

**Sudbury Conservation Commission**  
**Minutes of the Meeting held Monday, Feb. 22, 2016**

Present: Tom Friedlander, Chairman; Mark Sevier; Dave Henkels; Bruce Porter; Charlie Russo (arrived 6:45pm); Debbie Dineen, Coordinator

Absent: Beth Armstrong; Vice-Chairman; Rob Elkind

**Minutes**

On a motion by D. Henkels; 2<sup>nd</sup> B. Porter; the Commission voted unanimously in favor of approving the minutes of Feb. 10, 2016.

**Violation Updates:**

Lot 5 Anthony Dr. - The Commission signed the duplicate Enforcement Order for recording at the Registry of Deeds.

Sudbury Valley Trustees Memorial Forest Violations - The NOI was due Feb. 2. No NOI was received by this date but a progress report on the site conditions and actions taken was received Feb. 12, 2016. L. Mattei has stated the NOI will be submitted by Feb. 23 for a hearing on March 7. The Chairman felt that discussion with all parties, including the stable and other concerned users can be held during the NOI hearing at this point. Commissioners agreed. B. Porter noted that the issues with the Cranberry Brook crossing on the gas pipeline has been an historic problem, mostly caused by illegal ATV use.

**WPA & Bylaw Request for Determination of Applicability: 29 Plympton Rd.**

John McCauley; builder

The RDA was filed for new house construction with work in the outer riparian (100 – 200') riverfront area. Mean annual high water appears to coincide with or close to top of bank (first observable break in slope) of the stream. There is a developed lawn and landscaped area between the proposed development and the stream. An accessory apartment was removed from within the riverfront area without the builder aware that he was performing work in a wetland jurisdictional area. The area will be planted native rhododendrons to prevent colonization by invasive plants.

On a motion by D. Henkels; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously in favor of a negative Determination

**Certificate of Compliance: 31 August Rd.**

D. Dineen reported that the an as-built plan has been received, however it was not the appropriate as-built for determining work in the floodplain. However, the homeowners provided photographs of the addition which showed clearly that the addition was built on pilings and was raised well out of the floodplain. Commissioners voted to accept the photographs as proof that no fill was placed in the floodplain and to issue the Certificate of Compliance.

Motion by D. Henkels; 2<sup>nd</sup> B. Porter.

**WPA & Bylaw Notice of Intent (cont.): 41 Oak Hill Rd.**

Present: Amy Minihane; Paul (?), land surveyor; Renee McDonough of Goddard Consulting

R. McDonough presented revised plans showing grading, drainage and house renovations as well as the landscape plan for the site, the location of the drainage swale, concrete pavers to replace the existing walkway, and a cobblestone berm along the edge of the paved roadway. The applicants are looking for after-the-fact approval of the existing fence and backyard area enclosed within the fence.

D. Dineen noted that the plan is signed and stamped by a Land Surveyor and includes drainage design. Engineered drainage needs to be signed by Registered Professional Engineer and calculations need to be submitted to show the sizing of the swale and the infiltration capacity of the soil under the swale. She noted the cobblestone berm is OK from a wetlands standard but is likely to be destroyed by the first snowplow down the street.

R. McDonough stated that mitigation is provided of at least 2:1 by the proposed planting of 10 native shrubs along the bank of Hop Brook for shading and wildlife food source.

Land Surveyor Paul (?), explained that the swale is taking current runoff and infiltrating it to address an existing problem of water hitting the house siding. It is not intended to pick up any runoff from new impervious surfaces.

M. Sevier stated that the drainage swale needs more detail, including calculations to show if the proposed swale will work. Without the calculations, water could continue to infiltrate the basement if the design is not large enough for the volume of water. He noted this is design vs. theory. B. Porter agreed and added that he cannot determine if the plan is viable based on the information submitted. C. Russo stated that he did not believe providing the drainage calculations was time wasted. He added that the scale of improvement to the existing problems is not known. The project will be better if the information is provided up front showing the design will do what it is intended.

D. Henkels questioned the overall proposed disturbance limits. It was clarified that all disturbance will be within the proposed erosion control barriers.

R. McDonough stated that the project qualifies as a minor project under the WPA. D. Dineen noted that the local wetlands bylaw does not recognize minor project status.

Ms. Minihane noted that the Town Engineer approved the swale. D. Dineen stated that he approved the location outside of the town drainage easement but he did not look at the swale design.

T. Friedlander summarized the outstanding issues: 1) drainage swale to be designed based on actual drainage calculations; 2) the plan is to be signed and stamped by a registered professional engineer; and, 3) only non-native plants may be used in jurisdictional areas and a list of these plants is required.

With the agreement of all parties, the hearing was continued to March 7<sup>th</sup>.

**WPA & Bylaw Notice of Intent (cont.): 17 Lincoln Ln.**

Present: Chris O'Brien of Howard Garden Designs, landscape architect; Meera Alanoly of MetroWest Engineering; Theresa Sprague, landscape architect; homeowner Robert Hanig

The representatives of the homeowners presented plans showing the proposed installation of pavers on a 2,238 sq. ft. portion of driveway; reestablishing native meadow; removing illegal lawn area and incorporating it back into the native meadow; installing a drywell to correct small area of erosion on side of slope to wetland; installing a 679 sq. ft. porous paver patio on the front of the house; removing invasive plants and debris from front slope and replanting the area; removing dead logs from wetland at base of front slope; removal of a concrete pad in the floodplain; improving the flow of runoff from across Lincoln Lane onto the end of the driveway by installation of a stone trench; and installing concrete steps to path through wetland to edge to "normal" river edge. It was noted that a propane tank and wood shed are located within the bordering vegetated wetland and floodplain. These were not previously permitted.

