

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, June 5, 2017**

Present: Tom Friedlander, Chairman; Dave Henkels; Mark Sevier; Kasey Rogers; Charlie Russo (7:03 arrival); Debbie Dineen, Coordinator

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

Present: Mike Toohill, BSC Group; Troy Noble and Ric Schultz of Nashawtuc Country Club; Dave Burke, SCC wetland peer reviewer

Mr. Toohill presented a plan showing the wetland delineation for the Nashawtuc Country Club (NCC). The wetlands were delineated under both the WPA and the local wetlands bylaw. A simultaneous filing for made in Concord for the Concord section of NCC.

Mr. Burke stated that he has been out on site 8 – 9 times and reviewed 400-500 flags to date. He supplied a list of questionable areas to Phil London a who performed the on- site delineation. The list had 35 -40 points, mostly with discrepancies on the east side of Concord Rd. They have agreed on the addition of more bordering vegetated wetland around the large pond and most areas of mean annual high water are coincident with the bordering vegetated wetland. The FEMA floodplain elevation is the same in the area as the adjacent Sudbury River at elevation 122'. D. Dineen noted that the floodplain elevation was taken from LIDAR imagery rather than site-wide topographic survey. She added that FEMA used LIDAR on the latest floodplain maps. Mr. Toohill noted that the wetland flags were not surveyed but were located using gps. Some flags were underwater during the worst of this year's spring flooding which was up to a 25-50 year storm event. The mean annual high water of Cold brook is up to the edge of the town line and at the edge of bordering vegetated wetland.

If site conditions allow all flags to be viewed in the field, a site inspection will be held on June 12<sup>th</sup>. All parties agreed to a continuation to June 19<sup>th</sup>.

**WPA & Bylaw Notice of Intent: 2-23 Farmstead Lane; Highcrest at Meadow Walk**

Present: M. Mastroianni (and two others) of Pulte Homes of New England; Karen Staffier and Meredith Avery of VHB, INC.; Fred King; stormwater peer reviewer for SCC; Steve Senna of National Development. Inc.

Ms. Avery presented a plan for the construction of 57 units of age-qualified housing on the 8-acre site. The units will be in 7 buildings consisting of 6 townhouse buildings and one garden apartment of 21 units. All units will be for sale as opposed to rental. Four wetland resources are associated with the project. All work is on existing disturbed areas.

Ms. Staffier explained that there is no increase in impervious surface and the stormwater is in compliance with the overall Master Plan and meets the Master Plan objectives. All runoff drains to the central detention pond or a wetland tributary. Two bio-retention areas and three underground infiltration systems are proposed. These are the best bmps for phosphorous removal, which was a Master Plan goal. Some lawn areas and roofs sheet flow to the wetland with some infiltration occurring. A geotechnical analysis was done to be sure the infiltration will work with the soils and volumes of runoff. O & M Plans have been included in the NOI.

Mr. King reviewed his written comments to the Commission. These comments included recommendations for the Order of Conditions. Dewatering is likely to occur and protocols for this were included. He noted that the project meets the wetland standards for new development even though it

is a redevelopment project with less strict standards. He suggested the Master Plan be updated to include all the proposed details of the stormwater features.

D. Dineen questioned the untreated runoff areas of lawn and the potential for added nutrients entering the wetland. K. Staffier responded that less lawn irrigation will be necessary. D. Dineen questioned how the O & M Plan will be handled for individual responsibilities with so many interconnected drainage components. Ms. Staffier replied that a condo association-type arrangement might be established with cross easements to allow maintenance of common drainage elements. Mr. Senna added that the common elements may be pulled out of the site-specific O & M requirements and handled by one entity.

c. Russo stated that the SCC should be copies on the SWPPP and any updates. In addition, the Environmental Monitor's oversight responsibilities should extend to this site.

In response to a question from D. Henkels, a representative of Pulte Homes stated that the condo association will be responsible for all 8 acres of the site, not just the buildings. The final O & M Plan will clearly state these responsibilities.

A motion was made by M. Sevier; 2<sup>nd</sup> K. Rogers, to close the hearing.

