

Sudbury Conservation Commission
Minutes of Meeting Held Tuesday, January 3, 2017

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Dave Henkels; Kasey Rogers; Mark Sevier (late arrival); Charlie Russo (late arrival)
Absent: Bruce Porter

Minutes

On a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously in favor of approving the Minutes of regular session held December 19, 2017.

Violation Status: 443 Peakham Rd., Zenith Marimon, property owner

Present: Z. Marimon

Chairman Friedlander explained to Mr. Marimon that two wetland violation citations were previously issued. One has been paid and one is still waiting payment and is long overdue. The Commission had given an extension for the restoration planting to October 24, 2016 conditional on the installation of jute netting on the disturbed slope. The jute has not yet been installed. Commissioners agreed to give Mr. Marimon an extension to Jan.10, 2017 to install the jute. If it is not installed by this date, another citation will be issued. The outstanding citation must be paid immediately or the Commission will alert the Court.

Mr. Marimon agreed to immediately pay the citation and install the jute.

Discussion: Coolidge II, for comments to ZBA

Present:

Rich Kirby, LEC; Atty. Josh Fox; Max Glickman; Holly Grace, and another representative from B'nai B'rith

Chairman Friedlander thanked the project proponents for attending to explain the project to the Commission. The ZBA is requesting comments from boards on this 40b application and the Commission has not had any presentations or seen the most recent plans for the site.

Mr. Kirby presented plans for a 56-unit, all one bedroom, age-restricted apartment building. It will be located just east of Coolidge I, an adjacent similar facility. The applicant is Covenant Commonwealth Corporation and B'nai B'rith. Hancock Associates is the project engineer.

Atty. Fox stated that the site plan has been moving target as comments to ZBA from the Fire Chief and others have resulted in plan changes. They were planning to come to the Commission with a WPA Notice of Intent once they had final plans.

Mr. Kirby explained that parking will be in the front of the building and in an underground garage. The structure is outside of 50' from the edge of the wetland, however construction and emergency fire access is located behind the building. No work is proposed within 25' of the wetland. The engineer from Hancock associates was not available for tonight's meeting, however he will try to answer as many questions as possible. There are infiltration basins proposed for Stormwater runoff. Jim. added that there are no alternatives to create a larger buffer to the wetland as the building cannot be moved. T. Friedlander stated that an alternative could be to reduce the building's size.

Mr. Kirby continued and stated the wetland is functionally isolated. A previous culvert had been found which provided a connection that classified the area as bordering vegetated wetland. He and others did not believe the area functioned as vernal pool habitat. Under the MA Endangered Species Act, the Natural Heritage and Endangered Species Program has determined that the project will not result in the take of any state- listed species.

The NOI will propose removal of the invasive bittersweet vines that are choking the trees in and around the wetland. Mr. Kirby did not feel it was realistic to remove the remainder of the invasive plants in the area. He added that the wetland did not appear to hold much water. He was not planning on performing a Wildlife Habitat Evaluation. The wetland was delineated in 2007 and with the state Permit Extension Act, the current delineation is valid until 7/2017. The detention basin will accept runoff from all impervious surfaces, including roof runoff. Stormwater information was presented to the ZBA and has been peer reviewed.

CPA Wayside Inn application

T. Friedlander advised the Commission that a request for an undetermined amount of CPA funding has been received by the CPC. The intent is for the town to purchase a conservation restriction on the entire WSI property. The CR will allow the continued uses at the site but not permit subdividing the property for sale as residential lots. The cost presented last year was in excess of \$6 million dollars. The town is performing due diligence based on the appraisal and review appraisal information to establish value. CPC had previously discussed committing up to \$1 million in CPA funds. The balance could be raised by bonding. The WSI was looking to create a maintenance fund with the proceeds. He questioned if it might be an appropriate time for the Commission to offer its thoughts on this project to the CPC as they will be discussing it tomorrow night.

