

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held December 28, 2015**

Present: Tom Friedlander, Chairman; Rob Elkind; Dave Henkels; Bruce Porter; Mark Sevier; Charlie Russo; Debbie Dineen, Coordinator

Absent: Beth Armstrong

**Minutes**

On a motion by D. Henkels; 2<sup>nd</sup> R. Elkind; the Commission voted unanimously in favor of accepting the minutes of Dec. 14, 2015 as drafted.

**Certificates of Compliance: Dunkin Donuts #301-347; #301-490; #301-820; #301-1143**

Present: Greg Hochmuth

Mr. Hochmuth confirmed that the sprinkler heads had been removed in jurisdictional area. The detention basin has been cleared of woody vegetation. D. Dineen noted that the fall monitoring report has not yet been submitted. The issue of fill below the 100 year floodplain has not been resolved. Mr. Hochmuth confirmed that the pumping contract was on-going and not annual. The O & M compliance statement and Long Term Pollution Prevention Plan has not been submitted. Mr. Hochmuth thought it was included as part of the O & M plan.

Mr. Hochmuth will address the outstanding items. He noted that a new NOI will be coming in for pavement regrading to address safety issues. The expansion of the parking area is on hold at this time.

On a motion by R. Elkind; 2<sup>nd</sup> B. Porter the Commission voted unanimously to issue all of Certificates of Compliance upon receipt of the outstanding information discussed tonight. The COCs will be signed at the Jan. 11, 2016 meeting if all information is received.

**WPA & Bylaw Request for Determination: 4 Maynard Rd., Michael Carney, Inc.**

A request for continuation to Jan. 11, 2016 was received Dec. 28, 2015 was received. No DEP file number for the ANRAD (12/14/15) has been received and there is some question of grading and BOH approval of the current design.

**WPA & Bylaw Request for Determination: 62 Robbins Rd., septic reconstruction**

Present: Mike DiModica

Mr. DiModica presented plans for the repair and redesign of a new system as far as possible from wetland. The system will be located in basically the same area, but raised to remove the trenches from the groundwater. The new system will be 3' above the groundwater. An impervious barrier will be designed for breakout. Wetland is bordering vegetated wetland and stream. It is unknown if the stream is perennial or intermittent. There will be no expansion of system capacity. The Board of Health has determined that the design of the new system is adequate for this repair. no determination is made on the stream status.

On a motion by B. Porter; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of finding for a negative Determination with no determination made on the accuracy of the wetland delineation of the status of the stream.

**Discussion: Boardwalk at 42 Surrey Lane; Bruce Porter**

Commissioner Bruce Porter informed the Commission that he is considering constructing a boardwalk of 30+- ft. through bordering vegetated wetland in the rear of his property to a viewing platform at Hop Brook for wildlife watching. He believes 4 posts will be needed to support the boardwalk.

D. Dineen advised him that he must meet the performance standards for bvw and riverfront. He has two overlapping riverfront resource areas on his property. An Alternatives analysis will be needed and he must address all impacts, including cumulative impacts if the project is permitted by the commission. Cumulative impacts must take into consideration the results if all neighbors wished to construct a similar boardwalk.

A tentative site visit was scheduled for Sat. Jan. 2<sup>nd</sup> at 10am.

**WPA & Bylaw Notice of Intent: 32 Maynard Rd., John Jamil sunroom addition**

Present: Kevin Kieler, Brady Sunrooms; John Jamail, homeowner

Mr. Kieler presented a plan for the construction of a sun room on the rear of the house. This is an NOI rather than an RDA because the work proposed is within 50' of the bordering vegetated wetland. All work is on existing lawn area and concrete slab. There is no evidence that the 12' x 21' slab was in place when the COC for house construction was issued. The backyard lawn area is completely fenced with native shrubs at edge of lawn. Approval for concrete slab is being sought as part of this filing as "after-the-fact". Work also includes some grading to create/restore a small area of lawn near Maynard Rd. This area is just inside the 100' adjacent upland resource area.

The sunroom will be two-story in the area of the existing deck. The deck will be removed and will be replaced only with a set of stairs to the back yard. The sunroom will be set on sonna tubes. Erosion control will be installed in the area of minor lawn expansion.

On a motion by C. Russo; 2<sup>nd</sup> D. henkels; the Commission voted unanimously to close the hearing.

On a motion by M. Sevier; 2<sup>nd</sup>; C. Russo; the Commission voted unanimously to issue the Order as discussed and require the lawn expansion area is to be staked and approved on site prior to fill placement; and no activity in rear yard outside of fenced area.

**WPA & Bylaw Abbreviated Notice of Resource Area Delineation: 0 Willis Rd.**

Dave Burke & Dave Henkels visited site on 12/23. D. Burke found discrepancies in his wetland line vs. wetland delineation from Goddard Consulting line. Goddard has requested a continuation of the hearing to Jan. 11, 2016 to allow time to resolve the discrepancies in the wetland delineation.

**Conservation Restriction 54 Moore Rd.: Review for Approval of Beekeeping in CR area**

Present: Megan Chambers, Bruce Nifong, homeowners

Ms. Chambers explained that she is seeking permission to site several beehives on an area of her property that is within an area subject to a conservation restriction. Beekeeping is not specifically permitted in CR may be permitted with written approval of the Commission as long as it will not harm the CR purposes and may enhance pollinators use of the area. The hives will be south-facing and set on cinder blocks near the edge of the field near the pond. This area is within wetland jurisdiction.

