

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, Feb.27, 2017**

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Mark Sevier; Bruce Porter; Dave Henkels; Kasey Rogers; Charlie Russo (arrival 6:47pm); Debbie Dineen, Coordinator

**Minutes:**

On a motion by D. Henkels; 2<sup>nd</sup> B. Porter; the Commission voted unanimously in favor accepting the minutes of Feb. 6, 2017 as drafted.

**Conservation Restriction and Request for Certificate of Compliance: 26 Hollow Oak Drive**

Present: Steve & Maria Baillargeon; Atty. Kimberly Fisher

This CR is required as part of an old (March 1998) Order of Conditions. The property backs directly on to Hop Brook. Order approved a large addition in the rear of the house in riverfront area. The CR was mitigation. The property is now being sold with the closing scheduled for the first week in March. All conditions of the OOC have now been fulfilled with the exception of the recording of the CR. A report from Dave Burke has been received noting seven +- non-native plants in the rear yard. The homeowners have removed these plants. The as-built plan; the CR plan; and the CR document signed by the homeowners and reviewed by Town Counsel has been received by the Commission. It is in review at EOEEA at the State. A COC cannot be issued until the CR is recorded. However, the timeframe for EOEEA review is out of the control of the homeowner and is not likely to be signed by the State until after the closing.

D. Dineen recommended voting to issue the COC upon receipt of the CR recording information. The homeowners have requested the Commission send a letter indicating the property complies with the OOC and that the Commission anticipates issuing the COC on receipt of the recording information. She noted two items:

- 1) EOEEA might require some amendments to the CR document. If so, these will come back to the Commission for approval prior to recording and may require resigning the CR document.
- 2) She has requested the attorney for the homeowners provide a mechanism in the Deed or other legal document that allows the current homeowners to record the CR after the sale of the property. If this cannot be done, a new CR document will need to be drafted with the new owners as Grantor.

Atty. Fisher stated she will develop language for the Deed requiring the buyers to execute and record the CR.

On a motion by D. Henkels; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously in favor of issuing a letter indicating the Commission's intent to issue the Certificate of Compliance conditional upon receipt of acceptable Deed language, and, that the language include the requirement for the buyers to record the CR within 45 days of the CR being approved and signed by EOEEA.

**WPA & Bylaw Notice of Intent: Lot 56 (#47) Bigelow Drive *continued***

Violations and proposed new activities

At request of applicant, the Commission voted unanimously in favor to continue the hearing to March 13, 2017. Motion by M. Sevier; 2<sup>nd</sup> D. Henkels

**WPA & Bylaw ANRAD Nashawtuc Country Club, Concord Rd. continued**

Wetland delineation only

The Commission voted unanimously in favor of continuing the hearing to March 13, 2017 due to the recent snow cover. Motion by B. Armstrong; 2<sup>nd</sup> K. Rogers

**WPA & Bylaw Request for Determination of Applicability: 29 Babe Ruth Dr.; Deck replacement**

Present: Larry Cohen, Archadeck

Mr. Cohen presented a plan for the replacement of an existing deck. No enlargement of the deck will occur. The current supports are being replaced with helical piers. Helical piers do not require digging or result in any excess soil. All work is on existing lawn approximately 70' to bordering vegetated wetland and 80' to perennial stream.

On a motion by B. Armstrong; 2<sup>nd</sup> K. Rogers, the Commission voted unanimously in favor of issuing a negative Determination.

**Comments to Other Boards**

**Bruce Freeman Rail Trail possible comments to BFRT Design Task Force & update on wetland issues**

D. Dineen explained that she and Commissioner Bruce Porter met with Beth Suedmeyer of Planning. She presented a VHB chart of quantified wetland alteration in different design scenarios at the "challenge" areas – near Hop Brook and near Pantry Brook. It appears that in all scenarios presented, a wetland variance will be needed from DEP for the alteration of greater than 5,000 sq. ft. bordering vegetated wetland and bank. She was looking for staff input to VHB on the preferred design alternative. D. Dineen was hesitant to provide a staff opinion when the issues have not been discussed yet with the Commission. T. Friedlander has approved an item on the March 13 agenda where VHB and Ms. Suedmeyer will be presenting the alternatives to the Commission.

