



SUDBURY CONSERVATION COMMISSION

MINUTES Monday, June 29, 2015

6:30pm DPW Building, 275 Old Lancaster Rd., Sudbury MA

Present: Thomas Friedlander (chair), Beth Armstrong, Mark Sevier, Robert Elkind, Bruce Porter, Charlie Russo (arrived 6:50), and Dave Henkels

Debbie Dineen – coordinator and Linda Hansen - assistant

Minutes:

A motion by D. Henkel, seconded by B. Armstrong, the Commission voted to approve the minutes of June 1, 2015, Rob abstained.

A motion by B. Porter, seconded by D. Henkel, the Commission voted to approve the minutes of June 9, 2015, Rob abstained.

A motion by b. Armstrong, seconded D. Henkel, the Commission voted to approve the minutes of June, 15, 2015, Rob abstained.

WPA & Bylaw Request for Determination of Applicability: 50 Hopestill Brown Rd.

Jim Morgan, the homeowner, presented the project to the Commission. He is proposing to replace the existing deck and increase the size of the deck by an extra 19'4" by 6' 4". The current deck is rotting. The resource area in the vicinity of the proposed deck is bordering vegetated wetlands and a perennial stream. Two extra sonotubes will be added the deck addition. On a motion by R. Elkind, seconded by D. Henkels, the Commission voted unanimously to approve a negative determination #3.

WPA & Bylaw Abbrev. Notice of Resource Area Delineation: 100 Horse Pond Rd., DEP file no. 301-1160

Robert Drake, representative, and Rabbi Freeman attended. Mr. Drake presented the project. Rabbi Freeman is proposing to construct a Chabad Center of Sudbury. The applicant did not send out the abutter's notice and the hearing will need to be postponed to allow the applicant to send out the abutter notices. A peer review was performed by Dave Burke. He noted a vernal pool on the property with an associated upland resource area. Mr. Burke also noted a potential perennial stream. Mr. Drake is revising the plan based on a meeting with building commissioner and he will be filing a stormwater management report with the Planning Board. The hearing is scheduled for July 20, 2015.

WPA & Bylaw Notice of Intent: Hop Brook Ponds Harvesting,

Susan Collins and Frank Lyons from Hop Brook Protection Association attended. Ms. Collins would like to harvest the weeds (primarily water chestnut) on Carding Mill, Stearns, and Grist Mill. The harvesting of water chestnut has been effective on Carding Mill pond over the past 15 years. They received CPC funding for three years of harvesting. The equipment is borrowed and a summer intern will run program. DPW is the applicant on the NOI. D. Dineen recommended an expiration date of five years for this permit. The OOC will cover all three ponds. D. Dineen requested orange construction fencing around the area to protect the nesting turtles. The removed material can also be stockpiled on the property near the row of trees. A motion by B. Porter, seconded by B. Armstrong,

the Commission voted unanimously to close the hearing. A motion by R. Elkind, seconded by D. Henkels, the Commission voted unanimously to issue an OOC with a five year duration. DEP has not issued a file number and the Commission will need to sign the OOC at the July 20th meeting, or earlier. The long term plan is to dredge Stearns Mill Pond and the Hop Brook Protection Association will file separately for that project.

WPA & Bylaw Notice of Intent (cont.) Lots 4 & 5 Fairbank Rd.; Greenspire, DEP file no. 301-1149

Beth Cosgrove, applicant, Scott Goddard and Jesse Johnson, representatives, attended. Mr. Johnson addressed the Commission's comments. The biggest change is the addition of a trench in the septic design thus reducing the size of the septic system and requiring less fill. The house location was pushed back a bit more, reducing the disturbance in the 100 to 200 foot riverfront zone. The rear yard is also shortened with the end results of less overall resource area disturbance. The comments from Mr. McManus regarding the size of the plantings and curbing along the driveway can be addressed as a condition of the OOC. T. Friedlander and D. Henkels made an additional site walk with Mr. Johnson since the previous hearing.

D. Dineen noted that reference to 2007 wetland delineation on the current plan needs to be edited. She was also concerned about how the transfer of two lots is handled. The NOI refers to the combination of Lots 4 & 5 as the "locus" and all calculations pertain to the combined lots. However, if lots are not being combined, the total riverfront area, disturbance, and mitigation should be calculated based on each individual lot. An alternative analysis would also need to be performed. D. Dineen is also concerned about the size of the rear yard. She wanted to know if a swale could be constructed along the drive and eliminate the rain garden and not pave the driveway. Mr. Johnson did not want to use permeable pavement on the driveway. He also did not want to use gravel because the maintenance requirements and the potential for the driveway to expand from continued plowing. The project has a total of 20,000 square feet of disturbance in a protected resource area with a CR on the remainder of the project (approximately 155,000 square feet). D. Dineen feels that an asphalt driveway also needs maintenance and the destruction of the cape cod berm has the potential to direct driveway runoff to the wetlands and stream. D. Dineen showed the Commission a plan from 1995 that showed the lots had an existing (smaller) CR on part of the two lots. Mr. Johnson disagreed, and noted that a CR was proposed but never recorded.

