

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, September 14, 2015**

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Rob Elkind; Charlie Russo; Dave Henkels; Bruce Porter; Debbie Dineen, Coordinator

**Discussion: Open Space & Recreation Plan Goals & Objectives**

Present: Jody Kablack and Jim Kupfer of the Planning Dept.

Mr. Kupfer introduced the project which is to update the 2009 – 2015 Open Space & Recreation Plan. The Commission is being asked tonight to review the Goals & Objectives section, keeping in mind that the goals are very broad and might want to be kept similar to the 2009 goals for this update.

Ms. Kablack explained that the recent on-line Open Space survey resulted in some changes to objectives which are the means to carry out the goals. Many of the large parcels that were identified in the Plan have been protected by purchase or restrictions. The priority identified now is to concentrate on linkages between protected parcels. Mr. Kupfer noted these will be addressed in detail in the 5-year action plan and the priority parcel list.

D. Henkels questioned how much emphasis has been placed on the actions item in the Plan in the past. He felt that if our goals and objectives haven't changed, perhaps the town has not been attempting to meet these goals. R. Elkind noted that many of the goals are on-going and should continue in the update and future versions of the Plan. D. Dineen questioned if a public hearing will be held to review the Plan changes. Ms. Kablack anticipates a hearing this fall. D. Dineen noted that the Plan review is only an update and major revisions and changes are generally looked at in greater detail and with a higher level of public input when the Plan requires a full rewrite in several years.

D. Dineen provided several comments on suggested revisions. Commissioners will review the Goals & Objectives and offer comments directly to Ms. Kablack.

**WPA & Bylaw Request for Determination of Applicability: 5 Pheasant Ave.**

Present: Larry Cohen, Archadeck

Mr. Cohen presented a plan for deck reconstruction and a 109 sq. ft. enlargement, and patio installation on existing disturbed area (lawn) within 100' of bordering vegetated wetland and an intermittent stream. The patio will be constructed of pavers that will allow infiltration of stormwater.

On a motion by D. Henkels; 2<sup>nd</sup> R. Elkind; the Commission voted unanimously in favor of issuing a negative Determination.

**Certificate of Compliance: 151 Mossman Rd.; Marc & Rhonda Fowler**

D. Dineen explained that an Order was issued to permit paving of the entire common driveway to prevent an erosion problem where the paved area met the unpaved surface. Paving has been completed for over a decade and there is no evidence of erosion.

On a motion by B. Armstrong; 2<sup>nd</sup> B. Porter; the Commission voted unanimously in favor issuing the COC.

**WPA & Bylaw Request for Determination of Applicability: 36 Raynor Rd.**

Present: Maxwell Frank, homeowner; Chris of Lynch Landscape

Mr. Maxwell presented a plan to replant 12 high bush blueberries on the slope to the wetland to replace several large oak and maple trees he had removed without a permit.

D. Dineen explained that the trees were on the slope in to the bordering vegetated wetland associated with Hop Brook so the work was within a riverfront area and within 100' of bordering vegetated wetland. All trees removed were either within the lawn area or at the edge of the lawn.

On a motion by R. Elkind; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of a Negative Determination with a requirement that the site be visited in the spring of 2016 to ensure the new shrubs are viable and providing wildlife habitat in the form of a food source.

**WPA & Bylaw Request for Determination of Applicability: 41 Oak Hill Rd.**

Present: Peter Minihane; Adam Minihane

Mr. A. Minihane presented his plan for lawn and landscaping work at a house he recently purchased. He plans to taper his front yard away from the house foundation and toward the street. Lawn restoration and walkway work are also included in his plans. He confirmed that he is not planning to expand lawn but to install new lawn in the area where the lawn has been neglected.

D. Dineen advised the Commission that this property abuts Hop Brook with a riverfront area, bordering vegetated wetland, and adjacent upland resource area covering much of the lot. It is important to know the extent of fill and changes in grades to understand any changes in drainage patterns.

The Commission noted that the plans submitted are crude sketches and the extent of work proposed is unclear. T. Friedlander stated that the extent of proposed changes, including grade changes cannot be determined by the plans submitted. B. Porter added that all work to be done must be clearly documented on an understandable plan.

The Commission determined that an engineered plan showing the re-grading, including a cross-section of the area; a revised Request for Determination to eliminate irrigation; and a clear plan indicating where there is existing lawn that will be replanted be submitted. Any other proposed changes must be documented on a plan that can be clearly understood and followed.

