



**SUDBURY CONSERVATION COMMISSION  
MINUTES**

**Monday, May 18, 2015**

6:45 pm, **Sudbury Grange Hall, 326 Concord Rd.**, Sudbury MA

Present: Thomas Friedlander (chair), Beth Armstrong, Mark Sevier, Bruce Porter, Charlie Russo, and Dave Henkels (absent: Rob Elkind)

Debbie Dineen – coordinator and Linda Hansen - assistant

**Minutes 4/6/2015 & 4/27/15**

The minutes will be revised to include all the documents used in the decision during the meeting, not just the documents that were presented at the hearing.

**WPA & Bylaw Request for Determination of Applicability: 18 Arrowhead Road**

Mr. Gothie presented the project to the Commission. He is requesting a deck expansion and patio construction in his rear yard.

The natural resource areas include riverfront area, bordering vegetated wetland, and adjacent upland resource area. All work is proposed on existing lawn/landscaped area. Runoff from additional impervious surfaces will be infiltrated. Erosion control will not be required.

On a motion by B. Armstrong, seconded by D. Henkels, and the Commission voted unanimously in favor to issue a negative determination. The determination will not include any conditions.

**Documents used for 18 Arrowhead Road:**

1. Request for Determination of Applicability, Applicant: Robert and Mary Beth DeLena, dated April 28, 2015.
2. Wetland Permitting Plan in Sudbury, MA, prepared by Stamski and McNary, Inc., April 29, 2015.

**WPA & Bylaw Request for Determination of Applicability: 2 Moran Circle**

Daniel Carr from Stamski and McNary presented the home addition project to the Commission. Resource areas include bordering vegetated wetland and stream (unknown if it is perennial but appears to be intermittent). All work is proposed on existing lawn area. Runoff from additional impervious surfaces will be infiltrated. D. Dineen noted that wetlands as delineated cannot be confirmed as they are located on an abutting property. The owner of the abutting property has denied access to the SCC for the purpose of confirming the delineation.

Recommend negative Determination with the statement that the exact location of the wetlands are not confirmed by this Determination and future filings may require on-site confirmation of wetland resource areas. On a motion by C. Russo, seconded by B. Porter and the Commission voted unanimously in favor to issue a negative determination with the condition that the wetland boundary could not be confirmed by the Commission.

**Documents used for 2 Moran Circle:**

1. Request for Determination of Applicability, Applicant: Bryan Gothie, dated April 21, 2015.
2. Conceptual Backyard Plan (with four photographs attached), Gothie Residence, prepared by Lauri Johnson, dated January 2015.

**Bylaw Notice of Intent Restoration: 36 Bigelow Drive**

Matthew Jackson, the home owner, presented to the project to the Commission that includes invasive plant removal and limited tree removal.

D. Dineen noted that this yard and adjacent conservation land is sensitive resource area. The resource areas include perennial stream, vernal pool, bordering vegetated wetland, and adjacent upland resource area. The removal of oriental bittersweet, buckthorn, and several barberry would be done by hand pulling. The fallen trees currently in the vernal pool should also be removed and laid in the adjacent upland resource area. This work is considered a resource restoration project and should help spread the invasion of bittersweet into the conservation land.

On a motion by B Armstrong, seconded by D. Henkels and the Commission voted unanimously in favor approved to close the hearing. On a motion by C. Russo, seconded by D. Henkels, and the Commission voted unanimously in favor to issue an OOC for the limited scope of work to include only the hand pulling of the invasive plants and the removal of several large trees on the northeast side of the property that have been killed by the oriental bittersweet. A condition of the OOC should include prohibiting the use of herbicides and allow the replanting of appropriate native plants.

**Documents used for 36 Bigelow Drive:**

1. Notice of Intent for Wetlands Restoration and Enhancement, Sudbury Wetlands Administrative Bylaw, Applicant: Matt and Julie Jackson, dated May 11, 2015.
2. Photos of the property provided by the homeowner.

