

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, Nov. 21, 2016**

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Mark Sevier; Dave Henkels; Bruce Porter; Charlie Russo (arrive 6:40pm); Debbie Dineen, Coordinator

**Minutes:**

On a motion by B. Armstrong; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of approving the minutes of Nov. 7, 2016.

**Violation Status:**

**Lakeshore & Great Lake Dr.**

T. Friedlander, B. Armstrong & D. Dineen met with Deanna Bisson of 44 Lakeshore Drive on Nov. 14<sup>th</sup> to discuss her son's ATV use in a wetland area. Ms. Bisson agreed her son should not and will not ride his ATV in the wetlands. The discussion involved the timing and need for wetland restoration. It was decided that due to the time of year, no restoration work could be accomplished now. The Commission will revisit the site during the spring growing season to determine the extent of restoration planting that might be required. In the interim, Ms. Bisson agreed her son will post "sensitive area" signs at the entrance/exit to the wetland to inform neighbors that AVT riding, or other alteration of the area is prohibited. D. Dineen will follow up to ensure the signs are posted.

**New Wetland Filings:**

**WPA & Bylaw Notice of Intent: 201 Peakham Rd.; Zhang, applicant**

Present: Ta-Chung & Denise Chang

The Notice of Intent was filed for after-the-fact removal of a large pine tree within wetland jurisdiction and a request for removal of two additional trees, construction of a shed, driveway expansion, and drainage infiltration. The Commission approved the scope of work. The applicant has provided drainage infiltration for the shed and expanded area of paved driveway. Additional plantings (2:1) are proposed to offset the tree removal. These plantings will consist of a minimum of six (6) native winterberry shrubs to be planted near the edge of the stream to enhance wildlife habitat.

The property contains bordering vegetated wetland, stream (perennial per local wetland bylaw as no proof submitted showing stream dry for 4+ consecutive days) riverfront area, and land under water body.

The driveway will be expanded and a shed will be added off the end of the driveway. Infiltration of the first one-inch of runoff will be accomplished with an appropriately-sized infiltration trench. The driveway will pitch toward the trench. C. Russo confirmed the shed will be placed on a concrete slab.

The type and location of the restoration plantings was discussed. It was determined the winterberries near the stream would have greater value and function than an area of blueberries next to the driveway.

On a motion by B. Armstrong; 2<sup>nd</sup> D. Henkels; 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 requiring the winterberries at the bottom of the slope.

**Continued Wetland Filings:**

**WPA & Bylaw Abbreviated Notice of Resource Area Delineation (ANRAD): 150 Wayside Inn Rd.**

Charles Jandl, applicant

Present: Dan Wells, Goddard Consulting; Dave Burke, Sudbury wetland peer reviewer

Mr. Wells presented a plan showing several series of wetland flags indicating various wetland areas on the 10-acre site. He submitted photos from a 2015 wetland filing on an abutting property to show the western off-site stream documented as dry. D. Dineen noted that the Commission did not accept the documentation as presented in 2015 and did not make a determination on whether or not the stream was intermittent or perennial at that time. She read from the minutes of that meeting.

Mr. Wells also stated that he did not believe the eastern stream was intermittent or perennial. he questioned if it was a stream at all. D. Dineen showed pictures of the area dry beyond the culvert onto the property. She and Dave Burke show no evidence of flow. She noted it was during a declared drought. D. Burke said it was questionable of the area was a stream channel or a drainage area, perhaps from past use of the area by Henry Ford. in conjunction with the Grist Mill Pond across the street.

D. Burke stated that although they were shown on the original plan, the "A" series flags are no longer in the field. D. Burke and D. Henkels confirmed and agreed with the "E" series flags that the area is not jurisdictional. D. Burke noted that an off-site vernal pool is not labeled on the plan. D. Dineen questioned the Sudbury GIS mapping showing a hydrologic connection between this vernal pool and the northern most bwv flag series. D. Burke confirmed no channel was present and the town maps were incorrect.

