

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, Nov. 16, 2015**

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

**Minutes**

On a motion by Bruce Porter; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of accepting the Minutes of Nov. 2, 2015 as drafted with corrected typographical errors.

**Discussion: Remote Participation at Meetings**

In response to a request to the Chairman from the Board of Selectmen's office, the Commission discussed the use of remote participation in meetings. The responses were mixed with no compelling sentiments expressed that the BOS or the Commission allow or utilize this option.

The feeling was the lack of video conferencing or other advanced technology in the DPW conference room greatly limits the ability for a Commissioner who is not onsite to fully understand the extensive site plans, documents and aerial photographs that we utilize in our discussions.

On the other hand, excluding a Commissioner's participation due to a disabling event, sickness, parental commitments, business travel and other valid reason is also not fair. In addition, we have to abide by the Mullen rule that requires that the same minimum "quorum" of Commissioners must hear all evidence in a continuation of a hearing. (This has created problems in the past when we were down to five Commissioners).

Commissioners Porter and Armstrong were in favor of remote participation. Commissioners Friedlander, Henkels, and Sevier were opposed.

**WPA & Bylaw NOI/ANRAD Raytheon Site, 526 & 528 Boston Post Rd.**

Present: Steve Senna, National Development; Meredith Avery & Brittney Gessler of VHB, Inc. for applicant; David Burke, wetland consultant for SCC

Mr. Senna introduced the project and explained that the Notice of Intent covers wetland delineation for the entire site; and utility relocation and building demolition associated with Buildings #2, 3 & 4. He explained that National Development is partnering with Avalon for the redevelopment of the site. Redevelopment includes retail in the front and senior, age-restricted, and affordable housing on the balance of the property. Avalon will be the developer of the affordable housing component.

Ms. Avery presented a plan of the site and explained that the site is currently fully developed and the wetlands have previously been altered extensively. As the project progresses they will be looking at ways to enhance wetlands functions, especially in the central area of the site around the large pond.

Mr. Burke reported that although there are rather extensive on and near the site, the wetland delineation is mostly clear cut with an abrupt transition from upland to wetland. He agrees with the delineation with the exception of one area in the northern portion of the site that was shown as an isolated wetland but he believes there is a pipe connecting it to a wetland north of the rail bed, making it a bordering vegetated wetland. There are 14 wetland areas with jurisdictional areas on the site. Five

of these areas are within the site. He felt that, with the exception noted, the delineation is accurate and VHB's approach was excellent. The delineation was not complex as the toe of filled area was generally the edge of wetland. He noted that the soils are highly altered on site.

B. Porter questioned if the site had any substantive gradient to it. Mr. Burke stated that the site has a slope from northwest to southeast with a higher knoll in the north central area. Elevations range from 149' to 163' at the knoll. Drainage generally is toward the east or south. There is fill at the eastern property line and drainage is channeled to a pipe under Route 20.

D. Dineen questioned how stormwater would be controlled during the redevelopment of the property. Brittney Gessler of VHB stated that erosion control structures, including temporary sediment basins, would be constructed to control runoff. Mr. Senna added that the areas under construction would be fenced in. Inlet protection would be provided in the catch basins.

D. Dineen noted a concern that the site is in a Zone II upgradient of the town main public drinking water wells. She noted concern that 4 -5 acres of impervious area would become pervious for a duration of the project. She questioned if infiltration of runoff into these temporary pervious areas could have any impact on any potential contaminants that may be in the underlying soil. Mr. Senna replied that the existing building slab and footings will be removed. D. Burke added that over 200,000 sq. ft. of building is proposed for removal in this phase of the redevelopment. A NPDES permit is required as the disturbance exceeds one acre.

Mr. Senna stated that a Storm Water Pollution Protection Plan (SWPPP) will be required under the NPDES permit. This will require monitoring weekly and after every storm event in excess of 2.5" of rainfall.

Atty. Robert Abrams, abutter to the west, stated that the SCC should be monitoring runoff and stormwater in the Order of Conditions.

D. Henkels stated that stormwater and erosion control are key to wetland protection in this phase of the redevelopment.

D. Burke agreed and noted that without adequate protection, the chance for suspended solids to enter the wetlands through the drainage system will increase.

Mr. Abrams stated that DEP is relying on the Raytheon engineers to be sure that there is no movements of contaminants. The current DEP status of the site, which is subject to an RTN hazardous release from prior spills(s), states that the site is OK as long as it is used for industrial purposes. The applicant proposes a change in use to retail and housing. He did not know if DEP approval of the clean-up would change based on this change in site use.

B. Porter stated that there is a sizeable amount of water management and absorption that must be dealt with during redevelopment. Ms. Avery replied that the infiltration is over a large area.

D. Dineen suggested the Commission require an Environmental Monitor, hired by and reporting to the Commission but paid for by the applicant as a consultant, during the demo and subsequent phases of the project.

Mr. Senna noted that the area of wetland and the 100' upland resource only extends into a small portion of the site for Phase I activities. B. Armstrong noted that the Commission has the obligation to look at anything that has direct impact to the wetland, including drainage. Mr. Senna replied that their legal obligation is to notify DEP of any contamination issues and is well beyond the purview of the Conservation Commission.

