

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, Aug. 8, 2016

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

Minutes

On a motion by B. Armstrong; 2nd M. Sevier; the Commission voted unanimously in favor of accepted the minutes of July 11, 2016 as drafted. B. Armstrong and D. Henkels abstaining.

WPA & Bylaw Request for Determination of Applicability: 38 Moran Circle

Present: Brian Perricone, homeowner

Mr. Perricone presented a plan for a patio expansion in riverfront and upland resource area. the riverfront area is associated with Landham Brook. The new patio will be 750 sq. ft. It is replacing a 250 sq. ft. patio. The existing patio is cement. The proposed patio will be constructed of permeable pavers. all work and activity will be on existing lawn or landscaped areas. D. Dineen recommended an erosion control barrier due to the soil preparation for the pavers. B. Porter called the work a minimalist project with overall improvements to infiltration of runoff.

On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of a negative Determination conditional upon the installation of erosion control.

WPA & Bylaw Request for Determination of Applicability: 160 Concord Rd.

Present: Liz Radowski, Our Lady of Fatima Maintenance Committee

Our Lady of Fatima would like to relocate waste containers on a new 10 x 18 concrete pad just north of their current location. Both locations are within 100' of wetlands. Concern was expressed for drainage and flooding issues that are occurring on the property and the addition of new impervious surface. Ms. Radowski stated that the containers could be placed on gravel. M. Sevier confirmed that the containers did not roll.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously in favor of a negative Determination conditional upon the use of gravel and no increase in impervious surface.

WPA & Bylaw Request for Determination of Applicability: 223 Maynard Rd.

Present: John Pratt, builder

Mr. Pratt presented a plan to extend an existing deck by 10'. A total of 4 – 6 new support columns will be installed. The columns will be "techno-metal" and have been approved by the Building Department. All work is on existing lawn with a steep drop to a bordering vegetated wetland. All work will be at the top of the slope.

On a motion by B. Porter; 2nd B. Armstrong; the Commission voted unanimously in favor of a negative Determination.

WPA & Bylaw Request for Determination of Applicability: 8 Saddle Ridge Rd., pool

no applicant present

D. Dineen presented a plan for the construction of a swimming pool on existing lawn area. The pool will be located within 100' of bordering vegetated wetland. a plan was submitted showing the maximum extent of pool, decking and fencing.

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

**WPA, Wetland Bylaw, & Stormwater Bylaw Notice of Intent: Methodist Church
Old Sudbury Rd.; parking lot and drainage reconstruction**

Present: Richard Morris & Patrick Helsingus of the Church Council

D. Dineen stated that the Notice of Intent was submitted for a parking lot upgrade. She has spoken with the interim Town Planner who agreed that the Planning Board is very likely to designate the Conservation Commission as the issuing authority under the Stormwater Management Bylaw for this project. The Planning Board is not meeting until Aug. 16 so it makes sense for the Commission to begin the process. It can be turned over to Planning if they so vote.

The parking lot was built over an area of glacial till with only 6' – 7' to groundwater. She suggested the Commission hire the peer review consultant for stormwater issues, Fred King of Schofield Brothers, to review the proposal for compliance with the MA stormwater standards and make recommendations if any improvements can be added to the design.

Mr. Morris requested that the review be done as soon as possible. D. Dineen stated that in her conversation with Mr. King, she gave him the deadline of Sept. 12, as that was the next scheduled meeting at the time. Since then, the Commission has added an Aug. 22 meeting. She does not know if Mr. King can meet this advanced deadline.

Mr. Morris stated they would investigate if anyone could perform the peer review sooner.

All parties agreed to continue to Aug. 22 if a peer review would be available for that meeting. If not, the hearing would be continued again to Sept. 12.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of having the stormwater water peer reviewed.

WPA & Bylaw Notice of Intent: Avalon Sudbury, 528 Boston Post Rd. 40B

Present: Karen Saffier & Meredith Avery of VHB, Inc. for the applicant

Ms. Avery explained that the NOI is a filing only under the WPA but local wetlands bylaw intent was taken into account. She noted that they are looking at enhancement beyond the WPA which include installing kestrel boxes and a significant wastewater treatment plant upgrade.

Ms. Saffier presented a plan showing that the current 3 surface sand leaching beds for septic will be upgraded to one subsurface leaching system. The area on the surface will be restored as green space for passive recreation for the development. She noted that the Planning Board has had the stormwater peer reviewed by Horsley & Witten. The Commission's peer reviewer has already reviewed the overview of the entire site drainage reconstruction plan. D. Dineen noted that Mr. King has not looked at any of the stormwater details for this phase of the overall project site. Ms. Saffier explained that stormwater will be infiltrated wherever feasible and there will be an overall reduction in impervious surfaces throughout the development. Ms. Avery added that the plans meet the bylaw requirements and respect the intent of the bylaw.

