

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, April 3, 2017

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Mark Sevier; Bruce Porter; Kasey Rogers; Dave Henkels; Charlie Russo (6:55arrival); Debbie Dineen, Conservation Coordinator

Minutes:

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of approving the minutes of March 13, 2017 as drafted. B. Porter and K. Rogers abstaining

WPA & Bylaw Request for Determination of Applicability: 25 Ronald Rd., Brian Caswell, applicant

Present: Kyle Dube, Feinnman, Inc.

Mr. Dube presented a plan for the removal of the three-season porch and replacing it with a patio and stairs. This will let more light into the house. The wetland resource areas are bordering vegetated wetland, vernal pool, intermittent stream and adjacent upland resource area. All work on existing lawn/landscaped area. Runoff infiltration virtually unchanged.

On a motion by D. Henkels; 2nd M. Sevier, the Commission voted unanimously in favor of a negative Determination.

Vote Peer Review Consultant: 187-189 Boston Post Rd., Coolidge Phase II

Present: Rich Kirby of LEC Environmental; Josh Fox, Attorney; & other representatives of the developers

The Commission has received the NOI for the next phase of Coolidge 40B senior housing. The majority of the work on this site is in very close proximity to the wetland and involves stormwater structure sizing. Fred King of Schofield Brothers is the Commission's stormwater peer reviewer in most cases. Stormwater peer reviews have been required for all similar situations.

There is a wetlands ORAD is valid until 7/20/2017 (this was a 7-year permit under the Permit Extension Act). Even though it will expire prior to or during construction, Town Counsel has opined that the SCC cannot require a new delineation or review at this time.

Rich Kirby noted that the ZBA has had Horsley and Witten review stormwater already. He would clarity on the scope of the Commission's peer review. T. Friedlander stated that out of courtesy to the applicant, he will allow a discussion on the scope of the peer review with them. Mr. Kirby objected to Mr. King performing the peer review because he had previously had involvement on the site. He believes that there may be a conflict. B. Armstrong stated that it is up to Mr. King to determine if he has a conflict. The work he did previously on the site was in 2007 for a different applicant. M. Sevier questioned why the applicant would be concerned about a conflict if the Commission and the peer reviewer are not. Mr. Kirby stated that the DEP recognizes the efficiency of using information that is already available. D. Dineen noted that Mr. King is the Commission's first choice as peer reviewer due to his expertise in both stormwater and wetland issues. Both are a major factor in this proposed development.

Atty. Fox asked if the commission would narrow the scope of the peer review to take the existing peer review done for ZBA into account and to look at the new material in greater detail.

On a motion by C. Russo; 2nd B. Armstrong; the Commission voted unanimously in favor of hiring Schofield Brothers and whomever they designate to perform a review of existing materials and a review of new outstanding material pertaining to stormwater design at Coolidge II.

Certificates of Compliance: DEP File #s: 301-113, 301-357, 301-596, 301-799, 301-1072, 301-1138

Gravestar, Sudbury Plaza

Present: Craig Blake

Mr. Blake and D. Dineen have been working to identify the outstanding Orders of Conditions and their status for 505-525 Boston Post Rd., Sudbury Plaza (Shaw's Plaza). These Orders are from 1983 through now. The Order included work for the construction of the CVS building addition to the Plaza; the CVS drive-through; several Orders pertaining to hazardous waste treatment; removal of the treatment system, etc. The most recent Order, DEP File #301-1138, still needs some additional clean up and assessment of the wetland restoration area where the trailer was located. This COC is the only one where work has not been completed in accordance with the Order.

D. Dineen explained that the original Order for the CVS building included a 30-year covenant for parking lot and drainage system cleaning and maintenance. That Covenant has expired and the Commission must decide if any or all of the covenants should continue in the COC. The Commission determined that the covenants shall continue in perpetuity, however the reporting shall be reduced from quarterly to semi-annually in spring and fall.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted to require semi-annual inspections and reporting.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously to issue the COCs for #301-113, #301-357, #301-596, #301-799, and #301-1072.

Signature: Conservation Restriction Lots 4/5 Fairbank Rd; Redspire, Inc.

Present: Beth Cosgrove, Redspire, Inc.

The Commission signed the Conservation Restriction for the land at Lots 4 & 5 Fairbank Rd. It had previously voted to approve the CR subject to Town Counsel and EOEEA approval. It has been approved with only very minor changes that do not affect the purposes, the reserved rights, or the prohibited actions.

WPA & Bylaw Request for Determination of Applicability; 196 Horse Pond Rd., Warrior Homes, LLC

No applicant present

D. Dineen presented the plan for the demolition and reconstruction of an existing single-family house. The Lot contains riverfront, bordering vegetated wetland, adjacent upland resource/buffer. All work is on existing lawn/landscape area. The house location is being moved further from the wetland and outside all wetland jurisdiction. The existing septic system and drywell are to be filled in, decommissioned, and reconstructed outside of wetland jurisdiction in accordance with Board of Health regulations. The area will be stabilized and remain as lawn.

