

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, Sept. 12, 2016**

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

Chairman Friedlander called the meeting to order at 6:42 pm.

**Minutes**

On a motion by D. Henkels; 2<sup>nd</sup> B. Porter; the Commission voted unanimously to accept the Minutes of Aug. 8, Aug. 22, and Aug. 30, 2016 Regular Session.

**WPA & Bylaw Notice of Intent: 32 Maynard Rd.; walking trail in wetland**

Present: John Jamil, property owner

Mr. Jamil presented his idea to create a walking trail for his children to access the town-owned Parkinson fields through his property rather than walking around on busy Rt. 27 and Hudson Road. The property is 220' feet wide and 1,000' long. It is wooded with a forested wetland area central to the lot. He has approval from the Natural Heritage and Endangered Species Program for work in MESA jurisdiction.

D. Dineen stated that the scope of work outlined in the NOI involved more wetland alteration than the simple walking trail that Mr. Jamil just described. The NOI includes the construction of a bog bridges and anticipates fill or wood chips in the wetter areas. She recommended the Commission consider only the simple trail at this time because the area for and design of the bog bridges has not been presented. Fill, even with wood chips, in a bordering vegetated wetland or floodplain requires wetland replication. None has been provided.

Mr. Jamil explained that he is revising his scope of work to request only a simple 3' – 4' wide walking trail at this time. He does not yet know if bridges or fill is necessary and will need to watch the area over time and come back to the Commission should they be needed in the future. He will construct the to the minimum necessary for passage.

D. Henkels had walked the property with Mr. Jamil. He stated that he is comfortable with the minimalist approach but he has concerns for keeping the trail open if it is not regularly used.

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the Commission voted to close the hearing.

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the Commission voted to issue and Order allowing foot trail to be constructed from the rear of 32 Maynard Road to the Parkinson land on property of Mr. Jamil provided it does not exceed 40" wide, is constructed only using hand tools, no bridges are permitted as part of this Order, no fill in any wetland resource area is permitted, and the trail shall avoid wetlands to the maximum extent feasible. The trail shall be staked on site prior to construction and the Commission shall verify and approve the final location. Subcontractors must be informed of the requirements in this Order.

**WPA & Bylaw Notice of Intent: North Rd. well decommissioning & shed removal (former Unisys site and surrounding properties)**

Present: Catherine Regan and Christine Hoffman of ERM

Ms. Regan explained that this project involves the removal/decommissioning of 53 monitoring wells located in wetland or upland (buffer zone under WPA) resource areas located on or near property owned by Cummings Properties of Sudbury (formerly Unisys). A groundwater pump and treatment shed on town-owned abutting land will be removed. The overall site is the subject of a MA Contingency Plan that has reached a resolution for the treatment of groundwater. Wetlands currently on the property and offsite within jurisdictional areas include bordering vegetated wetland, adjacent upland resource area (bylaw), buffer zone, intermittent stream, floodplain, riverfront area, and bank. The extent of wetland shown on the plan was not formally accepted by the Commission as part of this filing but was deemed acceptable for the scope of this project purpose. 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.

The NOI outlines the limit of the project area and defines the best path to access the wells with the least amount of wetland and upland resource disruption. Most wells will be reached on foot with materials transported via wheelbarrow. Wells will be cut down with the casing removed. Concrete and gravel will be poured into the wells and wells will be capped with concrete. A large waste container will be placed for the shed demolition. Appropriate erosion control is required throughout the project site as needed.

D. Henkels questioned if concrete or bentonite will be used to fill the wells. C. Regan responded it will be gravel with a concrete cap. A 2-man crew with an ERM representative for oversight will be performing the work. An erosion control barrier will be installed where necessary and will be removed after one year if the area is stabilized.

T. Friedlander questioned how the access paths will be known to the crew on site. C. Hoffman relied that the route will be shown using GIS on a map of the area. The routes were chosen as the path of least resistance rather than the shortest route in some cases.

D. Dineen noted that the Sudbury Water District has expressed interest in the possibility of keeping some of the wells that could be beneficial for testing for SWD Well #5. She suggested allow keeping some of the wells if they proved to be beneficial to SWD and that the Order could state that there is no expectation that all wells are required to be removed. C. Regan noted that that many of the wells are not in good shape and some have not been used for over 20 years. They could present a hazard, but ERM and Unisys is willing to work with the Water District to allow any feasible wells to remain.

On a motion by B. Porter; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of closing the hearing.

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the Commission voted unanimously in favor of issuing the Order as discussed.

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

Present: Karen Saffier and Meredith Avery of VHB, Inc. for applicant; David Gillespie of Avalon Sudbury, applicant

Ms. Saffier presented a plan for the construction of the next phase of development at the former Raytheon property. She noted that the Master Drainage Design Plan for the entire site

was previously reviewed by the Commission's peer review consultant. The design in the NOI provides details on the design for this phase of the project. the site overall will result in a reduction in impervious material, and increase in open space, an increase in recharge, and upgraded treatment of runoff. Roof drains will flow to perforated pipes and will capture and recharge the first 1" of runoff. Two bio-retention areas will be constructed which will overflow to the existing retention pond. A water quality treatment unit will provide pre-treatment that will ultimately achieve 80% removal of Total Suspended Solids (TSS).