C. Russo stated that Raytheon had been on site for over 50 years. He agreed that it is smart to do the reconstruction the right way due to the proximity of the drinking water wells. B. Porter agreed

that the Town should proceed cautiously to be sure the wells are not compromised. C. Russo questioned if a fence was to be installed around the pond.

The hearing was continued to Sept. 12 to allow for a stormwater peer review of the plans. The Horsley & Witten review will be considered.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of having the stormwater water peer reviewed.

WPA & Bylaw Abbreviated Notice of Resource Area Delineation: Rt. 20

Present: Meredith Avery and Karen Saffier of VHB, Inc. for the applicant

Ms. Avery reviewed the plan showing the wetland delineation along Route 20 in the area of projected roadway improvements related to the Meadow Walk development. She noted that the stream crossing under Rt. 20 becomes perennial on the south side of the road. A finger-like projection of wetland on the Shaw's Plaza property is being used for stormwater detention. It is still a jurisdictional wetland.

D. Dineen noted that the stream on the north side of the road cannot be determined as intermittent at this point. The Commission must look at it as perennial until evidence is submitted under the bylaw showing it dry for a minimum of 4 days in a non-drought period.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted to accept the ANRAD as discussed noting the stream on the north side of the road must be declared perennial under the bylaw at this time.

WPA & Bylaw Abbreviated Notice of Resource Area Delineation: Proposed Bruce Freeman Rail Trail

The hearing was continued without discussion for wetland peer review by Dave Burke as voted in June 2016. All parties agreed to the continuation. A letter was received from the Town Manager indicating her approval for the continuation as the representative of the applicant.

WPA Notice of Intent: 0 Willis Rd. (continued) new house construction

Present: Mark Arnold of Goddard Consulting, Inc. representing the applicant

Chairman Friedlander announced that Commissioners Dave Henkels & Bruce have signed Mullin Affidavit and reviewed videotape of the July 11 meeting and are therefore eligible to participate and vote on this matter under the Mullin Rule.

D. Dineen stated that the hearing was continued to allow the applicant time to submit a revised plan that reduced the disturbance in close proximity to the wetland. The Commission had suggested incorporating native plants areas on the slope grading from the septic system to the wetland and the installation of stormwater treatment and infiltration for the driveway as feasible enhancements to protect wetland values and functions rather than having lawn graded to within 10' of the bordering vegetated wetland on the slopes. No revised plan has been received.

Mr. Arnold stated that his client, the applicant, feels that the project is adequately designed to be approvable by DEP.

D. Dineen recommended a denial of the project as the work in the buffer zone could be reduced significantly to protect wetland values and functions. She provided a draft denial Order and cited at least 6 studies that document the importance of buffer zones in protecting the wetlands. B. Porter agreed and stated that scientific studies support the value of protecting property adjacent to wetlands.

D. Henkels added that the lot is situated within a corridor of 70+ protected acres along the stream and its associated bordering vegetated wetland. This project would fragment this corridor and would negatively impact the integrity of the wetland resource.

Mr. Arnold responded that a single family home was not a large generator of pollutants.

Atty. Stas , representing the owner of 159 Willis Rd., abutter, submitted a letter from neighbors asking for the Commission to deny the project. The letter cited concern for changing drainage as primary.

Margaret Rose, 23 Willis Rd., questioned how the Commission could assess the current condition of the wetlands with the drought.

Jean Maloney, 119 Willis Rd., stated that 0 Willis is a very wet area.

Atty. Stas , noted that the septic system is under the driveway which could add an additional risk factor for the wetlands.

D. Dineen noted that there is some discrepancy in the identification of the intermittent stream. The narrative refers to two streams while the plan only shows one stream. It is unclear which stream the documentation submitted as intermittent was showing.

C. Russo stated that there is much more that could be done on the lot for options to provide better protection of the wetlands. He moved to close the hearing. M. Sevier 2nd; unanimous in favor.

B. Armstrong motioned to deny the project. D. Henkels 2nd; unanimous in favor.

WPA & Bylaw Order of Conditions: Nashawtuc Country Club

On a motion by C. Russo; 2nd B., Armstrong; the Commission voted unanimously in favor of issuing the Order as drafted for the tree removal violation correction.

Notice of Violation Status:

56 Cudworth.; Proposed restoration Plan & extension on NOI filing

The Commission discussed several possible restoration scenarios for revegetating an area of lawn that was expanded without a wetlands permit by a previous owner of the property. The current owners would like to correct the violation and bring the property up to compliance as it is for sale.

B. Porter suggested the Commission do nothing as any disturbance could upset the current equilibrium on site. M. Sevier stated that the Commission must look at the larger context of the current situation and understand the current owners desire to comply but not to the extent that they lose value. T. Friedlander and D. Henkels both agreed that a practical solution for all was needed but Certificate of Compliance can be issued if they are not in compliance.

