

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held December 14, 2015

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

Absent: none

Minutes

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted in favor of accepting the Minutes of Nov. 30, 2015. In favor: Friedlander; Armstrong; Henkels; Sevier. Abstaining Porter; Russo; Elkind

Status of Violation: 26 Goodman's Hill Rd.

D. Henkels and D. Dineen visited the site today and found that the well was still in place. They could not determine if the well had been decommissioned. In addition, the disturbed area was not raked, seeded, or in any way restored.

Activities observed were two white pvc pipes below the retaining wall, the irrigation well within a wooden frame, electrical boxes, vegetation cutting, soil compaction, erosion, and retaining wall and lawn within 100' of the wetlands. They also observed that the retaining wall appears to contain construction debris. Asphalt chunks, plastic, brick, etc. were embedded within the wall.

The Commission determined that in accordance with the Enforcement Order, a Notice of Intent must be submitted to the Commission within 30 days. The NOI must include an as-built plan of the property showing the location of the retaining wall, lawn and house, plus a detailed restoration plan for the entirety of the disturbed area within 100' of the wetlands.

WPA & Bylaw Request for Determination: 331 Hudson Rd., Huss tree removal

Present: Brian Huss

Mr. Huss presented his plan to remove three trees to protect his car shed from further damage. This temporary structure was recently damaged by falling branches and trees. Work will occur in the inner riparian area of Run Brook, a cold water fisheries resource and there may be work within 100' of intermittent stream

D, Henkels, D. Dineen, T. Friedlander all viewed the site.

On a motion by R. Elkind; 2nd D. Henkels; the Commission voted unanimously in favor or issuing a negative Determination limited to the removal of the three trees identified in the RDA.

C. Russo joined the meeting at this point.

Tom Friedlander – Certificate of Achievement

Vice-Chairman Beth Armstrong announced a major accomplishment by Chairman Tom Friedlander in completing an 8-part training course in Conservation issues. The classes are provided through MA Association of Conservation Commission and require the commitment of a great deal of time. The classes provide information on the effective working of conservation

operations, wetland protection and open space preservation. He is only the second Sudbury Conservation Commissioner to complete the course.

0 Washington Drive

T. Friedlander summarized a meeting with himself, D. Dineen, and Town Counsel to discuss a response to the most recent letter from Atty. Nysten. The letter asserts that the homeowners are in compliance because they have maintained the spillway at the mandated elevation. What the letter fails to address is that the Order of Conditions also references a plan where a not-to-exceed elevation is established for the pond. By installing a beaver deceiver on the beaver dam above the spillway, the pond elevation has increased above the high pond elevation set in the Order and has caused flooding on properties upstream of the spillway. Town Counsel is drafting a response letter.

T. Friedlander noted that a fence on the property is also in violation. B. Armstrong added that the Commission cannot negotiate compliance with an Order and that there is a process for amending an Order.

WPA & Bylaw Notice of Resource Area Delineation: 4 Maynard Rd.; Walker Dev.

Present: Jeff Walker; Michael Carney

Site Inspections were held Dec. 8 & 9. D. Dineen, D. Burke, D. Henkels present. The stream was flowing on these 2 days. Four consecutive days of photos showing the stream dry were not submitted. Therefore the stream is presumed perennial under bylaw.

The site inspection participants agreed that the top of bank flags represented mean annual high water. Work within 200' riverfront area will occur for grading for the septic reserve area.

Bordering vegetated wetland flags reviewed with soils on 12/9. Bvw could shift 4+-' in area of flag #8. This shift will not impact the furthest extent of jurisdiction as the farthest jurisdictional extent determined by riverfront area which will not change. Plans indicate a small amount of grading within 100' adjacent upland resource area for the primary septic leaching field grading.

On a motion by R. Elkind; 2nd B. Armstrong; the Commission voted unanimously in favor of issuing and ORAD indicating perennial and substantially accepting bvw as shown. A wetland filing will be needed for grading in RFA and AURA.

