

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, June 20, 2016

Present: Tom Friedlander, Chairman; Bruce Porter; Mark Sevier; Dave Henkels; Charlie Russo (7pm arrival); Rob Elkind (7:05 arrival); Debbie Dineen, Coordinator

Minutes

On a motion by B. Porter; 2nd D. Henkels; the Commission voted unanimously in favor of approving the minutes of **June 6, 2016** as drafted. M. Sevier abstaining as he was not present at the meeting.

WPA & Bylaw Request for Determination of Applicability: 17 Allene Ave., new Garage

Present: Ava Vernoooy

Ms. Vernoooy presented a plan for a garage addition at her property. New garage construction that *may* be within the 200' riverfront area. Measurements from Maps On Line indicate setback from the area of the garage addition to Run Brook (cold water perennial stream) at 217' at the closest point. These maps may not be entirely accurate. Applicant has filed the RDA for the Commission to determine if any wetland impacts will occur from the project, in case the map is incorrect as Maps On Line cannot be used for permitting purposes.

D. Dineen recommended a Negative Determination. A partially un-constructed paper street Allan Ave., and a town-owned lot (G06-0582), is located between 17 Allene Ave and Run Brook. The land is flat between the proposed garage location and the slope to Run Brook which begins near the rear of the town-owned lot. The garage will not have a negative impact on the wetland values and functions due to the distance and the land use currently in place in the riverfront area. She noted that there appears to be encroachment onto the town-owned lot. She will follow up with the Building Inspector on this apparent violation.

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

WPA & Bylaw ANRAD (cont.): 999 Concord Rd.; P. Duggan, applicant

A site inspection was held June 16, 2016. T. Friedlander, B. Armstrong, D. Dineen met with Dan Wells and Dave Burke on site. Based on some discussed adjustments to the wetland line at the site visit, the Commission voted unanimously for a continuation to July 11.

Discussion: Update on Bruce Freeman Rail Trail

Chairman Friedlander updated the Commission on the status of the proposed BFRT Design Task Force. The Selectmen have not as yet voted on this issue. A Public Meeting, hosted by VHB, Inc. will be held tomorrow night. Public comment is welcomed.

The Commission discussed a possible response to the letter by Dick Williamson in the Town Crier. They also noted a response by Dan DePompei in last week's Crier. Commissioners restated their desire to be involved with BRFT only in a technical and regulatory capacity. They did not wish to become involved in responding to letters in the newspaper.

Discussion and Vote: DEP File #301-1149 Lots 4/5 Fairbank Rd.

Present: Robert Oliva, David E. Ross Assoc.; Beth Cosgrove; Renee McDonough and Scott Goddard of Goddard Consulting; Mr. Cutting

The Coordinator provided an update on the Board of Health meeting from June 7. The Board of Health did not vote on the variance at this meeting. She was informed by the Director of Health that the attorney for Greenspire stated they have a valid wetlands permit. That permit was issued without the Commission having been informed that the septic system required a variance of local Board of Health regulations. This means that the project's septic design does not have the presumption in 310 CMR 10.03(3) that the system will protect wetland values and functions. SCC has the following options: 1) hold public hearing to rescind Order; 2) issue EO/NOV; 3) any combination of 1 and 2; 3) do nothing. She did not recommend doing nothing. There is an Order out there that was issued based on assumptions by the Commission and non-disclosure of pertinent information by the applicant's engineer. The Coordinator recommended issuing the EO/NOV right away so site clearing cannot begin until this issue is resolved. The EO should require submission of the information to justify wetland protection where the Presumption of Significance in 10.03 has not been met. This information must be reviewed in a public hearing on an amendment to the Order. Alternatively, you could hold a public hearing to rescind the Order and require the filing of a new NOI. She presented WPA Form 5. And referred the Commission specifically to section B. Findings c.

B. Cosgrove stated that the Conservation Restriction has been recorded. They do not plan to start any work before they get their BOH permit.

On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of issuing the Enforcement Order. M. Sevier abstaining. The EO will not be recorded at this time while the applicant is seeking a BoH variance.

Review for Approval:

Lot 4 Anthony Drive Invasive Species Management Plan –

R. Elkind recused himself from discussion on the Anthony Drive lots as he is an abutter.

The new planting plan has plantings added. D. Dineen stated that they are all appropriate native species for the site. RR. McDonough noted that the current status of invasive plant removal shows some new bittersweet coming in. The OOC has been recorded.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously in favor of lifting the Enforcement Order.

Lot 5 Anthony Drive Supplemental Planting Plan –

R. McDonough reported that the new supplemental plants have been installed. Temporary irrigation spray is being used. She was unclear if there are any sprinkler heads in the restoration area.

D. Dineen noted that successful restoration should be designed as 90% healthy plants.

D. Henkels motioned to lift the Enforcement Order conditional upon confirmation that there are no sprinkler heads within the AURA. C. Russo 2nd; unanimous in favor

Mr. Fenton requested approval for the removal of 6 – 15 additional trees on Lots 4 & 5. He presented a letter from Rusty's Tree Service attesting to the trees being compromised. The Commission noted that they would need 1) a request to amend the Order for Lot 4; 2) a plan (sketch OK) showing the location of the trees; and 3) a site visit to look at the trees once they were marked in the field. With receipt of the above information, the Commission could consider this request at the July 11 meeting.

