

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, Aug. 22, 2016

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Bruce Porter; Mark Sevier; Dave Henkels; Charlie Russo (6:35pm arrival); Debbie Dineen, Coordinator

WPA & Bylaw Request for Determination of Applicability: 71 Union Ave.

Present: David Duane, Macot Realty Tr.; Dan McGrath, US Solar

Mr. Duane presented plans for the installation of a solar array on the roof of Methods Machine Tools at 71 Union Ave. Three telephone poles and an equipment box will be installed on existing disturbed areas within 100' of wetlands. Staging will be done on existing impervious surfaces. No staging in the northwest corner of the site.

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

WPA and Bylaw Notice of Intent (cont.) & Sudbury Stormwater Management Bylaw: United Methodist Church parking lot renovations

Present: Robert Chrusciel; Hancock Associates; Fred King, Schofield Brothers stormwater peer reviewer for the Commission; Richard Morrison of the United Methodist Church

Mr. Chrusciel presented the plans. The site is an approximate 6+-acre site with plans for significant upgrades to the 74,000+- sq. ft. parking lot that is approximately 50-years old. Wetlands currently on the property and offsite within jurisdictional areas extending onto the land include bordering vegetated wetland, adjacent upland resource area (bylaw), buffer zone, land under water body, and bank. Riverfront area is presumed under the bylaw for the two identified streams. The intermittent/perennial qualities of the stream were not determined as part of this filing. The Notice of Intent was filed for the reconstruction of the parking lot. All activities subject to this filing are located on previously-disturbed and developed areas. The project qualifies as a redevelopment project with no net increase in impervious area or peak discharge rates. No work is proposed within a wetland resource area. A NPDES SWPPP will be required for this work. The grass buffer located between the pavement and the pond will remain.

Mr. King stated that the filing was submitted as a parking lot and drainage upgrade to meet current standards to the extent feasible. The extent of wetland shown on the plan was not formally reviewed in the field and might not want to be accepted by the Commission as part of this filing. Further work on site, or changes to the scope of the work proposed under this NOI, may require further investigation and approval of the wetland delineation. There may be more room for more improvements to the drainage based on the water quality standards in the wetlands regulations although the site doesn't lend itself to recharge due to the compact glacial till soils and high water table.

The Conservation Commission engaged a stormwater peer reviewer to review the stormwater controls and best management practices proposed for this project. The peer reviewer (Fredric King, P.E. of Schofield Brothers) is satisfied that the stormwater design meets the MA Stormwater Standards and local bylaw standards for protecting wetland and upland resource areas. In addition, appropriate erosion control is provided.

The project meets the criteria as a Redevelopment Project under the Mass. Stormwater Management Regulations and under the Sudbury Stormwater Management Bylaw. There will be overall improvements to stormwater while taking into account the high groundwater elevation on the property and the limitations of the site. Therefore, the Conservation Commission agreed that the wetland and upland values and functions on the site are protected, and enhanced through improvement to existing conditions by providing a level of pollutant uptake. Based on the NOI and accompanying narrative, the plans submitted, the findings of the peer reviewer, and the information presented at the public hearing, the Commission approved this project subject to the conditions discussed which include: the abandoned septic pipe is filled in accordance with Board of Health requirements; the catch basin in the parking lot downstream from the pond is fitted with a deep sump catch basin and grease/gas hood; the final SWPPP and any revisions are submitted to the Commission for review and approval to determine capability with the Order; and the final drainage outlet to the northwest is reconstructed as necessary.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously in favor of closing the hearing. On a motion by C. Russo; 2nd D. Henkels; the commission voted unanimously in favor of issuing the Order as discussed.

The cost of the peer review, minus the filing fee submitted, shall be paid to the town in lieu of the bylaw filing fee. The balance of the filing fee shall be waived.

The Commission and the representatives of the Church thanked Fred King for his prompt and thorough review of the site drainage.

Order of Conditions Requirements: Lot 4/5 Fairbank

Present: Rob Oliva of David Ross Associates; Renee McDonough of Goddard Consulting; Beth Cosgrove, applicant

R. Oliva stated that the entire length of the driveway drains to the rain garden. An Operation & Maintenance Plan for the future homeowners has been drafted and submitted to the Commission for comment. D. Dineen stated that the manual was comprehensive and easy to understand.

R. McDonough stated that there are 4 small areas where they have proposed vegetation enhancement along the stream to improve shading of cold water fisheries habitat and provide additional wildlife benefits. Monitoring will occur in spring and fall annually. D. Dineen agreed with the choice of plants and the proposed locations. She noted that the language should be corrected to state that the project would be considered successful once 90% (not 75%) of the plantings were established and viable. She noted that it is important for the applicant to follow up with the future homeowners regarding their responsibilities.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously to lift the Enforcement Order.