The site is located all within riverfront area with floodplain, bordering vegetated wetland, and contains conservation restriction area. The proposed patio will be built on a previously unpermitted gravel area within riverfront but on area formerly approved for lawn. Floodplain and bordering vegetated wetland cover much of this site.

The front slope is currently a mix of native and invasive plants. The slope contains building material debris. The visible debris on the slope will be removed but if the debris is found further into the slope, it will not be removed as to no destabilize the entire slope. Erosion control blankets will be used to stabilize the outer slope. Non-native forsythia will be removed on the side of the house. The areas will be enhanced with native plantings. Logs at the base of the front slope will be moved to another area that will not impact site aesthetics.

The Natural Heritage and Endangered Species Program has determined that the project will not have a negative impact on state-listed rare or endangered species.

D. Henkels stated that he thought the plan was well thought-out. He saw the value in leaving the logs in place for habitat value but could see that moving them was offset by the other enhancements of the natural resources provided in the plan. He questioned if there might be a more appropriate location for the propane tank.

C. Russo agreed that the plan was good but noted that he was nervous with the proposed work in very close proximity to the water and wetland. M. Sevier and B. Porter clarified through the applicant's representatives that the porous pavement in the driveway was an improvement due to its capacity to infiltrate runoff when the ground was not frozen. M. Sevier felt the extent of debris removal on the slope was reasonable.

Theresa Sprague noted that the propane tank was likely in place from the beginning and installed by the previous owner as it is the source of heat for the house.

A discussion followed regarding the propane tank in the floodplain. C. Russo suggested an alternatives analysis to see if the propane tank could be relocated outside the wetland. Other discussion regarding possible conditions for the Order suggested the front slope should have all the invasive plants tagged and only the invasive plants should be removed. A ConCom inspection should be done before removal. Replacement plants should be with native shrubs with high wildlife value as well as root structures to help hold the slope. The

stone steps to the existing (and permitted) path may not be necessary. It may just be an aesthetic feature as there is no evidence of erosion. Use of porous pavers on the portion of the driveway is probably an improvement, especially in the spring.

With the agreement of all parties, the hearing was continued to March 7.

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

Mark Merullo, applicant

Present: Renee McDonough of Goddard Consulting

D. Dineen requested a continuation to March 7 to obtain the report from the Commission's consultant on the revised plan. R. McDonough requested a continuation to the same date in order to provide a revised plan with the correct map/parcel reference.

Commissioners agreed to continue to March 7, 2016.

**WPA & Bylaw Notice of Resource Area Delineation (cont.): 999 Concord Rd.**

Continued to March 7 (revised plan requested by 2/25).

**Discussion: Pantry Brook Trestle Bridge condition**

Present: Carole Wolfe; Chris Boland

The DPW with written approval from Board of Health removed a beaver dam that was backing water up into septic systems of houses on Woodmere Drive. The release of the water from the large dam caused siltation in the downstream wetlands. Tom & Debbie have met with DPW Director and written protocol is being developed for protection of wetlands during beaver dam removals.

The SCC has received an RDA from MassDOT for fencing off of this brook crossing on the trestle due to unsafe conditions. Subsequent to the dam removal, a portion of the already compromised trestle bridge abutments further collapsed. Mass DOT engineer has stated that MassDOT has no funds for repair and is relying on the Bruce Freeman Rail Trail construction to solve the current unsafe conditions. DPW Director is looking at design and costs of a simple, safe bridge crossing to allow keeping this area open that could be presented to MassDOT for approval. The Commission will follow up during the growing season to assess any impacts to the downstream wetland.

Carol Wolfe noted that the bridge is an historical structure. C. Boland noted that the LSRHS track team uses the corridor for training runs.

**Order of Conditions: 26 Goodman Hill Rd.** Review and sign draft OOC

On a motion by C. Russo; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of issuing the WPA Order as drafted.

On a motion by C. Russo; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of issuing the SWAB Order as drafted.

**Comments to ZBA: Sudbury Station & Avalon (Raytheon)**

A tentative ZBA hearing schedule has been received from Jody Kablack. D. Dineen suggested the Commission consider submitting comments to, and/or attending ZBA hearing on the dates of relevant issues.

D. Dineen and C. Russo will work on a revision to the letter sent to the Selectmen on Sudbury station for consideration for their comments to MassHousing. The letter is relevant to the issues the ZBA will be considering.

**Project Updates:** Commissioner and Staff Updates of on-going projects:

Town-wide mailing – T. Friedlander will ask Kirsten Roopenian to work up a draft mailer. In response to a question on cost by C. Russo, Tom indicated that the cost will be approximately for mailing plus the cost of printing.

Scavenger hunt – T. Friedlander felt that the hunt was very successful. D. Henkels felt the age dynamic was off as there were younger children plus teens. It was difficult to keep all age groups engaged.

On a motion by M. Sevier; 2<sup>nd</sup> B. Porter, the Commission voted unanimously to adjourn the meeting. 9:15pm