

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, January 11, 2016

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

Minutes

On a motion by B. Porter; 2nd D. Henkels; the Commission voted unanimously in favor of approving the minutes of Dec. 28, 2015 as drafted.

Status of ANRAD 999 Concord Rd. & hearing continuation

The coordinator reported that per her 1/5/16 conversation with Dan Wells, no new surveying has begun. It is scheduled for mid-January. Completion of new flag surveying and the plan can be expected by the end of February. The Commission must decide to continue or close, deny and request new filing. The expectation when the Commission agreed to the continuation on Oct. 19, 2015 was that the new plan would be submitted to the Commission before winter and the applicant is was then in the process of hiring a surveyor for the new wetlands. They stated they would like to get the ARNARD completed before winter.

On a motion by R. Elkind; 2nd B. Porter; the Commission voted unanimously in favor of continuing the ANRAD hearing until Feb. 25, 2016 and will act on the plan that is in front of them at that time.

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

The Coordinator reported that the outstanding items (monitoring of stormwater system, contract for septic pumping, etc.) has been received from the engineering firm.

On a motion by B. Porter; 2nd R. Elkind; the Commission voted unanimously in favor of issuing the Certificates of Compliance for the four outstanding Orders of Conditions.

Land Stewardship

The Coordinator reported that a request for [placement of a trail camera and baiting of wildlife for the purpose of photography was received. The question of cameras on conservation land has come up previously and the Commissioners at that time decided that they would not permit the use of cameras on conservation land, except during hunting season by locally-permitted bow hunters.

Commissioners agreed that no baiting of wildlife shall be permitted on any town-owned conservation land. M. Sevier questioned if bird feeders could be considered a form of baiting. Commissioners responded that bird feeders are not installed on town-owned conservation land and the use of bird feeders is up to the discretion of the private land owner.

R. Elkind stated that he felt the use of trail cameras would compromise the privacy of public conservation land users. He was opposed to their use unless it was for a town-sanctioned research project. D. Henkels noted that to allow trail cameras one time would set a precedent for allowing them in the future.

T. Friedlander questioned what the purpose of the trail camera was for in this particular request. D. Dineen stated the request came from a person who was under 18 years old and had requested

permission to hunt on town conservation land even though he did not meet the 18 or older requirement. This was denied.

B. Porter noted that baiting can change a habitat. He stated that any activity permitted on conservation land should have a conservation benefit and this does not appear to have one.

Commissioners agreed that the use of trail cameras and baiting of wildlife would both continue to be prohibited on town-owned conservation land.

C. Russo joined the meeting at this point.

Lots 4 & 5 Fairbank Rd.: Review for Approval: Cold Water Fisheries and Stream Baseline & Monitoring Plan; DEP File #301- 1149

D. Henkels and D. Dineen reported that they had contacted numerous people in the state agencies and Trout Unlimited to develop a site-specific monitoring protocol with the assistance of a qualified cold water fisheries biologist or other person very knowledgeable in cold water fisheries protection. Dept. of Fish & Wildlife does not have a protocol for monitoring. D. Henkels stated that the intent was to find a simplified plan for monitoring temperature, oxygen, and PAH levels. B. Armstrong suggested perhaps Peter Coffin at Blackstone Valley could be of assistance.

M. Sevier stated that a timetable and expectations for the current project should be developed soon. Beth Cosgrove, applicant for Lots 4 & 5 Fairbank, stated that they were not looking for an immediate start to construction.

T. Friedlander noted that the Commission must use the expertise of others and find a balance that will not be burdensome to the future homeowners. Commissioners agreed that they should seek the paid services of a qualified CWF biologist to develop a monitoring plan.

WPA & Bylaw Abbreviated Notice of Resource Area Delineation (cont.): 0 Willis Rd.

No one was present to present the project or request a continuation. As a result of a site visit on Jan. 4, 2016, the Commission was aware that a revised plan was being drafted to show the relocated wetland flags as agreed to on site. The Commission agreed to continue the hearing until Feb. 8, 2016 at 7:00pm.

WPA & Bylaw Request for Determination of Applicability (cont.): 4 Maynard Rd.

Present: Mike Carney, Jeff Walker

A revised plan date November 2015 was presented that showed all activity removed from both the riverfront area and the adjacent upland resource area. Grading in riverfront and adjacent upland resource areas has been eliminated. Mr. Walker stated that the remaining grading just outside of wetlands jurisdiction was to create a more level lawn area and was not for future septic system construction.

On a motion by R. Elkind; 2nd C. Russo; the Commission voted unanimously in favor of a negative Determination.

Violation Updates:

Bruce Freeman Rail Trail Surveying

T. Friedlander informed the Commission that tree cutting and excessive trimming had been done, contrary to the DEP Superseding Order and the court decision along the BFRT. It was not a major

violation as only smaller white pines had been cut, however it was unfortunate after all the discussion to minimize the disturbance for the surveying. The error appeared to be a miscommunication to those actually doing the trimming. The parties involved have been fully informed of the limits of the trimming permitted and the Commission felt that the issue had been addressed sufficiently.

SVT Memorial Forest

T. Friedlander reported that he attended a meeting with three members of SVT staff. He made it clear to them that he had attempted to meet with Laura Mattei before the Notice of Violation was issued to discuss the matter, but she refused to meet. Part of the violation is on the SVT easement on the General Federation of Women's Club property. He suggested the Commission may wish to grant more time to SVT to file the NOI. C. Russo noted that SVT should be our ally and that the NOV accomplished what was intended, which to get their attention. He saw no need for any future punitive action.