Following further discussion, the Commission voted to amend the Enforcement Order to require approximately 550 sq. ft. to 650 sq. ft. of lawn at the low point in the back yard to be restored to a native shrub area with the shrubs providing full coverage of the area at maturity. Motion by D. Henkels; 2nd M. Sevier. B. Porter opposed.

Request for Amendment of Order of Conditions: Lot 4 Anthony Dr.; Tree Removal

Present: Jim Fenton of Distinctive Homes Acton, Inc.; Mark Arnold of Goddard Consulting for the applicant

Distinctive Acton Homes, Inc. has requested approval for the removal of 17 trees, mostly mature white pine, in the rear of Lot 4 Anthony Drive. A letter from an arborist has stated that the trees are

hazards. T. Friedlander, D. Dineen, and D. Henkels visited the property on July 11th to view the trees with Mr. Fenton of DHA.

The first step in the decision process is for the Commission to determine if a public hearing is necessary to amend the Order of conditions to allow tree removal, or to decide if the request is a minor revision to be approved at this meeting without hearing. Safety issues can be taken into account with the arborist's letter on file declaring the trees all hazardous. Commissioners on the site visit agreed the trees appeared to be in bad shape with dead trunks and branches and could be a threat to the property if they were to fall.

Mr. Fenton proposed removal of all 17 trees. These trees are located in an area of an approved planting restoration plan. 17 shrubs in the current plan will be replaced with 17 shrubs that, at maturity will grow taller and provide greater horizontal coverage of the area. D. Dineen noted that no additional planting is being offered for the 17 trees to be removed, only a change in species type. She stated that the Commission should consider if the trees will provide a diverse upper canopy and a final restoration area promoting diversity of layers and species. M. Arnold stated that taller trees could become dangerous in the future. C. Russo suggested taking the back row of plantings and making those taller trees to maintain a diverse canopy. He noted that a mountain laurel has different diversity characteristics than a red maple.

Following further discussion, the Commission voted unanimously in favor of accepting the plan as proposed and not requiring a public hearing for the Order amendment. Motion by D. Henkels; 2nd B. Porter.

Ratify Enforcement Orders:

The Commission voted as follows to ratify Enforcement Orders issued by individual members since the last meeting:

Sudbury Valley Trustees

Minor wet meadow alteration at 18 Wolbach Rd. EO issued 7/27/16 by T. Friedlander as a means to allow replanting of the wetland area altered by the solar blanket.

Motion to ratify by B. Armstrong; 2nd D. Henkels; C. Russo opposed. Motion passed.

197 Old Sudbury Rd.

Work in wetland jurisdiction without a permit. EO issued 7/21/16 by T. Friedlander. Motion to ratify by D. Henkels; B. Armstrong; 2nd; unanimous in favor

85 Ford Rd.

Tree removal in wetland jurisdiction without a permit. EO issued 7/21/16 to homeowner by T. Friedlander. EO sent to 12/23/15 to tree company with no response. Homeowner was notified. D. Dineen spoke to homeowner who stated that they planted some trees to replace the ones removed. She did not know what kind they were. D. Dineen suggested a site visit. Commissioners agreed and T. Friedlander would like to see if we could get more information on the tree company.

3 Goodnow Rd.

Alteration of vernal pool. EO issued by Commission 12/15/15. 2nd offense has occurred with more dumping of brush in the vernal pool. Commissioners agreed to send a letter and revisit the status

on Sept. 12 when a ticket might be considered if no progress has been made by the homeowner toward compliance.

4 Bowker Rd.

Irrigation pump in pond. EO issued 7/21/16 by T. Friedlander.

5 Saunders

Irrigation pump in pond. EO issued 7/21/16 by T. Friedlander.

D. Dineen reported that both 4 Bowker and 5 Saunders homeowners responded very quickly and were very cooperative. The pumps had been there for years but had just become visible to other neighbors with the current low water levels. Both pumps have been removed.

Commissioners voted to ratify the Order and recognize the cooperation of the property owners. Due to compliance having been achieved, the files on both these violations were closed.

Motion B. Armstrong to ratify the EO, recognize compliance and close file. 2nd D. Henkels; unanimous

Signatures Only (votes taken July 11)

The following previously voted Certificates of Compliance were signed by the Commission:

- 77 Hudson Rd., Police Station
- 24 Run Brook Circle
- Lot 15A Greystone Lane

Vote Reappointment (T. Friedlander) to Community Preservation Committee

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously to reappoint Tom Friedlander as the Conservation Commission appointment to the Community Preservation Committee.

On a motion by B. Armstrong; 2nd D. henkels, the Commission voted unanimously in favor of adjourning the meeting. 9:05pm