

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, July 17, 2017

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Mark Sevier; Bruce Porter; Charlie Russo; Kasey Rogers (by remote participation); Debbie Dineen, Coordinator

Minutes:

On a motion by D. Henkels; 2nd M. Sevier; the commission voted unanimously in favor of approving the minutes of June 19, 2017 as drafted.

WPA & Bylaw Request for Determination of Applicability: 101 North Rd.; S. Verrill

Present: Steve Verrill, applicant

Mr. Verrill presented a plan to reactivate a well that has not been used in several decades. The well previously provided drinking water to 101 North Road but was abandoned when the property was connected to the Sudbury Water District. The well will now be used for occasional agricultural irrigation purposes for the 3 -4 acre abutting field.

D. Dineen noted that there is a perennial stream within 100' of the well. A previous plan for the well done by the former MA Soil Conservation Service indicates that the well draws water from the northeast, not the stream.

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

Violation Status: 3 Goodnow Rd.; Dishnica

Present: Irma Dishnica

The Commission discussed the status of the Notice of Intent submittal due July 22. Ms. Dishnica questioned why they received a letter from the town attorney. T. Friedlander explained that the Commission felt a letter from the Town Attorney would might be taken more seriously than the seven letters already sent by the Conservation Commission. He noted that there has been no follow-through or pavement removal to date. If they are having issues finding an engineer to review the changes in drainage and address stormwater issues, they will have to remove the pavement. if neither is done is the timeframes set back in April as extended, they will face fines and need to remove pavement.

D. Dineen noted that Dan Wells of Goddard Consulting informed her the site had been surveyed and some elevations determined. Ms. Dishnica replied that was by a surveyor, not an engineer.

Ms. Dishnica said she was confused by what they could or could not do on their property. T. Friedlander stated that the seven letters sent to them were very clear on the requirements. Other Commissioners felt it was necessary to restate the constraints of the site and the regulations at this time. It was again explained to the property owner that almost her entire property, if not all of it, is within wetland jurisdiction under state and local wetland regulations. Her husband had previously been given the wetland homeowner's brochure and each of the letters sent restated this fact as well as provided reference via electronic link to the full regulations. The regulations require all work except normal maintenance (grass cutting, house painting, etc) to be permitted by the Commission prior to the activity.

C. Russo explained that adding impervious surface without collecting, treating, and address rates and volumes of runoff is not permitted. He would like to see proof of a contract with an engineer

by July 31 and an NOI by Oct. 1. B. Porter, M. Sevier, D. Henkels, D. Dineen were not in favor of waiting until Oct. 1 for an NOI. The illegal work included significant paving within 100' of a confirmed vernal pool. Any restoration should be done early in the year to allow for winter stabilization and full return of functioning of the 100' upland resource around the pool for any fall and spring migrations. D. Henkels agreed that the NOI should be submitted before the end of July. T. Friedlander made note that it has been three months since the NOV/EO was issued and they have not made progress toward compliance. K. Rogers added that the pavement removal needs to be conditioned to prevent further degradation to the vernal pool or its associated upland habitat. It must be done in a controlled manner, with the method outlined and agreed to along with a restoration and stabilization plan. T. Friedlander agreed and stated that delays are not healthy for the vernal pool or the area around now.

T. Friedlander suggested the deadline for the NOI submission now be extended to July 31 and the area within 100' of the vernal pool shall not be used or altered in any way.

D. Henkels motioned for an extension to July 31 for NOI. B. Porter 2nd; unanimous in favor

WPA & Bylaw Request for Determination of Applicability: Water Main Installation Maynard Rd. near Fairbank Rd.; Sudbury Water District, applicant

Applicant and/or representative not present

D. Dineen presented a plan for the installation of a 12" water main in Maynard Rd. for a short distance from Fairbank Road toward the Maynard line. All construction will be within the existing roadway. Silt sacks are proposed for the existing catch basins. An erosion control barrier will be installed at the limit of activity. The resource area is a vernal pool with associated bordering vegetated wetland just within 100' of the proposed activity and on the opposite side of Maynard Road than the wetland resource.

Commissioners questioned if this project was extending the water main or replacing an existing water main. It was not clear from the plan and documents submitted. Several Commissioners stated that it did not make a difference from a wetland protection standpoint for this filing.

On a motion by M. Sevier; 2nd D. Henkels; the commission voted in favor of a negative Determination. B. Porter opposed. He felt he needed to know if it was a new or replacement water main.

WPA & Bylaw Notice of Intent: 1011 Boston Post Rd.; Chris Torti

Common driveway and drainage for two new single-family houses plus confirmation of wetland delineation

The applicant had agreed to a continuation to allow the Conservation Commission to hire a wetland peer reviewer, as they had not gone through the ANRAD process to confirm wetland delineation prior to filing for work on the lots.

On a motion by D. henkels; 2nd M. Sevier; the Commission voted unanimously to continue the hearing to July 31.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of hiring David Burke, wetland specialist, as wetland peer reviewer as the first step in the review process for this NOI.

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

Common Driveway construction

The applicant has requested another continuation to give them time to address issues brought up in a town Dept. Head meeting on this proposed development, as any changes might impact the area of the project subject to wetland jurisdiction under the local wetlands bylaw.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of continuing the hearing to July 31.

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

The Commission had received a request from Scott Goddard of Goddard Consulting to continue the hearing to allow DEP to complete its process under the ACOP. He would like to continue to Aug. 14 as he is on vacation July 31.

Commissioners unanimously agreed to continue the hearing to Aug. 14.

Land Stewardship -Davis Field Invasive Plant Species removal project

D. Dineen informed the Commission she placed a timely request to Accounting and the Director of Finance to allow the carry-forward of \$11,000 for this project. This was a last minute change in project when the Commission was asked to hold off on the King Philip Woods project due to possible native American ceremonial landscapes on the property. She has not received a response yet to her request. The contract is expected to start work late summer.

Violation Updates:

267 Landham Rd.

No further information has been provided and no one has contacted the Commission for an update. Letters and phone calls to the property owner have not been answered. It is believed the property owner is out of the country. T. Friedlander asked if town counsel could send a formal letter to the property owner.

On a motion by B. Porter; 2nd M. Sevier; the Commission voted unanimously in favor of sending weekly tickets of \$100 each to the homeowner until proof of progress on compliance is made.

443 Peakham Rd.

D. Dineen reported that it appears work had been going on the last week of June. The visible area appears to be seeded and erosion control is in place. She will contact the property owner for an update.

168 Horse Pond Rd.

Fence relocation to the approved location was required to be completed by June 30 and SCC notified for a site inspection. No contact from the homeowners.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously in favor of issuing a \$100 ticket.

For Signatures:

The Commission signed the Certificate of Compliance for 36 Willis Rd., Rao. Approval previously voted.

Other Business:

1. Sudbury TV film project

D. Henkels reported that he enjoyed working with the students on environmental issues at the Haynes Meadow Conservation land. Commissioners thanked him for participating in this project that will provide environmental education for youth and adults as the program is aired on cable TV.

2. Reports from Commissioners and Staff

0 Washington Dr.- D. Dineen reported the Conservation Restriction draft has been received. She will be reviewing and providing comments back to Atty. Nysten next week. A revised plan for the CR and an amended restoration planting plan are still need.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously in favor of adjourning the meeting. 8:05pm