**WPA & Bylaw Notice of Intent (cont.): Davis Field Expansion: Park & Recreation**

**DEP File number: 301-1158**

Nancy McShay requested that the WPA and Bylaw Notice of Intent be withdrawn.

**WPA & Bylaw Notice of Intent (cont.): Lots 4 & 5 Fairbank Rd.**

**DEP File number 301-1149**

On a motion by C. Russo, seconded by D. Henkel, and the Commission voted unanimously in favor, at the request of the applicant on May 13, 2015 for the purpose of reconfiguring the location of the house and yard to continue the hearing until June 1, 2015.

**Untimed Items:**

**Reorganization of Conservation Commission**

On a motion by B. Armstrong, seconded by D. Henkels, and the Commission voted unanimously in favor to elect T. Friedlander as chair. On a motion was made by M. Sevier, seconded by C. Russo, the Commission voted unanimously in favor to elect B. Armstrong as vice-chair.

**Draft Policy Review: preliminary discussion Enforcement/Violation Policy**

D. Dineen discussed the enforcement steps that can be done by the Commission. The Commission has a copy of a ticket book from the Police as a way to issue fines. This ticket book needs to be revised for the purpose of resource area violations. Mr. Russo felt the Commission's policy historically has been non punitive and this policy should continue. D. Dineen will put together some information for the Commission that will include a list of steps for the Commission to take in order to achieve compliance in line with this policy. Fines are typically the last step and used when compliance is not achieved by other methods.

### **Sudbury Valley Trustees Conservation Restrictions on SVT land**

The production of the 2009 Open Space plan led to a discussion if SVT properties qualify as protected open space. SVT did not want the Conservation Commission to hold conservation restrictions because they wanted their properties to maintain a higher collateral value in case they needed to borrow against the properties or for possible resale. T. Friedlander suggested that the Commission work with SVT regarding some specific/critical parcels that may benefit from being protected. The Commission would like to have a discussion with SVT regarding the level of protection on the lands that they hold in Sudbury.

### **Former Johnson Farm Parking Lot discussion and new property name**

A few members of the Commission visited the site to look at parking lot options for Johnson Farm. The recommendation is to park off Stagecoach Drive and not off Landham Road. A large tree and guide wires from a utility pole make parking lot on conservation land more difficult. The Commission recognizes the safety issue with Landham Road access based on observations during a site visit, and the Commission will defer to the Town engineer for a final decision regarding the safest alternative to parking at Johnson Farm. D. Dineen suggested Landham Brook Marsh as a new name for Johnson Farm. The brook has been called a few different names, but the USGS topo maps identify the brook as Landham. The Commission agreed to the name Landham Brook Marsh.

Bruce Freeman Rail Trail Appeal DEP site inspection Tues. May 19, 2015 11am, meet behind Ti-Sales off Hudson Road.

C. Russo inquired about additional farm land for lease. D. Dineen stated that any conservation land that would be available for lease, would need to go out for bid, with a priority for Sudbury residents.

### **Certificates of Compliance:**

1. DEP file number 301-328 and 301-320 for 941 Concord Rd. (reissue)
2. DEP file number 301-719 for Hop Brook Protection Association pond dredging. D. Dineen recommended approval. On a motion was made by C. Russo seconded by D. Henkels, and the Commission voted unanimously in favor to issue a COC.
3. DEP file number 301-1094 for 95 & 135 Peakham Rd. walkway construction D. Dineen recommended approval. A motion was made by C. Russo, seconded by D. Henkels, and the Commission voted unanimously in favor to issue a COC.
4. DEP file number 301-0967 for 4 Louis Avenue – reissue COC due to typo

Mark Sevier asked whether the Commission should respond to the correspondence regarding 0 Washington. Since 0 Washington was not on the agenda, there was confusion among the Commission if this topic could be discussed under the Open Meeting Law. Some members left the meeting. Mark

Sevier, Beth Armstrong and Debbie Dineen remained and discussed a response, which was sent by the Coordinator in a letter dated May 22, 2015.

Meeting Adjourned: 8:30.

