

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, Dec. 5, 2016**

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Dave Henkels; Mark Sevier; Bruce porter (6:35 arrival); Charlie Russo (7:05 arrival)

**Minutes:**

**Nov. 21, 2016 Regular Session**

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the Commission voted unanimously of approving the minutes of 11/21/16 regular session.

**Nov. 21, 2016 Executive Session**

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the Commission voted unanimously of approving the minutes of 11/21/16 Executive session.

**WPA & Bylaw Notice of Intent: Lots 197 and 0 Old Sudbury Rd.; Walker Development,**

applicant

Present: Jeff Walker, Walker Development; Dan Wells, Goddard Consulting

Mr. Wells presented plans for the construction of two new houses at 197 and 0 Old Sudbury Road. The NOI is a combined NOI covering both lots. The wetland resource area is a bordering vegetated wetland across the street. Only the stormwater water detention basin structures and a portion of the driveways are within 100' of this bw. Mr. Walker presented a letter from his engineer with calculations showing that the low area on 0 Old Sudbury Road contains less that the 1/8<sup>-acre</sup> of water 6" deep in a one-year storm event. This indicates that the area is not isolated land subject to flooding. D. Dineen confirmed that the roadway elevation was used as the top of the depression for the purposes of this calculation. D. Dineen and D. wells agreed that this shrubby depression was not a vernal pool.

Mr. Walker admitted that work had been done within the 100' from roadway no-activity area agreed to at the previous meeting. He stated that erosion control was placed around the large stockpiles of fill and this brought the delineation of the no-activity area within the 100' no-activity area. With the approval of the Chairman last week, he had the trailer and port-a-potty removed from this area.

The Commission cautioned Mr. Walker that no Certificate of Compliance will be issued until all work on both lots is satisfactorily completed. Commissioners agreed not to require a duplication of fees with the stormwater bylaw filing fees.

On a motion by B. Armstrong; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously in favor of closing the hearing. The 100' no-activity area must remain further undisturbed until the Order is recorded at the Registry of Deeds.

issue the Order conditional upon and subject to receipt of the DEP file number. The 21-day timeframe for issuance will begin with the file number receipt from DEP.

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

The applicant requested continuation to Dec. 19, 2016. On a motion by B. Armstrong; 2<sup>nd</sup> D. Henkels; the Commission voted to extend the hearing continuation to Dec. 19, 2016.

**Certificates of Compliance: #301-603 Nashawtuc Country Club**

On a motion by D. Henkels; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously to issue the COC.

**Violation Status:**

**443 Peakham Rd. – question of final grading and planting deadlines**

D. Dineen reported that the site looks similar to what it looked like when the grading was inspected one year ago. The slope might be a bit less steep. She recommended jute netting be installed for the winter with planting as soon as possible in the spring. T. Friedlander added that the homeowners should be informed that they must pay their outstanding citation within 7 days.

**Review of unpaid wetland citations**

Kirsten Roopenian and the Town Clerk had developed a listing of the tickets issued, those that were paid, and those that remain unpaid after the 30-day deadline. There is total of ten outstanding, unpaid tickets. K. Roopenian drafted a letter advising the homeowners that outstanding tickets will be provided to Superior Court for the issuance of warrants. Commissioners agree that these letters should be sent right away and outstanding tickets as of the next meeting will be forwarded to the Court.

**WPA & Bylaw Notice of Intent (cont.): 526-528 Boston Post Rd.; Village Retail @ Meadow Walk**

BPR Development LLC, applicant

**WPA & Bylaw Notice of Intent (cont.): 526-528 Boston Post Rd.; Bridges @ Epoch Assisted**

**Living** applicant

Present: Karen Saffier, VHB, Inc.; Steve Senna, for the applicant; Fred King, Conservation stormwater peer reviewer

The Commission agreed to hear a combined presentation for both Village retail and Bridges at Epoch together due to the integrated stormwater systems.

K. Saffier presented a plan showing the development of the next two phases of the 526-528 Boston Post Road redevelopment plan. The detailed designs are in keeping with the overall Master Development Plan for the entire site. The goals of the Master Plan related to stormwater and wetlands are to infiltrate as much runoff as possible and reduce the overall amount of impervious surface.