Lots 4 & 5 Fairbank Rd. Continue Review of Cold Water Fisheries Protection Plan

Present: Beth Cosgrove

As discussed at the Nov. 30 meeting, D. Dineen spoke with Todd Richards, Fisheries Biologist at MA Fish & Wildlife in Westborough concerning the testing parameters and suggested frequency and duration of water quality monitoring for Lots 4 & 5 Fairbank Rd. He said that in addition to testing for nutrients and petroleum hydrocarbons, the Commission should require testing of temperature, especially during the summer months. Runoff from paved surfaces can have a serious negative impact on Cold Water Fisheries. He suggested testing both above and below the points of potential impact.

He noted the importance of requiring remediation of any actions that contribute to any measureable degradation of the water quality.

As far as duration of the testing, he thought it was optimal to require testing that went beyond the COC issuance. This way, a faulty septic system could be picked-up earlier or

abnormal temperature changes would be noticed possibly before it had a major impact to the CWF.

M. Sevier expressed concern that the testing represent a fair assessment of pre and post-construction conditions and that requirements applied to this lot set a protocol for future similar situations. He questioned what change in monitoring results will result in an actionable situation.

D. Henkels asked if the protocol should be different for each of the measurement parameters.

T. Friedlander stated that the Commission must determine what is reasonable, scientifically-based, and economically feasible for future homeowners. A model needs to be developed that will achieve this goal.

C. Russo suggested investigating what models may be out there; including who does the testing, how regular is the testing, and what is the overall duration of the testing?

Commissioners tabled the discussion for one or two meetings to see if answers to these questions can be found.

Wetland Violations:

42 Oak Hill

The violation consists of removal of several trees in the front of the house in the outer riparian area (approximately 180'+) from Hop Brook. The Commission agreed to send a letter to the homeowners reminding them that their property was partially within jurisdictional wetlands and permits are needed for work.

Surrey Lane

The violation is minor with landscapers blowing leaves out of the area directly adjacent to the perennial stream. A letter will be send to the homeowners explaining the importance of having the leaves remain close the stream and ask them to inform their landscapers not to remove the leaves in the future.

36 Wright Rd.

The violation consists of the disposal of large amounts of landscape debris into a bordering vegetated wetland and within the inner riparian area of a perennial stream. A Notice of Violation will be issued and a Notice of Intent will be required for removal of the debris and restoration of the disturbed area.

359 Old Lancaster Rd.

The Coordinator suggested a site inspection with Commissioners to look at what appears to be clearing and fence installation at the top of the slope to a wetland located within the Haynes Meadow conservation land. Commissioners agreed to a site inspection.

443 Peakham

D. Henkels and D. Dineen inspected the property today to review the flagging of the approximate 100' adjacent upland resource area for approval to proceed with fill removal. The flagging appeared reasonable and the Commission agreed to allow the excavation to proceed.

3 Goodnow Rd.

D. Henkels and D. Dineen reported they observed landscape debris disposed of in a vernal pool. This property was the site of a previous violation that consisted of the construction of a retaining wall at the edge of the vernal pool in early 2015. Commissioners permitted the wall to remain.

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

Project Updates:

T. Friedlander informed the Commission of the following:

- The Grand Opening of the Landham Brook Marsh conservation land was held on Dec. 6th. A large turnout of 40+ people attended.
- The CPC received a request for \$150,000 to fund the 75% design of the Bruce Freeman Rail Trail.
- The Wayside Inn has offered the Town a conservation restriction on approximately 110 acres of their property for \$6,325,000.
- The Davis Field project submitted to the CPC has been significantly scaled back.

In other business;

- Commissioners signed the Certificates of Compliance voted at 11/30/15 meeting.
- C. Russo informed the Commission that he has received a formal ruling from Town Counsel that states he may participate in project involving his former employer, VHB, Inc.
- Commissioners approved a request from the Coordinator to authorize a peer review at 0 Willis Road for an ANRAD filing.
- The Coordinator informed the Commission that the SVT trail easement from their Dutton Rd. parking area into the Memorial Forest has been closed to horseback riding. This is likely to result in additional pressure through the Hop Brook Marsh Conservation Land as that is now the only entrance to the Desert area in Sudbury. T. Friedlander will discuss this issue with SVT.

On a motion by C. Russo; 2nd B. Porter, the Commission voted unanimously in favor is adjourning the meeting. 8:30pm