C. Russo suggested it was too early to offer support. He stated more detail is needed to determine what is right for the town. He added the Commission should look closely at the ecological protections in the CR. He would be reluctant to make any statements at this time.

B. Armstrong agreed. She supported the concept of protecting the WSI and its surroundings, but would need the details of the extent of that protection and justification of cost before offering support.

Certificate of Compliance: (duplicate original): 91 Cranberry Circle

The Commission signed a duplicate original of a COC issued a number of years but was never recorded.

Violation and Litigation Status Update: 0 Washington Drive

T. Friedlander advised the Commission that there appeared to be some positive results from a recent meeting with the Hollyer's attorney. It appears they have agreed to comply with the Commission's required list of items to complete for a COC.

Site Walk Attendance

T. Friedlander is aware that most site inspections are held during a weekday. The intent is not exclude any Commissioners. If any Commissioners felt they wished to attend, walks may be scheduled to accommodate them in many instances. Commissioners just need to indicate they would like a different schedule.

Kidder Morgan Gas Pipeline

T. Friedlander informed the Commission that he, D. Henkels, and D. Dineen had walked a portion of the pipeline several weeks ago to look at the extent of routine maintenance clearing. This was done at the request of SVT to see if they could get Kidder Morgan to perform some restoration work. They did not believe the clearing was excessive or that major restoration was necessary in the area viewed at the Cranberry Brook crossing. There was nothing out of the ordinary as the clearing over the pipeline is done every 3-5 years and, as utility maintenance, is exempt from the need for a wetland filing. There was evidence only of minor equipment tracks. He also visited the site with Dan Stimson of SVT last week for a walk with a representative of Kidder Morgan, however the representative did not show up for the meeting. If

Kidder Morgan does perform restoration to fix the slight damage, a wetland filing (NOI) will be required as this activity is not exempt.

LSRHS Adult Ed Spring Walks

T. Friedlander, D. Henkels, B. Porter and D. Dineen have all agreed to lead one or more of the Friday morning walks of conservation lands again this year. B. Armstrong would like to assist on several of these walks. Other Commissioners were invited to lead or attend as their schedule permits.

Eversource Yearly Operating Plan

Eversource has informed the Commission that it plans to again apply herbicides in Sudbury along the transmission route south from the Rt. 20 substation to the Framingham line. The map provided still does not reflect several vernal pools along the route. This route crosses Landham Brook. The Coordinator has sent letters to NStar and now Eversource annually for at least five years requesting they update their maps. They have not done so. The only wetland regulatory input the Commission has is to ensure the maps showing the wetlands are correct. The Commission has continually requested that herbicides not be used at all long this corridor in Sudbury. A strong letter will be sent again this year.

King Philip Woods Land Stewardship

T. Friedlander informed Commissioners that following a meeting on site with the DPW Director to look at the height of the beaver water control device (beaver deceiver), the Director determined that the elevation of the pipe was correct. It only appeared low as compared to the water level in the pond when the Beavers were active. The Commission should consider perhaps raising the pipe and therefore the pond elevation for better habitat. This can be discussed in more detail at an upcoming meeting.

New Business

ANRAD Nashawtuc Country Club:

A Notice of Resource Area Delineation has been received for the entirety of the Nashawtuc Country Club's Sudbury land. The NCC is looking at updating its master plan and would like a current assessment of the wetland areas.

On a motion by C. Russo; 2nd D. Henkels the Commission voted unanimously in favor of contracting with wetland specialist, Dave Burke, for a peer review of the wetland line.

Notice of Violation 279 Old Lancaster Rd.

A Notice of Violation was issued several weeks ago for tree removal in a bordering vegetated wetland. The homeowner has been cooperative but has requested an extension to file a restoration Notice of Intent. He is seeking to engage the service of a wetland specialist in the NOI preparation and they cannot respond within the 30-day timeframe in the NOV. The Commission agreed to the requested extension as the site is stable and no restoration can commence during the winter.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously to adjourn the meeting. 7:35pm