



SUDBURY CONSERVATION COMMISSION

MINUTES Monday, June 23, 2015

6:30pm Flynn Building, 278 Old Sudbury Rd., Sudbury MA

Present: Thomas Friedlander (Chairman), Mark Sevier, Charlie Russo, and Dave Henkels
Debbie Dineen (Coordinator)

Executive Session/Board of Selectmen for the purpose of discussing the DEP and Superior Court appeal of the Order of Conditions issued for the Bruce Freeman Rail Trail Surveying.
(Minutes of this discussion will be provided by Jody Kablack)

Public Outreach

Dave Henkels informed the Commission that he has been in touch with Arthur Gentry of the Sudbury Town Crier about a bi-weekly column he has offered to write. The subject of the column would be conservation lands and ecological issues that would hopefully interest people in visiting conservation lands in Sudbury.

The Commission encouraged Mr. Henkels to proceed with this column.

Peer Review Consultant for ANRAD 100 Horse Pond Road

The Coordinator requested approval for hiring a peer review consultant, in this case David Burke, Wetland Specialist, to review the wetland line at 100 Horse Pond Rd. Mr. Burke will be paid with the ANRAD filing fees submitted for the project.

The Commission voted unanimously in favor of hiring Mr. Burke.

Wetland Violations:

The Coordinator reported on the status of several wetland violations.

3 Goodnow Road: Present Irma Dishnica

The violation consisted of leveling and filling an area within 100' of a confirmed vernal pool. Mrs. Dishnica provided a plan for a septic repair on her property that was done prior to her purchase. The plan did not indicate the presence of a vernal pool and the septic system was installed within the 100' upland resource area. In addition, she had asked David Burke, Wetland Specialist to stop by and give her any information on permitting wetland requirements for her project. Mr. Burke did not see the vernal pool as it was dry when he looked at the property last year. He also consulted the septic plan.

Commissioners agreed that Mrs. Dishnica did her due diligence to investigate permitting responsibilities before starting her landscaping project. In this case, available information and time of year constraints yielded incorrect data. Therefore the Commission is allowing the work to remain in place as the combination of events and information is not precedent-setting. A motion to take no action on the violation was made by C. Russo, 2nd by D. Henkels, and was voted favorably with M. Sevier abstaining.

1 Douglas Drive: Present: Denis and Marie Lewis

The purported violation was reported to the Commission by a neighbor. The activity in question consisted of the pasturing of cows in a wetland and upland resource area. The Coordinator reported that the Board of Health Director, Bill Murphy, visited the property and met with Mr. Lewis. Mr. Murphy concluded that cows had been kept in the pasture for many decades off and on. The Lewises had not changed anything on the property, however the raising of the pond level in recent years had resulted in the water level increasing and placing a large part of the pasture under water or closer to the edge of the water. Mr. Lewis confirmed that he had done nothing to change the condition of his property. The cows are pastured on the site seasonally. The pasture area was formerly dry and there was a large amount of vegetation between the pasture and the pond itself. Recent changes have killed the trees and raised the pond level much closer to his pasture and shed.

The Commission agreed that there is a violation with the raising of the pond level changing the nature of the wetlands around the pond and introducing a source of pollutants into the pond with the cow pasture, however the violation is not due to any action on the part of the Lewises.

SWEET, Inc. Presentation: Garlic Mustard Removal from town property

Present: Rebecca Chizzo and Mike Goulet

Ms. Chizzo presented her report for the last 4 -5 years of garlic mustard removal on town-owned properties. A total of 1818.5 bags of garlic mustard has been removed, with 260.5 bags thus far in 2015. These are donated, large feed bags.

SWEET uses several methods for eradicating garlic mustard. These include pulling, covering, cutting and education. SWEET has tried several methods for the removal of this invasive plant and has determined that covering the plants is not a successful method for homeowners. An experimental site at Lincoln/Sudbury High School has shown that continual coverage will keep the plants from spreading. Timing is critical with cutting. Cutting is effective in reducing the population but does not completely eradicate the plants. Pulling, including roots, appears to be the most effective method. Education is key to keep populations from spreading throughout neighborhoods. This has been very effective in Heritage Park and the Town Center area.