On a motion by B. Armstrong to close the hearing; 2<sup>nd</sup> M. Sevier; motion passes. Armstrong, Sevier, Friedlander in favor. Henkels; Porter opposed.]

On further discussion of the applicant's request for partial waiver of bylaw filing fee, the Commission agreed to reduce the wetland bylaw filing fee to the amount currently received (\$2000 bylaw fee; \$1000+- state fee) plus the exact amount of the wetland peer review consultant's filing fee for this phase of the project. Motion M. Sevier; 2<sup>nd</sup> D. Henkels. Unanimous in favor.

A draft Order of Conditions will be reviewed at the meeting of Nov. 30.

**Discussion and Approval:** Administrative Handling Procedures for Minor Violations

T. Friedlander added this item to the agenda to see if the Commission would like to adopt a procedure to handle minor violations. B. Porter noted that many violations are unintended while a few are purposeful. In further discussion the Commission decided to allow the handling of minor violations at the discretion of the Commissioner(s) who responds as long as the issue is brought up and ratified by the Commission at the next meeting.

**Conservation Restriction:**

369 Dutton Rd., Warzynski

Commissioners reviewed the final CR document following agreement on wording at the previous meeting. Town Counsel and EOEEA have both agreed to the wording. Commissioners signed the CR.

**Certificate of Compliance:** 369 Dutton Rd.

Motion to issue subject to recording information of CR by D. Henkels; 2<sup>nd</sup> M. Sevier. Unanimous in favor.

**Conservation Restriction:**

Lot 7 Cutting Lane – report from 11/12 site inspection

The Commission discussed the value of a potential Conservation Restriction on Lot 7 Cutting Lane. The Commission must certify that the land to be placed in a CR has long-term value as a public resource. Although Lot 7 is not without any public value, the Commission felt that it would be difficult to certify significant public values for the following reasons:

- The lot is bounded on three sides by residential development and disturbed areas;
- The front of the lot is bounded by a small paved road and steep side slopes which may act as to fragment Lot 7 from the permanently protected larger parcel;
- The wooded portion of the lot on the slope down from Maynard Road has vegetation that was predominately invasive plant species;
- The wildlife you provided photos of using the lot; rabbit, turkey, deer; especially deer and turkey; use a variety of habitats so there is no habitat unique to Lot 7;
- The lot does not show up as a Natural Heritage and Endangered Species priority or rare species habitat, and it is not part of a BioMap2 Core or Supporting habitat.

Therefore the Commission must decline a Conservation Restriction on this lot.

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

A request for another continuation was received 11/9. The Chairman agreed to continue to 11/30, however this is their 4<sup>th</sup> request for an extension. Continuations granted Sept. 28, Oct. 19, Nov. 2,

and now to Nov. 30. Commissioners do not want to keep continuing this item on the agenda. It was agreed that this is the final continuation. If they are not ready for the Nov. 30<sup>th</sup> meeting they will need to withdraw and refile if they wish to proceed with their project or the Commission will act on the information currently submitted. Continuing extensions block out agenda time that could be filled by projects ready to go.

**Certificates of Compliance:**

**Hudson Road Walkway Construction**

Work completed in accordance with the OOC. Motion to issue by B. porter; 2<sup>nd</sup> M. Sevier. Unanimous in favor

**Tanner Development Boston Post Rd.**

No work commenced. OOC expired. Motion to issue COC D. Henkels; 2<sup>nd</sup> B. Armstrong. Unanimous in favor

**170 Wayside Inn Rd.**

Work completed in accordance with the OOC. Motion to issue COC D. Henkels; 2<sup>nd</sup> B. Armstrong. Unanimous in favor

**Raytheon (301-144-& 301-146)**

OOC from and 1978 and 1984. All work superseded by subsequent OOC requirements. Motion to issue COCs by D. Henkels; 2<sup>nd</sup> M. Sevier; unanimous in favor

**97 Fairbank Rd.**

OOC for septic system reconstruction. Board of health has issued approval of construction. Site is stable. Motion by B. Armstrong; 2<sup>nd</sup> B. Porter. Unanimous in favor

**Discussion: FY2017 Budget**

Commissioners discussed budget requests for FY 2017. Coordinator advised that 1.5% increase maximum suggested. The Commission agreed to again request \$10,000 in trail maintenance funding to continue the priority, maintenance, and new initiatives in land stewardship projects.

**Request to Selectmen- Hunting Signs at major town entrance roads**

Commissioners agreed to seek Selectmen's approval, as needed, for the replacement of street signs at main road entrances to the town stating that hunting in Sudbury is by written permission only from the landowner.

**Newfell Management Plan**

Commissioners agree that the Newfell field should be managed for wildlife habitat with a goal of encouraging ground-nesting birds. No public access will be pursued at this time due to limited parking. Therefore the field should only be mowed one time per year in late summer/early fall (September). The abutter who has been unofficially mowing the fields will be notified. Motion by B. Armstrong; 2<sup>nd</sup> D. Henkels; unanimous in favor.

**Extension Permit 141 Goodman's Hill**

Commissioner signed the Extension Permit approved at the previous meeting.

Meeting adjourned at approximately 9:00pm.