3 Goodnow

Receiving no response to a letter sent to property owners on 12/15/2015, the Commission voted in favor of issuing a ticket. Motion by R. Elkind; 2nd D. Henkels. M. Sevier abstaining; C. Russo opposed.

26 Goodman's Hill

Receiving no response to a letter sent to property owners on 12/15/2015, the Commission voted unanimously in favor of issuing another ticket. Motion by R. Elkind; 2nd C. Russo.

36 Wright Rd.

The property has responded and has agreed to remove all debris he placed in wetland jurisdiction for the two years he has owned the property. He stated some of the debris was there when he purchased the house. Commissioners stated they have no way to determine what was his and what was done by a previous owner, therefore full clean-up will be required.

321 Old Lancaster

The NOI has been received, however it is incomplete. The narrative indicates that the number of trees removed appeared to be larger than the Commission first thought because the trees were double or triple-trunked. D. Dineen recommended not requiring the NOI, requiring a replanting plan for review and approval, and permitting the replanting under the NOV. Commissioners agreed to this approach to correction of the violation.

0 Washington Dr.

The Coordinator informed the Commission that the attorney for the property owners had indicated that new requests for Certificates of Compliance will be submitted shortly.

85 Ford Rd.

No response has been received from the property owners or the tree company. The tree company was issued a ticket. It has not been paid to date but is still within the 30-day window for payment.

Lot 4 Anthony Dr.

Violations appear to consist of : construction of retaining wall that was not permitted in DEP File #301-1154; erosion and sedimentation occurring due to failure to maintain erosion control barrier; alteration beyond that permitted in #301-1154; grading not in accordance with the plan approved in #301-1154; drainage outfall installed within 100' of wetlands; no evidence of recording the Order of Conditions at the Registry of Deeds; and no evidence of a recharge swale along the eastern edge of the driveway as agreed to by the applicant at the hearing.

The Commission will require an interim as-built plan to assess the extent of the violations. D. Dineen will see if the Building Department has a foundation plan on file.

On a motion by C. Russo; 2nd B. Armstrong; the Commission voted in favor of issuing and Enforcement Order/NOV. R. Elkind abstaining as an abutter. B. Porter abstaining. M. Sevier suggested holding on the issuance of a ticket to see if they are responsive.

Lot 5 Anthony Dr.

On a motion by C. Russo; 2nd B. Porter; the Commission voted unanimously in favor of issuing an EO/NOV and requiring an interim as-built to show the extent of alteration in wetland jurisdiction.

87 Cudworth Lane

The draft Conservation Restriction was received today from Atty. Josh Fox. It will need some revisions and must be reviewed by Town counsel and EOEEA. The Commission extended the deadline for the final draft submission to Jan. 25, 2016.

359 Old Lancaster

T. Friedlander and D. Dineen viewed the rear of the property from the Haynes Meadow conservation land. The clearing and grading measured within 100' of bordering vegetated wetland using Sudbury GIS MapsOnline. On a motion by R. Elkind; 2nd D. Henkels; the Commission voted unanimously to ratify a Notice of Violation letter.

75 Goodnow Rd.

This violation is not a wetland violation but an Agricultural Restriction Violation. The field in the front of the house was to be maintained a field but has been converted to lawn area. This is the second time the Commission will have had to inform the same owners of the need to maintain the area as field.

20 Dorothy Rd.

The violation consists of tree, shrub and sapling removal in the entire rear yard of this property which borders Run Brook on two sides. Homeowners did the work themselves. The tree company that was called to remove the larger trees around the house informed the Commission of the violation. Commissioners agreed that the larger trees that are compromised by rot, disease, or multiple trunks can be removed after they are flagged by the tree company and reviewed on site by the Commission.

On a motion by R. Elkind; 2nd D. Henkels; the Commission voted unanimously to ratify the EO/NOV.

In other business:

The Commission signed the Order of Conditions 32 Maynard Rd. which was voted at the Dec. 28, 2015 meeting.

The Commission signed a duplicate original OOC: 402 Maynard Rd. #301-826 for recording purposes.

Project Updates: Updates of on-going projects by Commissioners and Staff

Wayside Inn Preservation

T. Friedlander informed Commissioners that the CPC is looking at the offer tot the Town to purchase a conservation restriction on the 110-acre Wayside Inn property for permanent protection and to raise funds for an endowment for the Inn for repairs and improvements. The cost is \$6,325,000. He does not see why SVT would be involved in this transaction. The CPC discussed committing \$750,000 to \$1,000,000 from CPA bonding. That is the extent of the funds available at the current time from the CPA funds. The balance would need to be raised by an override vote.

Sudbury Station LLC

D. Dineen informed Commissioners that a Request for Determination under the Wetlands Protection Act has been received for roadway work for the Peter's Way access into the development. The review has been scheduled for Jan. 25th.

Public Education/Public Outreach: Town-wide mailing

T. Friedlander noted that mailings can be done by postal routes to reduce costs. However review of these routes showed that there is no route with significantly fewer wetlands. Commissioners also felt that all residents should be advised of the wetland regulations.

On a motion by R. Elkind; 2nd C. Russo; the Commission voted unanimously in favor of adjournment.
8:45pm