With the consent of all parties, the hearing was continued to Sept. 28 and the applicant was advised that all additional materials must be submitted a minimum of four business days prior to the hearing continuation.

**Minutes Aug. 24, 2015**

On a motion by R. Elkind; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of approving the minutes of Aug. 24, 2015 as drafted.

**Request for Tree Removal: 64 French Rd.**

Present: Tom Dowey & Bea Baker, homeowners

Ms. Baker had Jim Harshbarger, a Mass Certified Arborist, submit a letter where he concluded that 2-24 inch DBH White Pines at left rear of home approximately 25 ft. from the residence have compromised root structure from being codominant trees sharing one root footprint as well as being located in a high water area. They are the largest trees in the area and will present the most prominent sail areas in the event of high wind- they represent a hazard to your residence and should be removed. A 30-inch DBH White Pine at the front left of property, left of circular driveway, and has twin trunks at 6ft of height, 30 ft. from residence. The primary trunk has a visible cavity at 4- 6ft height, 60-70% of interior of tree, and also the root system is compromised

as fully 50% is under the existing compacted driveway. He concluded that the tree is a serious safety hazard and should be removed.

Ms. Baker noted that 2 maple trees next to the white pines will remain and probably flourish with the removal of the pines.

On a motion by D. Henkels, 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of approving the tree removal as an amendment to the recently-issued Determination of Applicability.

### **Discussion: Landham Brook Marsh Signage**

Present: Christa Collins & Lisa Vernegaard of Sudbury Valley Trustees

Ms. Vernegaard explained that SVT would like credit and visual impact on the mean signage for the new town-owned Landham Brook Marsh conservation land. She noted that SVT had a role in the purchase of the land and will continue to have a role in maintaining the property.

B. Armstrong stated that the Town should be the more prominent partner on the sign as it is town land that was purchased largely with taxpayer funding. Ms. Vernegaard responded that SVT's role was as a partner and their role was more than financial.

D. Henkels noted that there were many supporters and contributors so maybe the wording should be inclusive of all community support, not just SVT.

D. Dineen questions if the sign should acknowledge that the property was purchased with CPA funds. B. Armstrong thought that a CPA logo could be added if there is such a logo. D. Dineen will investigate.

C. Russo suggested SVT's contributions could be mentioned on the trail markers and in the kiosk. B. Porter added that SVT should consider acknowledging the trail tie-in and cooperation of the Town on their Lyons/Cutler signage.

T. Friedlander asked for a mock-up of the sign to be presented to the Commission at the next meeting. SVT agreed to do so.

### **Review Response Letter from Sudbury Valley Trustees re: Memorial Forest**

Present: Christa Collins; Lisa Vernegaard

The Commission reviewed a letter from SVT in response to the Commission's request asking SVT to consider not removing trees within the riverfront area in the Memorial Forest as part of their Forest Cutting Plan permit and determine if any further action will be taken by the Commission.

L. Vernegaard stated that SVT has agreed to do no cutting within an increased buffer of 100' from Hop Brook except for selective tree removal within 100' of the Brook in the gravel pit area. D. Henkels expressed concern that the Memorial Forest contains endangered species and their habitat. SVT's response was that they hoped to increase habitat. The Commission noted that the habitat that SVT was proposing to increase was not habitat of species that currently reside in the area or are the currently known listed species on the site.

### **WPA & Bylaw Notice of Intent (cont.): 87 Cudworth Lane**

At the request of applicant, a request for continuation was received this afternoon from Dan Wells of Goddard Consulting. The hearing was continued to Sept. 28<sup>th</sup> without discussion.

### **Land Gift: Lincoln Lane**

The Commission received a letter from resident Caroline Diamond offering two parcels of land on Lincoln Lane to the Town for conservation purposes. These parcels are mostly wetland and are encumbered by a conservation restriction. The CR will merge if both the CR and land are held by the Town but the parcels will remain protected under MGL Chapter 40 s. 8C, the Conservation Commission Act.

The Commission discusses the benefits of town ownership, including the ability to conduct drainage work, if necessary, although the lots front on a private street. They also allow the town to conduct environmental studies, provide educational walks, maintain wildlife habitat along the Sudbury River, remove invasive plants, etc.

On a motion by D. Henkels, 2<sup>nd</sup>; the Commission voted unanimously in favor of recommending acceptance of these parcels for conservation purposes to the Selectmen.