The hearing was continued to Dec. 5 with the agreement of all parties to confirm the one or two vernal pools and indicate them on the plan; allow a review of the Sept. 2014 documents pertaining to the off-site westerly stream; and disqualification of the "E" series as within wetland jurisdiction.

**WPA & Bylaw Notice of Intent: 236 Hudson Rd., Edwin Van Valey, applicant**

No one was present for the applicant

D. Dineen presented the Sullivan, Connors & Associates plan showing the decommissioning of the cesspool and the installation of a Title V septic system replacement within 100' of bordering vegetated wetland/vernal pool. The new system is located as far as possible from the bwv and vernal pool.

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

On a motion by D. Henkels; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of issuing the Order as a standard septic replacement Order contingent on receipt of the proof of abutter notification (green cards).

**Proposed Bruce Freeman Rail Trail: Review Plans of Proposed Trail Alignment**

Present: Tracie Lenhardt of VHB, Inc.; Beth Suedmeyer, Sudbury Planning & Development Office

The Commission reviewed the preliminary alignment plans for the rail trail for comments to Sudbury Planning and Community Development, Board of Selectmen & VHB, Inc. Tracie Lenhardt explained that the drainage swales for collection of runoff has not yet been shown on the plans. The areas of steeper slopes require 3' shoulder, bringing the overall alignment to 16' in these areas. The Hop Brook area will require 800' – 900' of boardwalk and the Pantry Brook area will require 800' to 1200' of boardwalk to eliminate or reduce alteration of wetlands.

D. Dineen stated that the boardwalks are costly to construct and must be maintained. She suggested looking at the Hop Brook and Pantry Brook areas for alternatives, including the cost differences with maintenance included.

B. Armstrong suggested some environmentally sensitive areas should have the width reduced below the 14' standard design. C. Russo noted that an area of the BFRT in Concord near White Pond had the width reduced to 8' wide with 1' – 2' shoulders.

D. Dineen questioned the extent of additional disturbance that would be necessary for construction and emergency vehicle access and turnaround. These would include staging areas. T. Lenhardt stated that is unknown at this time. D. Dineen also questioned if there was there any thought given during this preliminary layout to addressing the preservation of sensitive habitat identified in the Call of the Wild 4-season study. Has there been quantification of the amount of wetland fill or alteration done? Same for floodplain fill. How does this compare to thresholds permitted by SCC discretion in WPA?

It was suggested several months ago to VHB that the potential perennial streams and vernal pools from the Atlantic Engineering plans be incorporated into these preliminary plans for a better picture of known or suspected additional resource areas. This had not been done.

D. Dineen has offered VHB access go the conservation files and vernal pool database so they could incorporate known vernal pool information. They never contacted the Commission for this information.

The Town has the 2009 Atlantic Engineering plans that indicate potential vernal pools based on contours. They also show potential perennial streams. That could have been used as a good start for missing information. D. Dineen had several discussions with Gene Crouch about the need to incorporate this data.

The Natural Heritage and Endangered Species Program maps of estimated and priority habitats could have easily been incorporated into the preliminary plans. I separate map showing these areas was submitted at the meeting by B. Suedmeyer.

The known perennial streams and riverfront areas should have been identified.

The Call of the Wild Four Season study identified potential sensitive areas. These locations could have been brought to everyone's attention for consideration by being identified on the plans.

Commissioners indicated that they want to assist to keep this project moving forward however they should be reviewing plans that have as much base information as possible at this point.

**Violation Status:**

**233 Old Lancaster Rd. -Meeting with Bobby Jones**

\_Present: Bobby Jones

Mr. Jones had been filling in an isolated wetland area on and off his property. It was a low area that had quite a bit of debris (old metal, glass, old brush, etc.). D. Dineen noted the area did contain water in the spring and should have been looked at as a potential vernal pool. She had investigated it over 10 years ago and did not find any obligate vernal pool species, however it was a brief investigation only one time.