On a motion by C. Russo; 2nd D. Henkels; the commission voted unanimously in favor of a negative Determination due to the removal of all structures and septic effluent being moved farther from the wetland.

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

Violations & proposed new activities; possible fines

The Coordinator informed the Commission that DEP is revoking NOI file number due to the violations of the Administrative Consent Order. Therefore the NOI under the WPA no longer valid. DEP is requiring full restoration of the property to comply with the plan approved in ACO. Penalties to be assessed by DEP. The Commission cannot act on this project now under the WPA. Under the Bylaw the Commission may deny or the applicant may withdraw or amend scope to address restoration/mitigation under bylaw. Either way, the restoration work and outstanding planting mitigation has to be accomplished. T. Friedlander added that the bylaw must be more restrictive than the WPA so if the project cannot be approved under the WPA, it should not be approved under the bylaw.

A Notice of Violation under SWAB should be issued for this restoration/mitigation. The Commission should have something formal from DEP in early/mid-April.

C. Russo suggested the Commission develop a list of developers whose projects may need the close watching of an environmental monitor to try to avoid extensive plan deviations in the future.

On a motion by C. Russo; 2nd D. Henkels; the Commission continued the hearing to May 8 at the request of the applicant's representative in order to allow DEP time to provide their written requirements for this site under the Administrative Consent Order.

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

The Commission received a request to continue to April 24, 2017. This is a wetland delineation only and due to snow cover and now high water, the wetland flagging is not visible.

Public Outreach:

Discussion: Homeowner's Brochure

The Commission reviewed the latest draft. It is too late to include in the Warrant and the Town Manager does not have the funds immediately available at this time for Town - wide mailing. The goal will be to have the brochure available at Town Meeting for distribution.

Meg Armstrong did a great job on making the brochure look very professional. The only remaining items are: the salamander picture needs to be changed; a "recycle" icon to be added; and the print color needs to be more readable.

Certificates of Compliance:

1. DEP File #301-841 (and SWAB), Knox Trail Council BSA, Activity Shelters; Nobscot Reservation
On a motion by B. Porter; 2nd M. Sevier; the Commission voted unanimously in favor of issuing the COC as the work has been completed.
2. DEP #301-973; P. Steinkeller, 264 Morse Rd.
On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of issuing the COC as the project was a septic repair and has been approved by the Board of Health.

Violation Status Update

0 Washington Dr. – The Commission reviewed the planting plan for comments back to Attorney Nylen. The two areas indicated on the plan by red circles are not the full extent of the area the Commission wanted to see fully restored with native plantings. The planting restoration area should include all of

the slope are identified in yellow on the plan. D. Dineen will advise Atty. Nysten of this discussion. T. Friedlander stated that the Commission is still striving for an applicable resolution.

38 Willard Grant Rd. – the Commission received an unsigned RDA via email on 3/15. The signed copy has not yet been received. T. Friedlander noted that the violation was fairly minor but it needs to be resolved as it has been outstanding for over a year. D. Henkels motioned for a \$100 fine if the signed RDA is not received within 48 hours. B. Armstrong 2nd. Unanimous in favor

Signatures:

Commissioners signed the following documents that had previously been voted.

- COC for Unisys Well Decommissioning
- OOC for MA DOT Rt. 20 Drainage Upgrades
- Conservation Restriction 34 Musket Lane, Soja

Other Business:

Discussion on Remote Participation at meetings

Although concerns were expressed that close review of plans was often part of the Commission's meetings, commissioners agreed to give remote participation a try.

Reports from Commissioners and Staff on project/meetings

- T. Friedlander reported on the Legislative Breakfast he attended. He also attended the 3-day Keystone Project at the Harvard Forest in Petersham. He has a number of follow-up tasks and projects that will build on the Forestry Management Plans already done for several of the conservation lands.
- D. Dineen reported on the Dept. Head training for Unified Incident Command Training.
- D. Dineen advised the Commission that new draft maps were released today by the Natural Heritage & Endangered Species Program showing revised priority and estimated habitat areas for state-listed species. Comments are due June 3, 2017.

Website Contents

T. Friedlander suggested the Commission post additional information on the use of herbicides, forestry management, etc. on the website for the public. Links could be added for further informative materials. K. Rogers noted that it would be important to keep this information up to date. C. Russo stated that the materials must be from reliable sources.

Tick Information

The Board of Health nurse requested the ability to provide additional information at the conservation land kiosks on ticks. She suggested purchasing a brochure/card holder with materials for users to take with them. The Board of Health will supply the materials.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted in favor of purchasing the information holders up to \$300. M. Sevier and C. Russo abstaining from the vote.

Vote Stormwater Peer Review: Rt. 20 Roadway Improvements @ Meadow Walk

On a motion by M. Sevier; 2nd D. Henkels; the Commission voted unanimously in favor of obtaining a stormwater review by Fred King of Schofield Brothers.

Meeting adjourned 8:30pm by unanimous vote of the Commission.