The Bridges plan for stormwater runoff includes an infiltration trench around the site which discharges to two bio-retention areas. Site testing has shown favorable ground water elevation results for infiltration. The bio-retention areas infiltration the first 1" of runoff. A small areas of drainage that was shown in the Avalon Sudbury NOI to flow to Boston Post Road will now be picked up in two catch basins on the main roadway. This flow will still go through treatment but will be discharged to the pond. This will assist with keeping water volume in the pond and will provide another layer of treatment. The pond volume is sufficient to handle this flow due to the extent of infiltration provided with the drainage redesign and upgrades. The 100-year storm elevation is contained within the pond. There are three outlets to the pond after treatment of runoff. The flow discharges to the wetland on the south side of Route 20 through the site's main discharge pipe. All piping is being replace with new pipes due to both building placement and the old pipes being compromised with roots growing through them.

The stormwater improvements at the Village retail redevelopment include channeling of runoff to several subsurface infiltration systems. Ground water in this area is a t an elevation that allows for infiltration. Stormceptor treatment systems will provide treatment of runoff entering this system.

Fred King, stormwater peer reviewer from Schofield Brothers, Inc., stated that the

assumptions made in the stormwater master plan have been tightened up for the detailed drawings submitted with these NOIs. He agreed with the idea to adjust the outlet structure in the pond to retain more water within the pond. He noted that overall the redevelopment had projected 2.3 acres of reduced impervious. Presently the details show a 3.1-acre reduction in impervious. Some of this reduction might

be eliminated once the roadway widening on Rt. 20 is designed. The project overall is close to meeting the new development standards for stormwater. The fact that the assumptions made have all been confirmed by testing raises the level of confidence of the proposals. Testing of soils directly in the bio-retention basins still needs to be confirmed.

Mr. King reviewed his written report with the Commission. He noted that standard erosion control is being provided. A preliminary SWPPP was provided, however a final SWPPP and SWPPP updates should be sent to the Commission for review as far as compliance with the Orders. No snow should be stockpiled in the bio-retention areas. Pre-treatment of runoff in the bio-retention areas is required. The applicant proposes using a grass sod filter strip containing a stone diaphragm consisting of an 8" stone trench 1' deep. This is generally a designed used in more southern climates as in the northeast it tends to clog with sand and requires more maintenance. He suggested the applicant consider using a different type of pre-treatment. K. Staffier replied that they will revise the design so that the bio-retention areas will have runoff enter through curbing and discharge to a fore bay rather than the grass filter strip. She noted that the applicant wanted to use the sodded area for aesthetic reason but they will work with the fore bay.

In response to questions from C. Russo, K. Staffier stated that the elevation of the pond outlet would not change. To maintain more water in the pond to compensate for some of the loss due to infiltration, the 18" x 36" outlet will be reduced to 18" x 24". She further explained that the change from sod to a fore bay will have curbing installed to channel the runoff rather than the original sheet flow. Long-term monitoring requirements are spelled out in the Operation & Maintenance (O & M) Plan. Beth Suedmeyer also noted that the Planning Board will hold a Covenant and easement where the Town has the right to enter the property and correct any problems at the expense of the applicant. Phosphorous removal is greatly improved through the bmps that will be installed. F. King stated that will be a significant improvement in phosphorous reduction to Hop Brook, the impaired receiving water.

B. Porter questioned if the pond water budget will be improved due to increased permeability. K. Staffier replied that less water will enter the pond due to infiltration, particularly the extensive impervious surface associated with the roofing at Avalon.

B. Armstrong asked if snow stockpiling areas were to be designated. Snow removal is addressed in the O & M Plan. They know where snow will not be stockpiled. Due to the changes in site use, large snow stockpiles such as was seen when Raytheon was on site will not be the case. Snow will be trucked off-site is necessary in large storms.

S. Senna requested the Commission formally approve the change in the drainage direction that will be a change to the approved Avalon plans. Bridges at Epoch is now picking up a small area of drainage and directing it to a Stormceptor and then to the pond. It previously did not have the extra treatment provided by the pond.