B. Cosgrove questioned how the Commission wanted the boundary line marked for the conservation restriction (CR). She suggested using clusters of plantings similar to Arboretum Way. The Commission advised her that there are violations of the CR at Arboretum Way and they would prefer to see metal stakes at the angle points or every 40' maximum (ground level) and boulders as permanent CR markers.

A site visit is needed to look at the completed outfall work. An extension to Oct. 1, 2016 was given for plantings due to the drought.

8 Brook Planting Plan: Review plan for approval

The Commission approved the January 2016 Wetland Restoration/Enhancement Planting Plan. Motion by D. Henkels; 2nd B. Porter. unanimous

Review for Comment to Selectmen: Notice of Intent to Sell land in Chap. 61B

Lot 32 Mary Catherine Lane

In accordance with a letter dated July 19, received by the Conservation Commission July 25, the Commission reviewed the intent to sell .918 acres of land at Lot 32 Mary Catherine Lane, B07-0204, for \$425,000. The Commission discussed the issues for consideration by the Selectmen on the decision to exercise the option to purchase this property.

The Commission notes that the property is part of a lot in a residential subdivision and is surrounded by other residential lots, most of which are developed with single-family homes. The Maynard Rod & Gun Club abuts the properties to the north. The lot is a treed lot sloping east to west. There are no known rare plants or animals on the lot, and no distinctive features that would warrant purchase of this lot for conservation land. There do not appear to be any wetlands on this lot. The lot is not listed on the Sudbury Open Space and Recreation Plan or the Heritage Landscapes Inventory.

Therefore, the Conservation Commission does not recommend to the Selectmen that this lot be purchased for conservation purposes.

Review for Comments to Zoning Board of Appeals re: Coolidge at Sudbury, Phase II 40B at 192 Boston Post Rd.; The Coolidge at Sudbury-Phase II – Comprehensive Permit

The Conservation Commission reviewed the Plans by Hancock Associates dated June 29, 2016 for the construction of a new 56-unit, 55 and older, apartment building with associated drainage, parking and septic. The project is filed as a Chapter 40B Comprehensive Permit for affordable housing construction. As such, the applicant is able to circumvent the local wetland bylaw.

The proposed plans show disturbance with 25' of the wetland area on the property with the corner of the new building only 58+- feet from the wetland. Although this application to ZBA is for a modification of the permit issued for the Phase I development, the applicant is required to submit a new permit application and meet the state Wetland Protection Act requirements for new activities on the site within 100' of wetlands.

The applicant must obtain approval from the MA Natural Heritage and Endangered Species Program under the MA Endangered Species Act for the work proposed within mapped Estimated and Priority Habitat Areas.

Sequencing of the project will be a key component. An existing stormwater detention basin for the current parking lot will be eliminated with a new basin designed and constructed in very close proximity to the wetland. Accommodations for drainage during construction will need to be made for the runoff now entering the existing basin located at the site of the future parking area and turn-around. MA stormwater requirements must be met during and after construction.

With the proposed elimination of the large majority of the wetland buffer zone, the Conservation Commission expects the remaining area of the buffer to be critically enhanced to offset losses of the buffer's functioning to protect the wetland. This includes enhancing the remaining buffer area for pollution attenuation, wildlife habitat, and water quality.

It is unfortunate that Phase II was not considered during the design and review of Phase I. This would have allowed a more thoughtful approach to the remaining land and likely resulted in a better footprint of overall development relative to remaining natural areas.

Certificates of Compliance:

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted unanimously (C. Russo abstaining) in favor of issuing COCs for 15 old filings as follows: #301-294, #301-404, #301-410, #301-462, #301-499, #301-587, #301-687, #301-696, #301-707, #301-879, #301-1014, #301-1034, #301-1056, #301-1069, and #301-1110. these are all Water District or Sudbury DPW projects that have been satisfactorily completed.

10 Elderberry Circle: On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of issuing the COC contingent on an acceptable site inspection.

Expiration of Orders: 0 Washington Drive: vote possible further enforcement action

The Commission discussed the fact that at least 2 of the three Orders have expired and the work covered by these Orders was not completed. The conditions in the latest Orders were necessary to correct violations on the site. Therefore, the property remains in violation of these Orders.