The Commission would first have to determine if a public hearing was necessary for the amendment of the Order on Lot 4, or if the work could be reviewed and amended outside the public hearing process.

Revised Restoration Plans 25 Union Ave.

On a motion by D. Henkels; 2nd R. Elkind; the Commission voted unanimously in favor of accepting the restoration plan once distances off the building/width of restoration areas were added.

Notice of Violation Status:

Lot 56 Bigelow Drive

D. Dineen reported that the site had been stabilized with sod per the request of DEP.

85 Ford Rd.

T. Friedlander reported that the owners still need to provide a restoration plan with new plantings. The trees are still stockpiled on site and the property owner's mother has stated that they cannot get the tree person back to remove them.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of issuing and EO explaining exactly what they must do to comply.

443 Peakham Rd

A verbal report was received from Dan Wells of Goddard Consulting informing the Commission that the replanting had not been accomplished by the deadline in the OOC. Mr. Marimon had a heart attack and work on the replanting has halted.

Motion to issue fines by B. Porter; 2nd R. Elkind; unanimous in favor

T. Friedlander suggested the Commission grant Mr. Marimon more time for replanting until June 29th. If the replanting is not accomplished during these extra three weeks, additional fines would be issued.

Carding Mill Field Agricultural License

D. Dineen presented the Commission with the draft License Agreement. She noted that it has not yet been approved by Town Counsel. The Farmer is anxious to get his plants in the ground.

Commissioners reviewed the License and authorized the Chairman to sign the License once it is approved by Town Counsel.

Miscellaneous:

1. Discuss: any action re: mosquito spraying

Commissioners discussed sending a letter to companies spraying for mosquitos and ticks on private property informing them that they need a wetland permit if they are spraying within wetland jurisdiction. C. Russo noted that a Toxic Use Reduction Plan may come into play which involves monitoring, reduction, and target application. D. Dineen noted that there are two types of sprays; organic and non-organic. The organic spray does not last as long and requires reapplication sooner.

2. Certificate of Compliance #301-79, 474 Boston Post Rd. Order from 1982

This is an Order from the construction of Kappy's Liquors. Kappy's is now Kippy's. The Order predated the performance standards for wetland alteration limits. The Board of Health has had no

issues at the site. A new distribution box was recently installed. The Town Engineer was not aware of any drainage or flooding issues on the site. A site inspection by the Coordinator did not indicate any erosion or other obvious problems at the site.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously in favor of issuing the COC.

3. Commissioner Updates on Activities/Meetings Attended

D. Henkels reported that he just completed a very comprehensive week-long, full day in the field, soils training course. he is looking forward to putting his new skills to work.

B. Porter, D. Henkels, D. Dineen met with the Environmental Consulting firm employed by the Town's attorney on the Eversource Project. Areas of particular wetland sensitivity were noted during a review of the maps. Bylaw requirements were reviewed. D. Dineen walked the MBTA track from Dutton Rd. to the Hudson line with the consultants to look at the areas abutting the most sensitive, protected natural resources.

C. Russo followed up on the Bruce Freeman Rail Trail (BFRT). He questioned what the process would be to inquire from towns that have already had the trail permitted to see if and how the town departments collaborated and if local bylaws were met with the design. He noted that Concord had the trail narrowed to 8' with 1' shoulders in and area and the Conservation Commission was involved in the design process. They are doing their best to work within the town bylaws. There is an issue with the use of galvanized steel that could leach zinc into the wetlands. Operation & Maintenance plans are also key to resource protection. He stressed the need for collaboration and application of all bylaws.

T. Friedlander met with Selectmen Pat Brown regarding the BFRT. Nothing is moving forward from the Selectmen on the establishment of a Design Task Force at this time. He noted the Community Information Meeting was tomorrow night. No meetings have occurred to date with major abutting land owners. No meetings with the public or Con Com have happened yet although VHB, Inc. is 18 months into their contract with the Town.

4. Desert Area User Group; participation and appointment of representative.

B. Porter was appointed the SCC representative to this group.

5. Signatures – the Commission signed the previously voted Certificates of Compliance for Dudley Brook Preserve and 67 Brewster Rd.

6. A site visit at Coolidge at Sudbury, Phase II has been scheduled for June 23 at 3:15pm.

7. The Town manager has requested input on any suggested Sudbury Foundation grant opportunities to develop a Priority List.

8. Sudbury Coffee Works Violation

The Board of Health was informed that the Sudbury Coffee Works has been disposing of grease in a pit on the slope to the wetland behind the building on Union Avenue. The BOH had inspectors on

site and results should be available tomorrow. The grease was disposed of in an area in close proximity to the wetlands. Commissioners decided to wait for the Health Inspector's report before taking action.

On a motion by R. Elkind; 2nd B. Porter, the Commission adjourned the meeting at 8:25pm.