### **Certificate of Compliance: 557 Dutton Rd. (duplicate original)**

The Commission signed a duplicate original of the COC for recording purposes.

### **Status of Wetland Violations:**

#### **0 Washington Drive**

The Commission reviewed a letter dated Sept. 2, 2015 from the Hollyer's new attorney, Richard Nylen. Commissioners agreed to involve Town Counsel in determining an appropriate response as the letter contained misinformation and factual errors.

T. Friedlander, B. Armstrong, D. Henkels, and D. Dineen will meet with Town Counsel.

#### **R & B Landscaping Co., Moore Rd.**

The Coordinator informed the Commission that the citation (ticket) remains unpaid. The court will issue a warrant for violator.

### **Conservation Commission Appointment to Land Acquisition Review Committee**

The Commission voted unanimously in favor of reappointing Commissioner Rob Elkind to the Land Acquisition Review Committee (LARC). Mr. Elkind accepted this reappointment.

Motion by David Henkels; 2<sup>nd</sup> Charles Russo. Unanimous is favor.

### **Deer Bowhunting Program:**

On a motion by C. Russo; 2<sup>nd</sup> B. Armstrong, the Commission voted unanimously in favor of continuing the Deer Bow Hunting Program for 2015. R. Elkind abstaining.

The Commission discussed extending the bow hunting program onto the new Landham Brook Marsh conservation land.

Lisa Vernegaard of SVT noted that SVT had a policy up through 2014 of no hunting on SVT land. They have recently agreed to allow hunting in areas of proven need and/or if adjacent property owners permit hunting. They have not publicized this new policy.

B. Armstrong suggested that the Commission wait one year before expanding the program to LBM. She added that it is a visible property and quite a bit of activity is planned for the trail clearing and grand opening this fall.

D. Dineen noted that the Commission recently issued an RFP for agricultural use of the field area at LBM. Farmers will encourage the Commission to expand the hunting for the protection of crops.

B. Porter stated that there is nothing unique about LBM that would prohibit the Commission from permitting bow hunting.

On a motion by T. Friedlander; 2<sup>nd</sup> B. Porter to include LBM in the 2015 bow hunting program, the Commission voted to wait one year before opening up LBM for bow hunting. T. Friedlander, B. Porter in favor; B. Armstrong, D. Henkels, C. Russo opposed to 2015 but will revisit in 2016. R. Elkind abstaining.

#### **SuAsCo Wild & Scenic River Stewardship Council Grant application: King Philip Woods**

D. Dineen presented a draft grant application for land stewardship activities in King Philip Woods conservation land to the Commission for review and approval. The grant application requests \$4000 to help off-set the total project cost estimated at \$14,000, including in-kind services from the Town. The project includes trail improvements in the historic King Philip Woods that will consist of vegetation clearing/invasive plant removal between the historic stone walls located along the Old Berlin Road; installation of interpretive signage; and trail reestablishment to reconnect the trail network within this parcel and the three adjacent conservation lands and private, conservation non-profit trails, and the creation of a small gravel parking area to provide access from Water Row. The Old Berlin gravel cart road is the "backbone" trail in KPW and was part of a major route from Boston to Berlin in the 1700's. Several old foundations adjacent to this roadway will be cleared of vegetation, small side trails from the road to the foundations will be established, interpretive signage will be installed to provide informative historical and ecological information to visitors, two benches overlooking the pond will be installed, and trail reestablishment (including a 570- foot section that will be made ADA-compliant) in the area that was overtopped by beaver activity in an adjacent pond will be accomplished.

The Commission unanimously supported the application as drafted for submission.

#### **Update on Sudbury Agricultural Fair booth**

Tom Friedlander and Dave Henkels manned the booth. They were disappointed in the number of visitors to the booth and felt it was due to being assigned a location that was not within the main stream of the foot traffic. The dozen or so visitors to the booth seemed to enjoy the information presented in the booth materials.

#### **ANRAD 999 Concord Rd.; Peer Review**

At the request and recommendation of the Coordinator, the Commission unanimously agreed to have a peer reviewer conduct on-site review of the extensive wetland flagging at 999 Concord. D. Dineen recommended using David Burke as he is extremely knowledgeable in identifying bordering vegetated wetland, the predominant wetland type at this site. In addition, his per hour cost is lower than several others that she investigated.

On a motion by R. Elkind; 2<sup>nd</sup> B. Porter, the Commission voted unanimously in favor of adjourning the meeting. 8:35pm.