. R. Bell 2nd; unanimous in favor

WPA & Bylaw Notice of Resource Area Delineation: 28 Paddock Rd.*

Lynne Sullivan, applicant

Present: Tom DiPersio; Judy Schmitz

Mr. DiPersio presented a plan showing the delineation of the wetland resources at 28 Paddock Way. The wetlands were delineated by Judy Schmitz in December 2010 prior to the ground freezing and prior to snow cover. A soil profile was not available for this site due to extensive past disturbance in the area. The area in the rear of the lot is not shown on the USGS maps as perennial, however it could be perennial under the local Wetlands Bylaw. The watershed is under 60 acres.

J. Sklenak noted that the 1943, 1950 and 1987 USGS maps all show a stream or small pond in the area. Bob Shoemaker, property owner, stated that he has never seen the stream go dry or without visible flow. He added that the front yard has standing water in the spring which flows out over the driveway and into the backyard. Tom DiPersio stated that the area is quite shallow and does not meet the requirements as isolated land subject to flooding.

Judy Schmitz found that soils were not a good indicator of the extent of bordering vegetated wetland due to the past disturbance. D. Dineen concurred and both agreed on an area of low-lying lawn to be restored as bvw based on surrounding vegetation and elevation. It was believed that this area would revegetate as wetland if lawn maintenance were halted.

D. Dineen recommended that the Commission accept the bvw line as agreed to to include the lawn area for restoration. The area shown on the plan as “pond” should be considered a perennial stream as documentation was not submitted to prove intermittent, testimony of perennial flow was offered, and unidirectional flow was observed along with clear banks with some undercutting on the site visit. The unlabeled waterbody to the southwest should be labeled as “pond”

On a motion by R. Bell to issue an ORAD as discussed and recommended by the Coordinator. J. Sklenak 2nd; the Commission voted unanimous in favor.

**subsequent to this hearing, it was discovered that the abutters were not notified as required. Therefore this hearing was not valid. See minutes of 2/28/11 for further discussion.*