Soils testing to date on site has validated the soils types and depth to ground water assumed in the drainage design.

The Commission's stormwater peer reviewer, Fred King of Schofield Brothers, Inc., submitted written comments on the design. He noted that the recharge rate for sand was used for determining the infiltration rate in the bio-retention areas. By design of the bio-retention areas, sand is not the determining component for infiltrating. Ms. Saffier stated that this will be changed to conform. Mr. King added that the redevelopment is meeting the full standard for new development and is recharging more than necessary under the MA Storm Water Guidelines. He added that they can increase the amount to recharge by greater than 50% and still meet the standards. He noted that the soils and depth to groundwater is consistent with other models and on-site testing. he is very comfortable with the plan. He noted that the plans are permit level drawing and not construction drawings.

B. Porter asked if there will be any overall changes to the distribution of site runoff. F. King responded that there will be a reduction overall in peak rates and volumes. K. Saffier added that there is no change to the discharge points.

C. Russo confirmed that there will be no underground parking.

Mr. King stated that the large detention pond has a flood elevation associated with it. The east parking lot floods and the area is proposed for a future phase of development. The flood elevation is not impacted by this stage of the development but it will need to be addressed in a future phase. D. Dineen asked if compensatory flood storage will be proposed to address this issue. F. King noted that the existing pond flood elevation may get reduced in a future phase and be able to provide the necessary flood storage. He added that the MA engineering calculations may be overcome. The conservation approach is being used although they are not trying to overcome any presumptions. K. Saffier stated that historically the pond has not exceeded its banks. They use a conservative approach considering all modelling scenarios. D. Henkels noted that with a reduction in overall impervious, the saturation rates of the soils will be reduced. F. King stated that a deficit from the old development is being replaced.

C. Russo stated that it sounds like the Order can be a standard Order which incorporates Mr. King's recommendations.

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the Commission voted unanimously in favor of closing the hearing.

On a motion by B. Armstrong; 2<sup>nd</sup> D. Henkels, the Commission voted unanimously in favor of issuing the Order as discussed.

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

Continued without discussion for completion wetland peer review

**Extend Carding Mill Field License for one year**

D. Dineen advised the Commission that the Carding Mill field was never planted this year. The License was not approved and signed by the Town until early July, by which time drought conditions were evident. The Carding Mill field has not water source on site. The farmer, Len Rodriques, was going to truck in water as necessary. The late start and lack of water was too risky for him this year as the plants were not going to be well established going into the heat of summer.

The Commission voted unanimously in favor of extending the License agreement by one year and not requiring payment for the second year due to the drought conditions and late signing of the License by the town.

**Violation Status:**

**443 Peakham Rd.**

A report was received from Dan Wells indicating that the final grading had been completed and the majority of the dirt piles had been removed from the site or spread on the new grade. Three trees had been planted at the base of the slope, but due to the drought, no further planting had been done. The Commission had given an extension to Sept. 1, however the complete outdoor watering ban is still in effect.

The Commission agreed to given another extension to Oct. 24 due to the watering ban and revisit enforcement at the Oct. 24 meeting.

**85 Ford Rd.**

A site visit will be rescheduled to a time when the Chairman can be present.

**3 Goodnow Rd.**

There has been no response to the last several letters to the homeowners requesting they remove the landscape debris from the vernal pool. On a motion by B. Porter; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of issuing a \$100 ticket to the homeowners due to their lack of any response to multiple written requests. C. Russo stated that it was appropriate to escalate enforcement at this point.

**197 Old Sudbury Rd.**

D. Dineen informed Commissioners that no NOI has been received as yet for the work within

100' of wetlands. She thought that it would be a good idea to see if perhaps the builders had contracted with a wetland specialist for an NOI before issuing any tickets. Commissioners agreed to revisit this violation at the Sept. 26 meeting. B. Armstrong thought that there could be some other recourse for the Commission to encourage compliance, such as posting a listing of violators in the local newspaper. D. Dineen noted that the Building Inspector has been assisting the Commission with compliance by requiring a sign off by Conservation on Building Permits.

#### 0 Washington Drive

T. Friedlander informed Commissioners of a settlement discussion meeting scheduled for Sept. 14<sup>th</sup>. Town Manager, attorneys for both sides, D. Dineen, and himself will attend.

#### **Certificates of Compliance/Duplicate Originals/Signatures:**

##### 101, 102, & 103 Babe Ruth Drive OOC

D. Dineen reported that the debris in the wetland had been removed.

On a motion by B. Armstrong; B. Porter 2<sup>nd</sup>; the Commission voted unanimously in favor of issuing the COC.