C. Russo stated that the Task Force is trying to recommend a design that will give the town what the town wants. He noted that the 25% design must be submitted in March to have the project included in the TIP Program. D. Henkels questioned why all alternatives were not being considered at the 25% design stage. C. Russo replied that the Conservation Commission's regulatory role will come in at the 75% design stage. Right now they are just being asked to give input on specific design issues and would like the Commission to weigh in on the three options currently under consideration. He asked Commissioners to review the materials emailed today, including the matrix of the different surface options. He added that the Task Force is eager to hear the Commission's comments – good, bad or ugly.

K. Rogers suggested a site visit to the challenge areas before the March 13 meeting. Commissioners agreed.

**Certificate of Compliance: DEP File #301-1191; Removal of Remediation Wells, former Unisys site**

The project has been completed and the only deviation is the use of bentonite chips rather than grout for filling of the wells.

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

**Public Outreach:** Homeowner’s Brochure

Revised wording has been drafted and sent to Meg Armstrong for incorporation into the informational brochure along with photos of local Sudbury wetlands. She is happy to continue to work on a new, less wordy, draft. The intent is to have the new brochure ready for distribution at spring Town Meeting.

**Violation Status Update**

1. 105 Firecut Ln.; clearing and shed construction in riverfront area  
Response received from homeowner, Stan Tasker. He stated the shed has been there since before he bought the property over 6 years ago. He has not done any clearing other than several trees he had permission to remove following submission of his arborist’s report.
2. 267 Landham Rd., Safar  
It was discovered that no one is living at the property full time. Mr. Safar’s Boston address through Assessor records. He responded immediately once he was contacted in Boston. T. Friedlander, D. Henkels, and D. Dineen met with him on 2/21. He has since contacted GPR engineering firm and is under contract with them. A site visit with GPR will be scheduled for prior to 3/13 to determine scope of NOI. Wall construction is actually wall repair.
3. 0 Washington Dr., Issuance of Certificates of Compliance timing  
The final signatures of Commissioners were obtained. It is expected the SCC will issue COCs once the EO/NOVs are recorded. Outstanding issues discussed included other conditions that might be imposed prior to the issuance of the COS. These include the need for the SCC to have accepted the Conservation Restriction plan and wording as well as the restoration planting plan prior to issuance of the COCs.

**Other Business:**

Dates and Leaders for Spring Walks

Leaders and dates were determined as follows:

April 4	King Philip Woods	Tom Friedlander
April 28	Haynes Meadow/Water Dist.	Bruce Porter
May 5	Nobscot Cons. Land	Dave Henkels
May 12	Hop Brook Cons. Land	Debbie Dineen
May 19	Davis Farm Cons. Land	Dave Henkels
6/2	Rain Date	tbd

**Confirm Upcoming Meeting Schedule**

Upcoming Meeting Schedule Revised to 3/13, 4/3, and 4/24. Meetings will now begin at 6:45pm

Chairman Friedlander left the meeting at this point.

**Reports from Commissioners and Staff on project/meetings:**

Charlie Russo – Lincoln Sudbury Environmental Club Warrant Articles

C. Russo reported that the Lincoln Sudbury Environmental Club has several Warrant Articles for spring Town Meeting that would ban the use of plastic bags and ban plastic water bottles. They would like the support of the Conservation Commission on these Articles. The presentation for these Articles will be sent to the Commission.

Commissioners questioned the cost to business to supply alternatives. M. Sevier stated that it is not productive to oversimplify the issue. The manufacturing process for paper bags should be considered. C. Russo noted that the ban might encourage the use of renewable materials.

Commissioners decided not to take a position on these Warrant Articles at this time.

#### Dave Henkels – Wetland Tour with WPI students

D. Henkels reported that he took several students from WPI out on a tour of a Sudbury wetland to help them prepare for their upcoming trip to Paraguay. They were interested in learning the wetland values and functions that are locally protected.

On a motion by M. Sevier; 2<sup>nd</sup> D. Henkels, the Commission voted unanimously in favor of adjourning the meeting.