K. Staffier requested that the hearing be kept open to allow VHB, Inc. to respond in writing to Mr. Kings comments and have that response become part of the hearing record. All parties agreed to continue the hearing to June 19<sup>th</sup>. A draft of the Order will be sent to all parties prior to June 19<sup>th</sup>.

**WPA Notice of Intent: Coolidge @ Sudbury Phase II** (cont.)

Present: Rich Kirby; Holly Grace; Atty. Josh Fox; Joe Peznola; Jim Consignor; all for the applicant

Mr. Kirby presented the revised plan dated 6/5/17 for 56 units of senior rental housing. The NOI was filed only under the WPA as this is 40b affordable housing development. The revised plan removes the non-native tulip tress from the restoration planting plan. The proposal for restoration within 100' of the wetland is for 1:1 replacement of invasive plants with native plants in the less dense areas of the buffer zone. A construction sequence has been provided. The applicant has agreed to commit up to \$25,000 for a monitoring and replacement project in the restoration area for the duration of the Order. The revised plan shows the wetland line that was approved with the ORAD.

D. Dineen stated that the restoration plantings for mitigation will only be a short-term enhancement. They are planning to remove only some of the invasive plants in the buffer zone. The invasives that remain will recolonize the restored area over time. T. Friedlander added that the mitigation of wildlife habitat improvement must be productive for more than short-term. M. Sevier felt the plan was reasonable, as it is mostly impossible to eradicate all invasive plants. D. Dineen suggested that an alternate form of mitigation that will have longer-lasting impacts should be considered. She suggested construction of eagle/osprey nesting platforms, such as were recently installed in Lincoln. Holly Grace stated that funds for mitigation are limited but they could make a contribution to a town account for conservation purposes. Mr. Consignor suggested \$30,000 to an escrow account. That could fund restoration planting wherever the Commission felt it would be most successful;. That would be \$100/shrub for \$10,000, \$10,000 for planting, and \$10,000 for monitoring.

D. Dineen stated that giving money to a fund for an undefined project is not wetland mitigation. The project would need to be defined to determine if it qualified as mitigation.

To do that, the details of the project need to be known so the Commission can assess current site conditions and proposed enhancement of wetland values and functions.

Following further discussion, all parties agreed to pursue the nesting platform as mitigation. D. Dineen will contact USFW to see if it is possible to construct the platform(s) on the abutting Great Meadows NWR, as this area is the optimal location. A draft Order will be developed and sent to the applicant before the June 19 meeting, at which time this hearing will be continued.

**Bylaw Notice of Intent: 69-71 Brewster Rd.;** A. Sumito, Trustee of Leeya Realty Trust

Common Driveway construction

At the request of the applicant, the hearing was continued to June 19. Motion by D. Henkels; 2<sup>nd</sup> C. Russo. Unanimous in favor.

**WPA & Bylaw Notice of Intent: 4 Maynard Rd.; Walker Development (cont.)**

Present: Renee McDonough and Dan Wells of Goddard Consulting; Jeff Walker, applicant

Mr. McDonough went through the list of outstanding items from the last hearing for new house construction on this new lot. Changes include:

1. The flood plain elevation is acceptable per the Town Engineer;
2. The Conservation Restriction area has increased to include all areas outside of construction;
3. The soils information for the area of the infiltration pits has been provided and shows acceptable soils;
4. A plan showing the entire area of the lot to be placed under the conservation restriction (CR) has been submitted;
5. DEP has confirmed that invasive species removal in riverfront area is not considered RFA alteration for the calculation of maximum permitted alteration as long as hand tools only are used;
6. The lot line has been better defined;
7. An analysis of the value of the CR area as compared to the area to be disturbed has been submitted and shows that the CR area has greater wetland value and function than the area proposed for construction.

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

Commissioners discussed conditions for the Order. These included the requirement for the CR to be recorded prior to any work on the site; the CR delineated in the field; Board of Health approval before any site work; and the traditional new house construction conditions.