The chairman requested input from the Commissioners. Mr. Elkind does not support this project. C. Russo felt that they addressed the comments and would support the project. B. Armstrong is not certain that they meet the performance standards if the lots are not combined but would consider approving the project. M. Sevier felt that the property owner should be allowed to construct a house at this location. B. Porter felt that the project barely meets the standards. D. Henkels was concerned about the loss of wildlife habitat and the potential impact of the house construction. He only marginally supports this project. T. Friedlander supports the project.

James Medevoff of 5 Camperdown is opposed to the development of these lots. He feels that these lots are a beautiful ecosystem and should remain protected. He is concerned about the financial impacts on the abutting lots.

A motion by M. Sevier, seconded by B. Porter, the Commission voted to close the hearing. C. Russo requested a CR on the project prior to any disturbance. The Commission can also request a revised plan prior to construction. A motion by C. Russo, seconded by B. Porter, the Commission voted to issue an OOC (R. Elkind abstained).

0 Washington Drive: Ongoing enforcement and violations

One outstanding question is in regards to the hydrology of the pond. A site visit by the BOH agent noted that the pond elevation needs to be lowered to 153 or 154 for the septic system to be in compliance. M. Sevier would like the Hollyers to understand how the water level height was determined and why the pond needs to be set at this. Their septic system is only 60 feet away from the pond and it should be 100 feet away to be in compliance with the bylaw. The Commission needs to decide on the approach to get compliance for this issue and the other outstanding issues. A compromise is only possible if the Hollyers amend their OOC to reflect any changes. The Hollyers have not complied with any issues outlined in the May 5th memo. D. Dineen suggested issuing an enforcement order and a notice of violation that is recorded at the Registry of Deeds. T. Friedlander noted that they did not appeal the two Orders of Conditions, when they have the opportunity so. A motion by R. Elkind, seconded by D. Henkels, the Commission voted (6-1; M. Sevier opposed) to issue an enforcement order under the WPA and a notice of violation under the Sudbury Wetlands Administrative Bylaw to the Hollyers at 0 Washington Drive. Both documents will be recorded at the Registry of Deeds.

Draft Policy Review & Discussion: Enforcement & Violation Policy Procedures – deferred until a future meeting

Discussion: Public Outreach Public Awareness of shared natural connections - deferred until a future meeting

Discussion: Forest Cutting Plan SVT Memorial Forest: Comments to DCR

B. Armstrong, D. Henkels, and T. Friedlander conducted a site walk with SVT. Laura Mattei told the Commission during the site walk that they received approval for their forest cutting plan. In addition, the ten day comment period has expired, although DCR will still accept comments after this period. D. Dineen was concerned about the habitat for the great horned owl. The wildlife habitat will change after the large trees are cut. They are exempt from filing under the WPA or the bylaw after they received approval for their forest cutting plan. D. Henkels noted that during the site walk, they observed avian habitat, saw a box turtle, and found evidence of predation. He was not certain what the priority is and what species that are planning to attract. D. Dineen felt that SVT did not have a good understanding what species and habitat are currently there and what will be destroyed during the burn and cutting and no studies to back it up. Tom felt that he has a certain level of trust with SVT and he is not opposed to the clearing. Debbie suggested that the Commission send SVT a letter requesting that they not cut trees or burn within 200 feet of the perennial stream.

MACC FY2016 dues

The Commission agreed to pay the MACC dues.

Eversource is planning to do maintenance on their access roads. D. Dineen is concerned that this work is above and beyond regular maintenance because there currently is no maintenance road. Roadway construction does require an NOI. D. Dineen's recommendation is to allow Eversource to maintain existing roads, but they need to file an NOI for roadway construction. D. Dineen will send a letter to Eversource with her recommendation.

Certificates of Compliance:

1. Landham Crossing 192 Boston Post Rd. Desheng Wang present. On the June 5th site walk with D. Dineen and Mr. Wang, a number of issues were observed that needed correcting. Since then, the oil separator was cleaned and the limit of disturbance was marked and will not to be mowed. Some invasive plants have re-established and Mr. Wang is interested in finding a solution to remove the invasive plants that reappear. The maintenance staff will need to be trained. Mr. Wang submitted letter report at the meeting, dated June 29, 2015 from Creative Land & Water Engineering, LLC.
2. Villages at Old County Rd.
3. Old County Road Walkway. This project needed to have the mulch removed.

D. Dineen will make a follow up site visit and the Commission will vote on these three COC at the July 20th meeting.

4. 145 Lincoln Rd. The Commission agreed that the homeowner has complied with the condition to re-establish the native vegetation in the rear yard and they are allowed to go ahead with the remainder of the project.
5. 49 Briant Drive. A motion by D. Henkels, seconded by C. Russo, the Commission voted to issue a COC.
6. 24 Cudworth. The lawn has expanded beyond what was permitted and is considered a violation. The pond is actually a detention basin. D. Dineen suggested a compromise. She will ask the homeowner to establish a buffer with native plantings and remove the multi flora rose and the autumn olives rather than restore the area of lawn not previously permitted. D. Dineen will send a letter asking them to revegetate the area before the COC will be issued.
7. 17 Briant Drive. This COC will be deferred until next meeting.

Meeting adjourned: 9:10. A motion by C. Russo, seconded by D. Henkels, the Commission voted to adjourn the meeting.