B. Porter asked if each of the phases functioned independently from one another. S. Senna explained that each phase may ultimately under separate ownership. Each parcel has distinct boundaries. Many detailed cross easements, describing each owner's responsibilities will go on record to allow for maintenance of common elements. B. Suedmeyer stated that there might be unified entity for future maintenance. An overall park superintendent may have responsibility for

common elements. This is still being worked out with the Planning Board. Five of the lots will have individual SWPPPs and Orders of Conditions.

D. Dineen noted that there will be a need to remove or amend the existing recorded Certificate of Compliance requirements issued for Raytheon operations.

On a motion by M. Sevier; 2<sup>nd</sup> B. Armstrong 2<sup>nd</sup>; the Commission voted unanimously in favor of closing the hearing for DEP File #301-1195 Village Retail.

On a motion by B. Porter; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of closing the hearing for DEP File #301-1196, Bridges at Epoch.

Draft Orders will be sent to all parties for review and voted at the Dec. 19 2016 Commission meeting.

### **FY 2018 Budget**

The Coordinator presented her draft FY 2018 Budget. The directions to town staff for budget preparation required that any increases not exceed 1.15%. This must include any contracted pay increases for employees. The only change from FY 2017 was the elimination of the Sick Leave Buy Back due to ineligibility. The amount from the Sick Leave Buy Back in excess of the increase in the clerical line item was moved to clerical, resulting in a .82-hour increase for FY2018.

Although it was anticipated last year that FY2018 would see the restoration of a half-time assistant for the Conservation office, it does not appear to be possible this year. C. Russo recommending making it clear at the budget hearing that the Commission has held to the guidelines in previous budgets when other departments have not. He also noted that Conservation did not get any funds from National Development as part of the town-negotiated mitigation funds for the Raytheon site redevelopment.

### **Public Outreach and Education**

Sudbury TV has hired an outreach coordinator that would help with the development of a PSA on wetlands. The Coordinator will meet with him in the near future.

B. Armstrong thought her daughter, who has graphic design experience, could help with the Homeowner's brochure. She will ask if she is willing to do this.

### **Commissioner Reports**

#### **CPC**

T. Friedlander, The SCC representative to the CPC, reported that CPC has received a request for just under \$5 million for the purchase of the development rights at the horse farm at 999 Concord Rd. The Land Acquisition Review Committee did not recommend this purchase. It is questionable if all lots can be developable due to the extent of wetland on the property. Also, the timing of the purchase is such that it will be in competition with the purchase of development rights at the Wayside Inn. The CPC does not have enough money to fund either of these fully.

D. Dineen reported that negotiations on the Wayside Inn preservation are on-going.

### **Gas Pipeline Issues**

MACC has asked Commissions to sign on to a letter opposing new gas pipelines in MA. D. Dineen stated that she does not have a recommendation for the Commission as the statement is too broad. The extent of wetland alteration should be assessed for each pipeline before a determination is made that the utility installation is not a good idea. She suggested

Commissioners who are concerned can research the issue with MACC and submit a personal letter, if so desired. Commissioners agreed.

#### SVT Relationship

D. Dineen reported that she met with SVT Executive Director Lisa Vernegaard last week to discuss ways to work better together. She thought it was a good meeting and the air was cleared on a number of issues, including the accusations that SCC does not treat SVT the way they treat other applicants. SVT conceded that SVT appears to be treated the same as other applicants. It was agreed to communicate more and check in every 6 weeks or so to see how things are progressing. She thought it was a positive meeting.

#### Forest Cutting Practices Act

MACC has requested Commissions sent them incidents of FCPA issues in their community. D. Dineen suggested letting MACC know that plans are being submitted that are on a USGS scale and do not include all wetlands. Therefore, the Commission cannot comment responsibly on the extent of wetland impacts. The FCPA requires plans with enough detail to show all wetlands and allow Commissions to review the information necessary to make comments. The other issue is the 10-day time frame for response by Commissions. This does not fit with the Commission requirements for posting and holding meetings in accordance with the Open Meeting law.

#### Meeting Schedule

The Commission set the following schedule for upcoming meetings: Dec. 19; Jan. 2\*; Feb 6; Feb 27; March 13; March 27.

\*subsequent to the meeting the Jan. 2 meeting was moved to Tuesday, Jan. 3 due to the holiday on Jan 2.

On a motion by D. Henkels; 2<sup>nd</sup> B. Armstrong; the meeting was adjourned. 8:40pm.