On a motion by D. Henkels; 2<sup>nd</sup> K. Rogers; the Commission voted unanimously in favor of issuing the Order as discussed.

**Bylaw Notice of Intent: 47 Bigelow Dr.;** violation corrections & new proposed wetland alteration

At the request of the applicant, the hearing was again continued for receipt of information from DEP. Continued to June 19.

**Certificates of Compliance:**

**41 Oak Hill Rd.**

Present: Renee McDonough of Goddard Consulting

Ms. McDonough reported the landscaper removed the non-native hostas, barberry and ilex. The homeowners did not wish to remove any more invasive plants.

On a motion by M. Sevier to issue a COC due to reasonable compliance under the circumstances; motioned seconded; the Commission voted unanimously in favor of issuing the COC.

**36 Willis Rd.**

All restoration plantings has been done in accordance with the approved plan and inspected.

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

**71 Ford Rd.**

D. Dineen inspected the property and reported that that all plantings were in accordance with the approved plan and thriving. At the time of the inspection, the homeowner has requested approval to remove two trees within 100' of the wetland. One tree had snapped along the trunk and fallen on another tree, which is now leaning. Both trees will hit the house of they fall. She showed photos of the trees and recommended granting permission for removal.

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

**Framingham Sewer at Sudbury line**

Framingham had to do so minor work in Sudbury when it relocated minor sewer components in the back yard of homes in Framingham, which have part of their back yards in Sudbury. Work has been completed, the as-built plans have received, and the area is stable.

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

**Violation Status:**

**3 Goodnow Rd.**

Present: Dan Wells of Goddard Consulting

Mr. Wells stated the homeowners will pay the outstanding fines. Connorstone is one month out for preparing plans and submitting an after-the-fact NOI for the violations, including the additional impervious surface within 100' of the vernal pool.

Commissioners questioned if the catch basin in front of the house was installed by the homeowners. Mr. Wells did not know. M. Sevier stated that the Commission needs to receive an update toward compliance at each Commission meeting.

267 Landham Rd.

No further information has been forthcoming from the property owner. On a motion by D. Henkels; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of issuing a \$100 ticket.

443 Peakham Rd.

Restoration planting has not begun. On a motion by D. Henkels; 2<sup>nd</sup> M. Sevier; the Commission voted to issue a \$100 ticket. C. Russo opposed.

Crystal Lake Dr.

The Coordinator will set up site inspection for revegetation status of the disturbed wetland.

**Other Business:**

0 Willis Rd. DEP SOC

The Commission reviewed the DEP superseding Order and decided not to appeal their approval for new house construction. The applicant must still file an NOI under the local bylaw.

Status report: Landham Brook Marsh management responsibilities

The LBM Cr is on hold until either the CR is redrafted to have the CR go to the Town in general as the Deed does not indicate the land was purchased for conservation purposes; or at a Town Meeting, the Selectmen submit a warrant article designating the land for conservation purposes.

Forestry Plan for King Philip Woods

The report had not yet been received from the Forester, however, issues have arisen here the Chairman was informed that the site could contain native American ceremonial landscapes. The Commission is requesting assistance from the native American archaeological officer and the Historical Commission is identifying these landscapes to try to avoid and negative alteration. A joint meeting or assistance from both the native American officer and the Historical Commission has been requested. For now, the project is on hold until the vegetation dies down in the fall and any possible sites can be identified.

The Commission discussed the need to move on to another project to commit FY2017 funds. Everyone agreed that the funds should go to clearing the old one-acre meadow at Davis Farm conservation land.

Discussion - WPA Training session

Commissioners agreed that a training session on the details of the performance standards in the wetland regulations would be beneficial. It will be scheduled once a new member is appointed.

Hop Brook Marsh Incident

D. Dineen reported that a serious bicycle accident occurred in Hop Brook on the Duck Pond outfall bridge. The injured party is expected to fully recover. The bridge and trails were not the cause of the accident.

Meeting Schedule

Upcoming meetings were set for June 19, July 10, July 24, Aug. 7, and Aug. 21.

On a motion by C. Russo; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously in favor of adjourning the meeting. 9:55pm