

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, Oct. 24, 2016

Present: Beth Armstrong, Vice-Chairman; Dave Henkels; Mark Sevier; Charlie Russo; Debbie Dineen, Coordinator

Informal discussion was held from 6:30 – 7:15pm without a quorum present.

0 Willis Rd., DEP Appeal

The Coordinator advised Commission members present that the DEP has requested additional information and plan revisions from the applicant to reduce the amount of disturbance in close proximity to the wetlands.

Hop Brook Bridge Construction

The coordinator informed Commissioners that Eagle Scout Candidate, Michael Cavanaugh, has begun work on the bridge construction near the outfall of the Duck Pond. Most of the decking is in place for the 72' long bridge on the previously installed pin foundation.

National Development Meadow Walk Project

D. Dineen informed Commissioners that the hydrologist report has been received and the assumptions on soils and hydrology had been confirmed with site testing. National Development can proceed with the stormwater system as planned and with the expansion of the Waste Water Treatment Plant.

The site was inspected by the Commission's Environmental Monitor, Dave Burke, after Saturday's rainfall and was found to have performed as designed. No issues.

Nobscot Trail

The LSRHS Senior, Isaac Bernstein, has removed the failing railroad tie and steps and rebar on the slope. He has marked a suggested rerouted switchback trail. She asked Commissioners to inspect the new trail location for approval to proceed with trail clearing.

Bow Hunting

Archery deer hunting began Oct. 17. No new hunters were added to the program this year. A total of nineteen bow hunters were given permits for hunting on thirteen assigned conservation lands.

Certified Wetland Hydrologist

Commissioner Dave Henkels informed Commissioners that he has completed the US Army Corps of Engineers Certified Hydrologist course and will be taking the final exam this week.

Drought Seminar

Vice-Chairman Beth Armstrong and Coordinator Debbie Dineen attended a webinar presentation on the current status of the drought. State Executive Office of Energy and Environmental Affairs strongly advised that all water use outdoors be prohibited. Municipalities can ban the use of both public and private irrigation wells. The outlook is for the drought to persist in the current stage through the end of the year.

Vice-Chairman Armstrong called the meeting to order at 7:05pm after achieving a quorum.

WPA & Bylaw Request for Determination: 197 Old Sudbury Rd.; Walker Development & Construction, applicant

Present: Jeff Walker & Dan Wells, both representing Walker development

A Request for Determination was submitted asking the Commission to determine of the area and/or work in subject to wetland jurisdiction.

Mr. Wells stated that he visited the site today and found no evidence of a culvert outlet across Old Sudbury Road from the development. He stated that there is definitely a bordering vegetated wetland on this downhill side of the street. The low area on the Walker Development land does not have any wetland species present. There is no evidence of soil moving off site into a resource area.

D. Dineen noted that some types of wetlands do not need wetland plant or soils present to be jurisdictional areas. These include isolated and bordering vegetated wetlands. These areas are determined by a calculated volume of water they can hold. With the existing culvert presently non-functional, the low area on 197 Old Sudbury could be isolated land subject to flooding. If it is repaired, as required in the Stormwater Management Permit, it could become bordering land subject to flooding or intermittent stream as defined under the local bylaw.

An NOV was issued 7/21/15; Ticket Issued 9/14/16. The discussion involved if the RDA is enough to satisfy violation. If a positive Determination is found, violations still exist until NOI is submitted. Under the local wetlands bylaw, a violation can only be corrected under a Notice of Intent. This is due to the fact that the Commission must set timeframes for restoration or other action in the Order of Conditions. She added that no one has field located the wetland across the street so there is no evidence that the work is outside of 100' from this wetland. The decision for the Commission this evening is only if the area or work is subject to the WPA or bylaw. This cannot be done because no information was included in the RDA to document the on and off-site wetland locations. Therefore, the only action is a positive Determination. D. Wells confirmed that he cannot state the work is outside of 100' from bordering vegetated wetland.

J. Walker stated that he felt the development was an overall improvement to the area because his stormwater system on the two lots will prevent any overtopping of Old Sudbury Road. With the current culvert blocked, the road can now overtop. The stormwater calculations show that there will be flow over the road but the flow will not be made any worse by the new development. M. Sevier confirmed that the stormwater detention basins on the site are designed for the 100-year storm event.

D. Henkels questioned if the culvert were functioning, how would Mr. Wells look at the wetland jurisdiction. Mr. Wells does not think the culvert should be repaired to function as it could introduce pollutants to the downstream wetland. D. Dineen noted that the Planning Board's stormwater peer reviewer from Horsley & Witten stated that without the culvert being opened and the stormwater basins constructed, the project does not meet Standard #1 of the MA Stormwater Guidelines and cannot be permitted as currently designed. Therefore, if the culvert is not opened, the stormwater permit is not valid.

C. Russo noted that if the culvert is not opened, the flow over Old Sudbury Road (Rt. 27) could be hazardous. D. Henkels agreed and thought a hydrologist should review the plans.