Commissioners agreed that it did not make sense to have Mr. Jones restore the low area at this time with the pending construction of the Bruce Freeman Rail trail. They thought it was best to wait for a more definitive alignment of the rail trail as it could impact any restored area on the MA EOT property. No action will be taken at this time.

443 Peakham Rd.—site visit scheduled for this week

**Discussion: Conservation Commission & Sudbury Valley Trustees**

Present: Lisa Vernegaard; Sheryl Cline

Commissioners met with SVT for a discussion on a working relationship. T. Friedlander suggested SVT inform the Commission of where they see SVT going forward in the near future and how SCC can accommodate their needs within the framework of the regulatory requirements.

L. Vernegaard stated that SVT's interaction with the Commission is in a regulatory capacity as well as partners and collaborators to be most effective. SVT protects land, stewards the land under the regulatory framework, and engages people to care for natural areas. One of their upcoming projects involve the protection of the Wayside Inn. The Wayside Inn Trustees asked SVT if they would hold a conservation restriction jointly with the Town on the Inn property. The Town has asked SVT to help fundraise for the purchase of the restriction. She noted there is an established trail system on the WSI property. T. Friedlander noted that last year the CPC voted to authorize \$1,000,000 toward the CR purchase. No vote on any amount has been taken yet this year.

The Landham Brook Marsh conservation restriction is still under review at the state Executive Office of Environmental Affairs. SVT has agreed to take care of trail maintenance of the major trail connector now completed.

The Libby/Dickson land purchase by the Town needs to have a conservation restriction due to the use of CPA funds. SVT has offered to hold this CR. D. Dineen questioned if these properties were purchased with CPA funding. She thought they were purchased prior to the enactment of the CPA.

C. Russo saw a role for SVT in providing in-fill of protected land in the center of Town. He noted that land abutting currently protected parcels could be secured to create larger un-fragmented parcels.

L. Vernegaard stated that land stewardship at the Memorial Forest continues with habitat restoration as a long term project. Phase II is the thinning and burning on an additional 15 acres with the thinning occurring soon and the burn within 3 years. A light thinning will be done on an additional 35 acres as well. She added that SVT increased the buffer of the work to Hop Brook to take SCC concerns into account. In other work in Hop Brook, SVT has performed required wetland restoration and is working to stop stream bank erosion from dogs. B. Porter added that boundary marking has also been done.

Wolbach Farm is being reviewed by a landscape designer to make the property more welcoming and accessible. They will try to stay out of the wetland jurisdictional areas.

B. Porter and D. Henkels stated that SVT and SCC have common goals and common interests.

**Violation Status: (cont.)**

**810 Concord Rd.**

T. Friedlander; B. Porter, and D. Dineen visited the property on Nov. 9<sup>th</sup>. it was evident that a significant amount of lawn had been established within the conservation restriction area. This lawn area is on the wetland side of the retaining wall and the south side of the yard. The house is for sale.

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

**Certificates of Compliance/Duplicate Orders of Conditions:**

73 Firecut Ln., duplicate OOC

The Commissioners signed a duplicate copy of the OOC for 73 Firecut Lane.

56 Cudworth Lane, COC

The Chairman & Coordinator reported that the plantings were in substantial compliance although not exactly as shown on the plan.

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

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

Discussion: Wetland PSA for Sudbury TV – Next steps

Commissioners discussed a public service video for cable TV. Judy of Sudbury TV was invited to join the discussion. She suggested getting in touch with Lynn Puorro as a new outreach coordinator was hired by Sudbury cable tv. A script and format of the video should be developed. A clear concept of the message to get across needs to happen. Videographers can help as well. B. Armstrong noted that LSRHS has a videography department that might be able to assist.

D. Dineen will check with the town Manager on the funds for the town-wide mailing.

**Executive Session: Vote to Enter into Executive Session to discuss pending litigation re: O Washington Dr.**

By roll call vote, Commissioners voted unanimously in favor of entering Executive Session, not to return to public session. Motion by C. Russo; 2<sup>nd</sup> B. Armstrong