On a motion by D. Henkels; 2<sup>nd</sup> R. Elkind; the Commission voted unanimously to permit up to 4 bee hives within the CR area at 54 Moore Rd.

On a motion by C. Russo; 2<sup>nd</sup> M. Sevier the Commission voted unanimously to consider the placement of 4 beehives on cinder blocks a minor project not requiring a wetland permit under state and local wetland regulations.

### Violation Updates:

1. 443 Peakham Rd. – status of fill removal update: DD visited the site today 12/24. Excavation is in progress and erosion control is on place.
2. Wetland Alteration in Memorial Forest @ Bridges/Boardwalks

It was brought to the attention of the Commission that there is wetland degradation in two areas of the SVT Memorial Forest and one area on the gas pipeline. One area is at Hop Brook behind the General Federation of Women's Club headquarters. This bridge/boardwalk is too narrow for bike and horse traffic. This concern was brought to the attention of SVT by the Commission when the boardwalk was permitted. The second area is at the bridge over a tributary to Cranberry Brook. This bridge can be too slippery for horses as it is curved. Consequently horses, and others, walk or bike through the area of the intermittent stream. This area has also experienced a significant amount of erosion and siltation over the past year. The third area is where Cranberry Brook crosses the gas pipeline. The bridge is too high and too narrow to accommodate the horses. Users, including bikers, tend to cross the stream at the low point just east of the bridge. This has resulted in degradation and elimination of banks, siltation, and vegetation destruction. This is a critical area as Cranberry Brook is a cold water fisheries resource confirmed by state Fish & Wildlife to contain brook trout. All three areas are degraded due to the SVT bridge design that makes it difficult for horses, bikers, and others to cross the existing bridges.

The SVT easement through the General Federation of Women's Clubs has been closed to horses. This raises the concern that the only access to the entire Memorial Forest through Sudbury will be through the Hop Brook conservation land. The Commission has concerns that the trails will degrade in the town conservation land with the additional horse use of the area. T. Friedlander attempted to meet with SVT to discuss the issue but was told that they did not wish to meet at this time.

D. Dineen informed the Commission that she, D. Henkels, and Kirsten Roopenian attended a meeting in October at SVT to discuss stewardship issues in the Memorial Forest and abutting areas. The wetland alterations were brought to the attention of SVT at that time.

The stable on Dutton Road has been a good steward in the Hop Brook conservation land. They have offered to design and construct bridges that are suitable for horses in the Memorial Forest as well as Hop Brook. The Commission encourages SVT to make use of this resource.

Commissioners discussed what actions to take to stop the wetland degradation and restore the degraded wetland areas. C. Russo noted that the wetland problems are not the result of development. B. Porter added that crossing Cranberry Brook on the gas pipeline is a long-term historic use. Commissioners agreed but noted that the on-going wetland alteration constitute violations and must be enforced. Therefore, the Commission will send a letter to SVT requiring a Notice of Intent to be submitted by Feb. 8, 2016. The NOI must include a new bridge design to accommodate the users and restoration of the degraded areas.

3. 26 Goodman's Hill Rd. – response from NOV none as of 12/24  
Commissioners agreed to send another ticket to the property owner as not response was received from the NOV sent 2 weeks ago.
4. 3 Goodnow Rd. – response from NOV none as of 12/24  
The status of this violation will be reviewed at the Jan. 11 2016 meeting
5. 359 Old Lancaster (?) – results of site inspection Site inspection to be rescheduled
6. 321 Old Lancaster Rd. – NOI received? None as of 12/24  
The property owner will be called to determine the status of the NOI submission.

7. Nashawtuc Country Club – ratification of NOV and results of site inspection T. Friedlander reported tree and brush clearing on two areas of the property. On a motion by R. Elkind; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of ratifying the NOV. B. Porter abstaining.
8. 85 Ford Rd. ratification of NOV and results of site inspection T. Friedlander reported tree clearing by a professional tree company. On a motion by R. Elkind; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of ratifying the NOV and the issuance of the ticket to the tree company.
9. 3 Cail Farm – lawn and swing set established in what was to be meadow mowed once per year – ratify NOV issued 12/24 by T. Friedlander. Motion R. Elkind; 2<sup>nd</sup> M. Sevier unanimous

**87 Cudworth Ln. – Review & Approval/Comments- Invasive Species Management Plan**

D. Dineen presented the ISMP and brought up three issues:

1. The OOC requires revegetation while the ISMP only allows for natural revegetation;
2. Clarify if the native species to the planted will come from on or off site;
3. Monitoring should occur after each growing season until a COC is issued.

Commissioners agreed that the ISMP should be revised as discussed. D. Dineen will inform Goddard Consulting.

**Project Updates:** Updates of on-going projects by Commissioners & Staff  
Lot 4 Anthony Dr.

R. Elkind informed the Commission that the erosion controls on site have been compromised and siltation is occurring. The Commission will schedule a site inspection as soon as weather permits.

**Public Education and Outreach**

T. Friedlander suggested a town-wide or targeted mailing to inform residents of the wetland regulations and their responsibilities. Commissioners agreed. The staff will research costs and methods.

**2016 Meeting Schedule** Jan. 11; Jan, 25; Feb. 8; Feb. 22 and then every-other Monday unless it is a holiday.

On a motion by R. Elkind; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of adjourning the meeting. 8:15pm