

SUDBURY CONSERVATION COMMISSION
AGENDA Monday, Nov. 30, 2015

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Mark Sevier; Dave Henkels; Debbie Dineen, Coordinator

Absent: Rob Elkind; Charlie Russo; Bruce Porter

Minutes

On a motion by B. Armstrong; 2nd D. Henkels; the Commission unanimously approved the minutes of Nov. 16, 2015 as drafted.

Meadow Walk (former Raytheon site); 526 & 528 Boston Post Rd.

The Conservation Commission stated that they will be looking at this project in detail under an upcoming Notice of Intent that National Development has stated it will be submitting next week. The Commission will better be prepared to offer comments to Planning Board and Selectmen after it has received and reviewed this NOI.

As the new NOI is expected to result in a public hearing in the near future (Dec. 28th tentatively), the Commission voted to approve hiring a peer review consultant for review of the drainage and associated wetland issues as part of this filing. Motion by B. Armstrong; 2nd D. Henkels. It is anticipated that the peer reviewer will be Fred King of Schofield Brothers.

Certificates of Compliance:

The Coordinator reported that all work has been done in accordance with the approved plans. 70 Firecut Lane needs to have another site inspection to confirm the number and type plantings are sufficient for the restored area.

Lot 1 Moore Rd.

On a motion by M. Sevier; D. Henkels 2nd; the Commission voted unanimously in favor of issuing the COC.

Lot 2 Moore Rd.

On a motion by B. Armstrong; D. Henkels 2nd; the Commission voted unanimously in favor of issuing the COC.

70 Firecut Lane

On a motion by B. Armstrong; D. Henkels 2nd; the Commission voted unanimously in favor of issuing the COC pending confirmation of plantings.

821 Boston Post Rd., Endicott Woods

On a motion by B. Armstrong; D. Henkels 2nd; the Commission voted unanimously in favor of issuing the COC for work never commenced.

Status of Violation: 443 Peakham Rd., Marimon

The Commission discussed the fact that the Order of Conditions set specific deadlines for 1) determining the extent of fill removal, and; 2) the completion of the removal of the fill. Neither of these deadlines have been met. The NOI was the result of an Enforcement Order for illegal placement of fill in a wetland.

Following the discussion the Commission voted to issue a ticket for \$200 for failure to meet two deadlines. They will consider additional tickets at the next meeting if the fill area has not been approved and the fill is still in place. Motion by D. Henkels; 2nd B. Armstrong. Unanimous in favor.

WPA & Bylaw Request for Determination: 6 Colburn Circle; John Generoso, applicant

No applicant present

The Coordinator presented the project for an in-law addition in the rear of the house. D. Henkels, T. Friedlander, and D. Dineen had visited the site on Nov. 24th. The wetlands are located in the rear of the lot with an earthen berm in place between the wetlands and the edge of lawn. A question was raised whether or not the septic system will need to be enlarged as part of the project, and, if so where the septic was located. The applicant was not present to provide this information.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission unanimously voted for a negative Determination subject to confirmation that there will be no enlargement of the septic system within wetland jurisdiction.

Status of Violations (cont.):

0 Washington Drive

A letter had just been received from the Hollyer's attorney requesting Certificates of Compliance. This will be placed on the next agenda for an update and vote.

26 Goodman Hill Rd.

A letter had been received from the lot developer indicating that the well has been removed/capped and the area raked and seeded. No plan for restoration of the disturbed area was submitted as requested. A site visit will be scheduled to look at the area.

44 Codman Dr.

Engineering input for the pump elevation is in process. The Commission decided that it will be left up to the property owner to determine if the ditch is filled in now or in the spring.

321 Old Lancaster Rd., Morley

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously in favor issuance of an Enforcement Order/Notice of Violation.

WPA & Bylaw Notice of Intent: 16 October Rd., Morrison;

Present: Robert Morrison; Renee McDonough of Goddard Consulting

Ms. McDonough presented the Notice of Intent filed for the replacement and minor expansion to a garage located within the inner Riverfront Area of Run Brook, a perennial Cold Water fisheries resource. Work will also occur within the 100' adjacent upland resource area under the bylaw (buffer zone under WPA) of bordering vegetated wetland associated with the stream. Work is permissible under the WPA. Mitigation consists of replacing the current bituminous concrete driveway with pervious materials, and installing an infiltration structure for runoff from the new roof of the garage. Commissioners determined that planting one winterberry, one serviceberry, and two elderberry along the stream to provide additional shade is sufficient.

On a motion by B. Armstrong; D. Henkels 2nd; the Commission voted unanimously in favor of closing the hearing.

On a motion by M. Sevier; 2nd D. Henkels; the Commission voted unanimously in favor of issuing the Order as discussed.

Carding Mill Building: Sudbury Water District connection to Town water

The Coordinator reported that in order to connect to SWD, a petition of property owners in the area would need to be signed and there would be a connection fee in the amount of \$5000. Commissioners decided that they did not have the time to circulate a petition or have the funds to connect at this time.

Conservation Restriction: Landham Brook Marsh

Present: Jody Kablack; Christa Collins

Ms. Kablack, Sudbury Director of Planning, stated that there are only several items that the Conservation Commission needs to make a decision on at this time. Town and SVT staff have reviewed the document in detail and concurs with the majority of the document.

The first item is whether or not to include vegetation as prohibited to be altered in the prohibition section. D. Dineen suggested inserting "vegetation other than that necessary to construct trails" in the document as SVT's concern was that trail could not be constructed or maintained without vegetation alteration. Commissioners agreed to remove the word vegetation altogether.