##### Order of Conditions: Duplicate original #301-603 & 747 Nashawtuc Country Club

Commissioners voted unanimously in favor of issuing a duplicate original of the Order for #301-603, and issuing the COC for #301-747 (weed management) at Nashawtuc CC. Motion by B. Armstrong; 2<sup>nd</sup> D. Henkels.

##### OOO Duplicate original #301-674 999 Concord Rd.

Commissioners voted unanimously in favor of issuing a duplicate original of the Order for #301-674.

##### COC 28 Paddock Way

A site inspection was held Aug. 31, 2016. In attendance: T. Friedlander, B. Porter, D. Dineen, D. Henkels. The site is fully stabilized and an as-built plan has been received indicating the drainage was constructed in accordance with the approved design.

On a motion by D. Henkels; 2<sup>nd</sup> B. Porter; the Commission voted unanimously in favor of issuing the COC.

##### COC Assabet River National Wildlife Refuge -Winterberry Way construction

D. Dineen reported that the as-built plans had been received and the site is fully stabilized. Although the drainage swales along the driveway contain some invasive plants, ARNWR has an active program with volunteers called "Pulling Together" that is working to eradicate the invasive plants.

On a motion by C. Russo; 2<sup>nd</sup> B. Armstrong; the Commission voted unanimously in favor of issuing the COC.

##### 41 Canterbury Drive

A site inspection was held Sept. 6, 2016. In attendance: B. Armstrong, D. Henkels, B. Porter, D. Dineen. The Order goes back over 12-15 years and two property owners. The original Order was to restore an area that was altered without a permit. The current owner would like to clear up this paperwork pertaining to what is now his land. The file contains a computer sketch of the work to be accomplished, however it did

not seem to be clear as to what the violation was and what was necessary to be done. Commissioners looked at the site and determined that it was stable with evidence of planting of native rhododendrons near the edge of the wetland. The backyard is small with a swing set located on a wood-chipped area.

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the Commission voted unanimously in favor of issuing a COC.

#### COC 807 Boston Post Rd. (voted 7/11/16)

Commissioners signed the COC for 807 Boston Post Rd. previously voted.

### **Reports from Commissioners/Staff on Meetings & Site Inspections Attended**

#### Allene Ave. drainage issues

D. Henkels, B. Armstrong, B. Porter, D. Dineen visited the site On Sept. 6. The end of the road is steeply sloping to a town-owned conservation land containing wetlands associated with Hop Brook. The sloped area is deeply rutted and beginning to erode into the wetland at the bottom of the slope. The neighborhood has created a trail down the slope and into the town land and onto Sudbury Water District land. A log pile has been placed in a stream section to allow crossing. Both the slope and the crossing are dangerous and could be a liability for the town. The neighbors are receptive to working with the town to fix the issues.

D. Dineen met with Chuck Melanson of DPW and Asst. Town Engineer Phil Salamon on site last Friday. They suggested a leaching catch basin be installed at the end of Allene Ave. and the eroded slope be filled on and jute netted with wood chips on top. The Commission will work with the neighbors on a bridge design and supply the materials. The neighbors have indicated they would be willing to help do work on the property. the section of Allene Ave. from Reeves street to the town-owned land at the end of the street is private. The erosion is happening on town land. The leaching catch basin must be located on private property. D. Dineen will work with the abutters/owners on permission to install the basin.

#### 15 Thoreau Way hazardous trees

D. Henkels, B. Armstrong, B. Porter, D. Dineen visited the site On Sept. 6. the homeowner provided the Commission from a certified arborist indicating 5 large trees had various issues making them imminent threats. Commissioners were able to view the dead tree sections, rot at the base, and the other issues noted by the arborist. They approved the removal of the trees, all of which are likely to hit the house if they fell.

Commissioners ratified the decision unanimously. Motion by D. Henkels; 2<sup>nd</sup> B. Armstrong.

#### Site Visit DEP appeal 0 Willis Rd. Sept. 21 10:30am

T. Friedlander informed the Commission that DEP will conduct a site inspection on the appeal at 0 Willis Road on Sept. 21 at 10:30am.

#### Avalon Sudbury/National Development Funding for Conservation Land Stewardship

Commissioners agreed that will request \$50,000 from funds already submitted to the Town. These could be through ZBA for the unallocated \$100,000 or \$50,000 from the funds for recreation and fields to the Town Manager.

#### Homeowner's Wetland Brochure

Commissioners discussed ways to inform residents and businesses of the wetland laws. D. henkels noted that he attempted to provide information to Realtors and they were not very receptive to even

placing information in their offices. B. Armstrong added that the Commission is often isolated from the permitting process of the other Boards. B. Porter noted that residents like the way looks but often don't want the regulations that keeps the town looking as it does with undeveloped land to apply to them. He stated it is a balancing act that residents do not understand. C. Russo noted that Sudbury is 100% dependent on groundwater wells which makes protection of the wetlands all that more important.

Commissioners will continue to use the website and newspaper for education and will see if the funding is available yet for the town-wide mailing.

On a motion by B. Porter; 2<sup>nd</sup> D. henkels; the meeting was adjourned by unanimous vote at 8:32pm.