The applicants have filed for action in Superior Court to appeal the Commission's denial of the COCs. T. Friedlander reported that Town Counsel did not see the legal action as an issue to pursuing compliance and thought that the Commission could issue and Enforcement Order at this point for failure to correct violations and non-compliance with the Orders.

B. Armstrong and B. Porter suggested that any further discussion take place in Executive Session as the discussion appeared to be headed toward questions on strategy on the legal action. T. Friedlander felt the discussion was to determine what action is necessary for the Conservation Commission's response to the lawsuit.

M. Sevier expressed concern that the Commissioners were named individually in the lawsuit. D. Henkels felt that there could be individual exposure and would like a meeting with Town Counsel in Executive Session for a strategy discussion. C. Russo agreed. B. Porter felt that any discussion at this point would include some level of strategy and should be in Executive Session. Commissioners expressed concern for the timing of the Commission's response to the lawsuit and would like an Executive Session with Town Counsel as soon as possible. The Coordinator will set up the meeting.

25 Union Ave., Review Revised Plan for approval

D. Dineen reported that a revised plan has been received from Mr. Turner at 25 Union Avenue showing the distance off the building that mowing is permitted.

Sign: OOC Nashawtuc CC Order of Conditions (voted 8/8/16)

Commissioners signed the OOC for issuance.

Commissioner/Staff Updates on Activities/Meetings Attended

32 Stone Root Lane – C. Russo

C. Russo reported that he visited 32 Stone Root Lane to look at a tree removal project with the homeowners. a letter from an arborist had been received indicating that the trees were hazards. 11 trees were tagged for removal. Most were cantilevered out over the pool area and presented a fall

hazard in areas of high residential use. C. Russo approved the request. Commissioners concurred with the approval.

Meeting Introduction Boilerplate

T. Friedlander and B. Porter, along with Office Administrator Kirsten Roopenian had developed several drafts of a meeting introduction to be available to the public at all Conservation Commission meetings. The introduction explained the purpose of the meetings how the rules under which the meetings would be run. Commissioners agreed to use the Friedlander/Roopenian at this point but be open to changes in the future.

Land Stewardship Funding

D. Dineen noted that Avalon Sudbury, a 250-unit 40B development would be before the Commission shortly. She noted that National Development had provided \$3million to the Town for funding improvements such as technology and communication upgrades and \$500,000 to Park & Recreation. The Conservation Commission did not receive any of the allocated funds. There is \$100,000 still to be allocated (by ZBA). She suggested asking ZBA for some of those funds for upgrades to the Tippling Rock Trail and Nobscot conservation areas. Both are within walking distance of the proposed residential development. She also suggested asking Avalon Sudbury for funding for this purposes as well. C. Russo agreed and the land Stewardship Priority List will be reviewed at the next meeting for specifics that could be requested.

Eversource Transmission Line Proposed Project

D. Dineen reported that the Town manager and Eversource had met recently and Eversource provided up to date costs for different routes for the proposed transmission line as follows:

- overhead along the MBTA right-of-way \$37 million
- underground along the MBTA r.o.w 75 million
- a hybrid of overhead and underground MBTA with underground in Sudbury and overhead in Hudson 75 million
- underground street route Rt. 20-Old Lancaster-Hudson Rds. 122 million

The underground route will require a 5' x 18' x 12' deep trench along the entire route. The Town Manager noted that Eversource is looking at the MBTA as a rail tail and wildlife corridor. The Commission questioned the viability of the area as a wildlife corridor after clearing and the use of herbicides.

Protect Sudbury has identified 9 alternate routes for consideration by Eversource. The Town is building a case for possibility intervening. This project is one of 50 reliability projects under development in the state. In Needham, Eversource has agreed to go underground. Winchester is currently fighting with Eversource over the proposed route and type of construction.

Hazardous Waste Day

D. Dineen advised that a hazardous Waste Day will be held by the Board of health on Nov. 5th from 9am to 1pm at the DPW facility.

Oct. 17 Town Meeting

A Town Meeting will be held Oct. 17th. The Commission must be revised accordingly. It was reported that Selectmen Len Simon may be submitting a warrant article to revise or eliminate the wetlands bylaw.

Bruce Freeman Rail Trail Design Committee

T. Friedlander reported that the Aug. 16 Selectmen's meeting included a discussion of the BFRT Design Committee. After much discussion, it was decided that a Conservation Commission member would be included on the Committee.

Commission Vacancy

D. Dineen reported that to date, 3 applications have been received by the Town Manager for the vacancy on the Commission. The Town Manager will hold interviews in early September.

On a motion by D. Henkels; 2nd C. Russo, the Commission unanimously adjourned the meeting at 8:20pm.