Ms. Chizzo stated that Conservation Commission outreach would help, especially with the recruiting of volunteers. Use of the website will also be a benefit.

The Commission stated that they were extremely impressed with the work of SWEET, especially with the accomplishments on town property such as King Philip Woods and the Town Center. Ms. Chizzo was presented with a Certificate of Appreciation for her work in this area.

Wetland Violations: (continued)

0 Washington Drive: Present: Mr. & Mrs. Hollyer

M. Sevier informed the Commission that he had met with the Hollyers last week. Jody Kablack and Tom Friedlander were also present at this meeting. He said that the level of the pond is the key issue for the Hollyers. They wish to keep the pond at a level above the elevation set in the order of Conditions. The engineering firm of Everett Brooks and Company had set the water elevation at 152.4' based on their study. The Hollyers have installed a beaver deceiver at the pond outlet above that elevation.

Mr. Hollyer stated that elevation 152.4 was a parameter. Mr. Sevier replied that further engineering effort will be required to determine if the pond elevation can be changed above 152.4. The Hollyers can pursue a subsequent engineering study but any additional information will need to be peer reviewed by the Commission's consultant.

T. Friedlander stated that all the Order of Conditions issued had not been appealed. These Orders set the requirement for the 152.4 elevation based on approval of the plan submitted with #301-623. He questioned what action the Hollyers intended to take as a result of the May letter outlining current violations on the site. Mr. Hollyer replied that the Sudbury Conservation Commission is trying to narrow the focus on the issues. T. Friedlander replied that the Commission needs to see a good show of faith on the part of the Hollyers to bring their property into compliance with the outstanding Orders. M. Sevier stated that good faith needs to be shown on both sides and he is trying to navigate a middle point.

Mr. Hollyer stated that Mike Callahan of Beaver Solutions said that the pond level could be raised. He questioned why the Commission is not looking at that. The Hollyers left the meeting at this point in the discussion. Mr. Hollyer returned, Mrs. Hollyer did not. Mr. Hollyer felt that the Commission is not giving them credit for what they have tried to do. They need to define the overlap of what was needed and what they have done.

D. Henkels questioned what the "end game" is in this situation. He asked how the Commission can come to a resolution and take responsibility for enforcement of the wetland requirements. Mr. Hollyer stated that he would welcome enforcement action by the Commission.

Mr. Hollyer stated that he will have Everett Brooks and Company review the prior hydrology study next week for a preliminary report. It will take 6 – 8 weeks to have a full new hydrology study done and he has not yet determined if he would like to do this. M. Sevier will summarize his meeting with the Hollyers and Town Counsel.

T. Friedlander stated that the Commission will see what Everett Brooks' review of the hydrology study finds. He stated that Mr. Hollyer will agree to lower the pond if the study upholds the current elevation of 152.4. Mr. Hollyer stated that he will agree only to evaluate his options after receipt of the report. T. Friedlander stated that even if the report indicates the pond elevation can be raised with no impacts, the Commission will still need the findings and data reviewed by the Town Engineer, Board of Health, and possibly a wetland peer reviewer. The Commission will seriously consider all information presented.

C. Russo suggested that further discussion could be continued to another meeting once the review report is available.

M. Hollyer suggested the Commission read the three paragraphs on #301-623 pertaining to the spillway.

87 Cudworth Lane

The Coordinator reported she conducted a site inspection with Scott Goddard of Goddard Consulting several weeks ago. They found that a retaining wall had been constructed into the side slope of the detention basin, cemented-in-place footings had been installed in the basin to support a large bridge, and lawn had been expanded into the proposed conservation restriction area. She will follow up with Town Engineer Bill Place to determine if any of the structures could have a negative impact on the proper functioning of the detention basin.

24 Pelham Island Road

The Coordinator reported that the homeowner has agreed to hire a wetland specialist to delineate the wetlands on his property so the extent of disturbance can be determined.

443 Peakham Road

The Commission has voted to issue a ticket to the homeowners for wetland violations. Tickets are being printed however they are not yet available. A ticket will be issued once they are received.

On a motion by M. Sevier, the Commission voted unanimously in favor of adjourning the meeting at 8:40pm.