The second item was the allocation of proceeds if the CR is ever extinguished. SVT contributed \$66,000 of donations they had received for the purpose of off-setting the town costs of purchasing the land. This represents 2.3% of the total cost. D. Dineen suggested that wording be included stating that SVT should be required to use their share of the proceeds from Sudbury donors to further land protection in Sudbury. C. Collins said this was an administration problem. D. Dineen noted that when SVT raised funds for the Nobscot CR they gave donors a choice to donate only to the purchase of the Nobscot CR. Therefore, SVT has administered this type of program before.

M. Sevier stated that asking SVT to use the proceeds for Sudbury donors only in Sudbury in the future was "impracticable relative to the circumstances". B. Armstrong disagreed. She stated that Sudbury residents gave money to purchasing land in Sudbury so any proceeds from a CR extinguishment would be expected to go back for other uses within Sudbury. D. Henkels added that no one wants the CR extinguished in the future and extinguishment is extremely unlikely to occur. He noted that SVT may have raised funds from donors in Sudbury for purchases outside of Sudbury.

The Commission agreed to the 2.3% without stating where SVT must use its share of the proceeds. A final CR will be provided for signature at the next meeting.

WPA & Bylaw Request for Determination (cont.) 41 Oak Hill Rd.

Present: Mr. & Mrs. Minihane; Renee McDonough of Goddard Consulting

This hearing has been continued four times since September. A site inspection was held on Nov. 24 by T. Friedlander, D. Dineen, and D. Henkels on receipt of the engineered plan. D. Dineen had provided the applicant and Goddard Consulting with a list of numerous questions

and comments on missing information. She had recommended a positive Determination to be followed by a Notice of Intent.

Renee McDonough, new as the wetland specialist involved in this project, stated that she is planning to have her clients file a full Notice Intent due to the scope of work and the proximity to Hop Brook. She recognized the information submitted needed clarification. She further requested that her clients be permitted to construct temporary front steps in order to receive an occupancy Permit from the Building Department so they can move into the house.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of issuing a positive Determination but permitting the construction of temporary steps to the front door to allow them to move into the house.

M. Sevier confirmed that the vote would allow them to construct the front steps.

WPA & Bylaw Order of Conditions: Raytheon Site, Boston Post Rd. DEP File #301-1169

The Commission reviewed the draft OOC for wetland delineation; utility relocation; and building demolition. Commissioners discussed the condition requiring a statement from an LSP concerning the proposed work relative to prior releases of contaminants on the site. Mr. Senna of National Development stated that he was OK with the requirement for the LSP.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of issuing the Order as drafted, including the requirement for the LSP statement.

D. Dineen noted that the DEP file number was received only verbally today from VHB. It should be confirmed and any comments from DEP should be considered for incorporation into the final Order.

M. Sevier expressed displeasure that this was brought up after the vote and this happens too often. D. Dineen suggested he could make a motion to rescind the vote to allow discussion of DEP input. He chose not to do so. The Commission chose not to incorporate any DEP comments into the Order, should there be any.

Lots 4 & 5 Fairbank Rd.: Review for Approval: Cold Water Fisheries and Stream Baseline & Monitoring Plan;

Present: Renee McDonough of Goddard Consulting; Beth Cosgrove; Frank Cutting

The Commission reviewed the proposed Cold Water Fisheries Protection Plan (CWFP) by Goddard Consulting submitted on Oct. 26, 2015. Some of the wording in the CWFP can be incorporated into the conservation restriction (CR). A draft of this CR was received today.

R. McDonough reviewed how the flow will be estimated. Two pre-construction and two post-construction measurements will be taken in the spring and fall. M. Sevier stated that the plan looks to normalize for changes in natural flow conditions. The property owners confirmed that they have no specific construction start date at this time.

No herbicides will be used on the site for the invasive species removal. A mulch sack instead of haybales and silt fencing is proposed. This will not be an impediment to animal movement.

D. Dineen suggested monitoring be required for petroleum hydrocarbons from the driveway and that multiple post-construction for these and nutrients be required. Discussion followed as to for long post-construction monitoring should be required. M. Sevier expressed concern that on-going monitoring could be a burden on the future homeowners. B. Armstrong

agreed that the cost and amount of testing should be considered but that it is reasonable to require testing to ensure the protection of the Cold Water Fisheries resource.

M. Sevier and D. Henkels stated that it is important for consistency going forward. D. Dineen noted that on-going testing of water quality is not new in OOC issued in Sudbury. Although these requirements to date have been for projects larger than a single-family house lot. M. Sevier stated that testing locations should be chosen to normalize for Fairbank Road.

D. Dineen suggested she discuss these issues with the state Cold Water Fisheries biologist to see if he had any suggestions for the Commission. Commissioners agreed and the item will be placed back on the agenda in two weeks

Comments to Selectmen: Suggested Reuse of the Route 20 Police Station Site

Commissioners did not have any suggestions on the reuse of the Rt. 20 Police Station.

Discussion & Decision: 2016 Spring Walks with LS Adult Education

Commissioners agreed to lead five walks on Friday mornings in May 2015 on conservation lands as they have done annually. T. Friedlander, D. Henkels, and D. Dineen offered to lead walks at King Philip Woods, Davis, Nobscot, and Hop Brook. It was hoped that Commissioner Porter would lead his well-received geology walk at Haynes Meadow again as well.

Next meetings were confirmed for Dec. 14 and Dec. 28, 2015.

On a motion by M. Sevier; 2nd D. Henkels; the Commission voted unanimously in favor of adjourning the meeting. 8:40pm.