

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, Jan. 23, 2017

Present: T. Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Mark Sevier; Bruce Porter; Kasey Rogers; Dave Henkels; Debbie Dineen, Coordinator

Minutes:

On a motion by B. Armstrong; 2nd B. Porter; the Commission voted unanimously in favor of approving the Executive Session minutes of Dec. 19, 2016 Executive Session as drafted. These minutes are not to be released to the public at this time as litigation is still pending.

On a motion by D. Henkels; 2nd B. Armstrong, the Commission approved the minutes of Jan. 3, 2017 as drafted.

WPA & Bylaw Request for Determination of Applicability: 236 Old Lancaster Rd.

Present: Matthew Palmer, builder and applicant

Mr. Palmer presented a plan for a bedroom and garage addition to an existing single-family residence. The bedroom addition will be off the rear of the house and the garage will be off the right side facing. All work will be kept on existing lawn or landscaped areas. Runoff from additional impervious surfaces will be directed by gutters and downspouts to infiltration pits.

D. Dineen advised the Commissioners that there are two wetland resource areas within 100' of the proposed work. One is a vernal pool off the rear of the lot. The second is a vegetated wetland, possibly another vernal pool, with most of this wetland off-site to the west. The closest point of construction will be over 50' from the wetland to the west.

On a motion by D. Henkels; seconded; the Commission voted unanimously in favor of a negative Determination.

WPA & Bylaw ANRAD Nashawtuc Country Club, Concord Rd. wetland delineation only

The applicant has approved a continuation to Feb. 6, 2017 to allow the Commission's wetland peer reviewer, Dave Burke, time to assess the on-site wetland flagging.

Certificates of Compliance & Duplicate Order of Conditions:

1. #301-1140 25 Frost Lane COC

A site inspection was held on Jan. 12, 2017 and attended by T. Friedlander; B. Porter, and D. Dineen. They met the applicant's engineer, Kevin O'Leary for an inspection of the site. Concrete bounds had been installed at the edge of the area to be managed as meadow. They observed a small arbor and a short trail cut into the native shrubs to the water. The arbor shall be removed and six native dogwoods planted in the trail area to prevent further encroachment. Due to the time of year, this work may be accomplished in the spring and the COC will reflect this requirement.

On a motion by B. Armstrong; 2nd K. Rogers; the Commission voted unanimously in favor of issuing the COC as discussed.

2. #301-606 26 Hollow Oak Dr.; Duplicate Order for recording

Commissioners signed the duplicate Order for recording.

Violation Status:

3. 0 Washington Drive

Atty. Nylen requested this item be moved to the Feb. 6 agenda. He has not had a chance to review it or discuss it with his clients. T. Friedlander reminded Commissioners that the EO/NOV was being issued to allow completion of the remaining items as agreed on for settlement purposes. The EO/NOV will be recorded. An Agreement for Judgment will also be developed to resolve the court case and further spell out the terms of settlement.

4. 443 Peakham – status of compliance

The jute netting has been installed. It was not properly anchored, however Mr. Marimon has informed the Commission that the proper staking has been completed. This will be inspected this week.

5. 267 Landham Rd. – new violation for work without valid permit

Photos have been provided that were taken from the abutting property. They show what appears to be a new concrete block wall being installed outside the rock retaining wall. The Order of conditions for previous violations has expired so the work is being done without approval of the scope and without a valid permit.

Commissioners have stopped by the house to speak to the owner. No one answered the door. The phone number does not allow for incoming messages. The letter sent regular mail over a week ago has not had any response and there has been no response from the certified EO/NOV and citation sent last week. The office had just received the signed green card indicating the certified letter was received.

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted unanimously in favor of ratifying the EO/NOV and citation issued on Jan. 13, 2017.

6. 17 S. Meadow Drive – Conservation Restriction (CR) encroachment

D. Dineen reported that a minor encroachment of lawn, fencing and perhaps a small shed has been installed into the CR area on this lot. The owner is very cooperative and would like to restore this area as early as possible in the spring. She recommended allowing the work to move forward under an EO/NOV rather than requiring a Notice of Intent due to the minor nature of the violation.

Commissioners agreed that a NOI was not necessary in this case, especially where it is more of a CR violation rather than a wetland violation.

7. Cutting Conservation Restriction encroachments, Arboretum Way

T. Friedlander, D. Henkels and D. Dineen inspected the area with John & Becky Cutting on Jan. 4, 2017. An area of mostly high bush blueberry shrubs had been planted into the CR area. The CR does not specifically permit the cultivation of crops. The CR abuts a large agricultural restriction area and the blueberries were inadvertently planted over the line.

Commissioners found that the blueberry bushes are compatible with the wildlife habitat purposes stated in the conservation restriction subject to the following:

- The blueberry crop is not expanded further into the CR area. No further agricultural use of the CR area is permitted;
- This small area of agricultural use within the CR is managed in accordance with terms and limitations of the Agricultural Restriction (recorded Book 63437 page 471), including the prohibition on the use of pesticides and herbicides;
- No netting or other covering of the crop that will limit access to the food source by wildlife is permitted.

- Should high bush blueberries no longer be the desired crop for this area of the CR, only crops with equal or greater wildlife value may be planted.
On a motion by M. Sevier; 2nd K. Rogers, the Commission unanimously allowed the blueberries, or other crop with equal or greater wildlife value to remain subject to the above conditions.

Other Business:

Coolidge II ZBA Comments

T. Friedlander reported that he and D. Dineen had met with John O'Brien, ZBA Chairman, to review comments from the Commission's letter as drafted by D. Dineen, and to discuss how to best communicate concerns, especially on 40B project issues. Two members of the Planning staff also attended the meeting. The ZBA would like representation from the Commission at the Feb. 6 meeting. T. Friedlander and D. Dineen plan to attend subject to the time of adjournment of the Conservation Commission meeting scheduled for that night. Others Commissioners are encouraged to attend as well.

MACC Annual Meeting Registration

T. Friedlander and Kasey Rogers will be attending the all day Saturday MA Association of Conservation Commission's annual meeting the first Saturday in March. He explained that this is a good opportunity for additional training in the basics of wetland regulation as well as more in-depth learning.

2016 Annual Report

Commissioners reviewed the draft annual report and voted to accept it as drafted. Motion by B. Armstrong; 2nd D. Henkels. Unanimous

BFRT Design Task Force Update

Commissioner C. Russo, the SCC representative to the BFRT DTF, was included in the conversation by phone. C. Russo stated that at the last meeting, the Task Force asked that the Commission weigh-in on the design issues separate from the wetland approval process. He suggested the Commission add this as an agenda item to an upcoming agenda. T. Friedlander added that the Commission should take this opportunity to provide recommendations on alternatives with less wetland impact.

D. Dineen informed the Commissioners that the Task Force has a meeting scheduled on Feb. 2 that they have asked some staff members to attend. She is not available the night of that meeting. She prepared her own comments for submission for this meeting. Copies of her memo was distributed to the Commissioners. She has concerns for limiting the investigation of alternatives to one alternative option only and only for one section of the trail. The other concern was that identifying a trail surface is premature until the final alignment, after investigating alternatives, is determined.

Meeting Schedule

Meeting were confirmed for 2/6, 2/27, 3/13, 3/27 (tentative due to the Town Election), and 4/3.

The meeting was adjourned at 7:25pm. Motion to adjourn by D. Henkels; 2nd K. Rogers. Unanimous