D. Dineen recommended voting a positive Determination requiring a Notice of Intent. she stated that the Commission could consider authorizing some work on site that is well outside the “worst-case” wetland jurisdiction. She suggested a minimum no-work zone of 100’ off the Old Sudbury Road pavement as a consideration. B. Armstrong felt that was a good approach but noted that the NOI must include documentation of the wetland locations. She added there is still a violation on the books with a positive Determination.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously find a positive Determination with a NOI, including a wetland delineation, to be submitted by Nov. 21 and allow work to continue in the up-gradient of 100’ from the edge of the Old Sudbury Road pavement with the exception of use of the access roads.

WPA & Bylaw Abbreviated Notice of Resource Area Delineation: 150 Wayside Inn Rd.; Charles Jandl, applicant;

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of hiring a wetland peer review consultant and continuing the hearing until Nov. 7, 2016. Goddard Consulting has agreed to the continuation on behalf of the applicant.

Continued Hearings:

WPA & Bylaw Request for Determination: 35 Robert Frost Rd.,

Stacy Ladieu, applicant (present);

Ms. Ladieu presented plans for an 18’ x 32’ swimming pool and associated decking construction all on existing lawn area. No trees will be cleared for this project.

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

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

Freeman Rail Trail; Sudbury Office of Planning & Community Development, applicant; confirm wetland delineation along proposed rail trail; findings from Oct. 5 site inspection

No revised plans received.

On a motion by C. Russo; 2nd M. Sevier; the Commission unanimously voted in favor of continuing the hearing to Nov. 7 for receipt and review of revised plans.

Land Stewardship:

Rao Property; 36 Willis Rd; requested change in planting plan; vote and sign Conservation Restriction document

Present: Mr. Rao

Mr. Rao presented a plan to eliminate the planting of shrubs in a small area of the conservation restriction and allow the area to grow in with natural grasses. The area would be cut once per year. They did not plant the required blueberry bushes due to the drought this year. D. Henkels suggested waiting until next spring to reassess the chance of success of the planting of the blueberry shrubs. B. Armstrong agreed and stressed that the Commission strives for consistency in decision making and restoration areas always require replanting. Letting an area revegetate naturally usually invites colonization by invasive plants.

C. Russo motioned to approve the request to eliminate the planting of the blueberry shrubs. The motion was not seconded.

D. Henkels motioned to wait until spring to reassess the drought conditions to see if planting at that time would be viable. M. Sevier 2nd; Henkels; Sevier; Armstrong in favor. C. Russo opposed.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of accepting and signing the Conservation Restriction.

Huckleberry Lane Discussion

The Planning Board had asked the Conservation Commission for input on the idea of creating an entrance path and signage at the end of Huckleberry Lane in lieu of the required density of street tree plantings. The Commission visited the site on Oct. 7, 2016.

Commissioners were not in favor of opening up this small (2-acre) parcel abutting Hop Brook to public use. Parking is not available. The cul-de-sac has large island which makes parking on the street difficult for cars to pass around the island. Granite curbing does not allow for any off-street parking. The town-owned frontage that would be the entrance to the parcel has a tremendous amount of the invasive buckthorn present. Opening up this area is likely to spread the buckthorn deeper into the 2 acres toward Hop Brook. The configuration of the long-narrow parcel does not lend itself to a trail system.

C. Russo stated that opening the parcel to the public is good in theory but is very likely to create additional negative environmental and traffic flow issues. Commissioners concurred and felt that the Planning Board's stated other option was to reduce the number of street trees with any remaining funds resulting from this reduction going back to a street tree fund or a trail maintenance fund.

Violation Status:

443 Peakham – status of revegetation and erosion control

D. Wells of Goddard Consulting has requested another site inspection of the final grading. D. Dineen & D. Henkels recalled a "final" grading inspection was done last year. They are confused why another inspection, and further grading, occurred. D. Dineen will follow up with D. Wells.

Bisson, 44 Lakeshore Dr.

Vote to ratify ticket issuance and NOV for destruction of a vernal pool and associated vegetated wetland on both private and public property. This is the result of riding ATV's through the wetland.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously in favor of ratifying the ticket and the issuance of the NOV.

Certificates of Compliance/Duplicate Originals/Signatures:

- COC DEP File #301-890 Great Meadows NWR river invasive plant harvesting
On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of issuing the COC.
- Nashawtuc Country Club #301-980, #301-861 #301-1031
On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously in favor of issuing the COCs.

Reports from Commissioners/Staff on Meetings & Site Inspections Attended

- Status: Allene/Allan Ave drainage issues – have not received a reply from one of the abutters. D. Henkels will follow up.
- Discussion: Wetland PSA for Sudbury TV- D. Dineen suggested creating a spot for Sudbury TV on the importance of wetlands and what to do if you think you have wetlands on your property and are considering a project. Commissioners were in favor of this project.
- Future joint meeting with Bd. Health re: Mosquito spraying & irrigation bylaw revisions
- Introduction to Kasey Rogers, candidate for Conservation Commission vacancy
Commission had a brief opportunity to ask Ms. Rogers if she had any questions on what she observed at tonight's meeting. Ms. Rogers gave the Commission some background information on her status. She works in a cell lab and is familiar with interpreting federal and state regulations. She noted the importance of applying the regulations consistently to all applicants. The Town Manager should be making a final decision on all five candidates in November.

On a motion by M. Sevier; 2nd D. Henkels; the meeting adjourned by unanimous vote at 8:55pm.