

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, July 31, 2017

Present: Davie Henkels, Vice-Chairman (acting Chairman for this meeting); Bruce Porter; Kasey Rogers; Mark Sevier; Charlie Russo (7:03 arrival); Debbie Dineen, Coordinator

Absent: Tom Friedlander

Acting Chairman Dave Henkels called the meeting to order at 6:56pm with a quorum present.

Minutes:

On a motion by K. Rogers; 2nd M. Sevier; the Commission voted unanimously in favor of approving the minutes of May 8, 2017 as drafted.

On a motion by B. Porter; 2nd K. Rogers; the Commission voted unanimously in favor of approving the minutes of June 5, 2017 as drafted.

On a motion by M. Sevier; 2nd B. Porter; the Commission voted unanimously in favor of approving the minutes of July 17, 2017 as drafted.

WPA & Bylaw Notice of Intent: 45 Mossman Rd.; #301-1217; septic repair & driveway reconfiguration

Present: Mike Sullivan, Sullivan, Connors, Inc.; Michael Frias, applicant

D. Dineen explained that this NOI was for septic repair of an existing septic system that has failed. The new system is located as far as possible from the wetland and is not increasing in capacity. M. Sullivan added that the applicant also wishes to expand the driveway by 100 sq. ft. to allow side-by-side parking of vehicles. Work will occur within the outer riparian area of a perennial stream. The increase distance of the septic from wetland is 18' feet. In addition to improving the horizontal separation from the wetland, the vertical separation to groundwater will increase.

Art Krusinski, abutter at 39 Mossman Rd., expressed concern for the relocation of the water line. He presented pictures of several large trees that he believes will have their roots compromised from water line trenching. He would like these trees removed so they do not present a problem for his property. Mr. Frias stated he has no issue with the tree removal request. D. Dineen added that the trees in question are not contiguous and do not contribute to wetland values and functions. She did not see any wetland harm in tree removal but did not feel the Commission should mandate it as no professional assessment of the tree impact from the water line installation was submitted.

In response to M. Sevier, Mr. Sullivan stated that relocating the water line to the other side of the house is not good practice, as it will cross with other utility lines.

In response to M. Sevier, Mr. Frias stated that the driveway is now single car width. He would like to have the ability to tandem park several vehicles so they are not shifting cars around as much.

On a motion by M. Sevier; 2nd K. Rogers; the Commission voted to close the hearing. C. Russo abstained due to late arrival during the hearing.

On a motion by M. Sevier; 2nd B. Porter; the Commission voted to issue the Order as discussed to include the standard septic system repair conditions and the conditions to permit the removal of any trees that are impacted by the relocation of the water line.

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

At the Commission's request, the applicant had agreed to continue the hearing to Aug. 14 to allow the Commission to visit the site once their peer reviewer completes the on-site delineation confirmation.

On a motion by C. Russo; 2nd M. Sevier; unanimous in favor of continuing the hearing without discussion to Aug. 14, 2017.

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

A request for continuation was received by the Commission on July 26. The applicant would like more time to submit revised plans.

On a motion by C. Russo; 2nd K. Rogers; unanimous in favor of continuing the hearing without discussion to Aug. 14, 2017.

Certificates of Compliance:

#301-1129 Eversource Substation Expansion

D. Henkels and D. Dineen visited the site on July 28. They reported that the wetland replication area contains what appears to be 40 – 5-% non-native species. Of particular concern is buckthorn and purple loosestrife. Of lesser concern is tansy due to its role as a pollinator. They recommended extending the OOC to Oct. 1, 2017 to allow for hand removal of the buckthorn and purple loosestrife.

On a motion by M. Sevier; 2nd C. Russo; the Commission voted unanimously in favor of extending the OOC to Oct. 1, 2017 and requiring hand removal of the buckthorn and purple loosestrife,

#301-1138 Gravestar 505-525 Boston Post Rd.; remediation equipment removal

D. Dineen reported that the remaining pipes and trash has been removed from the wetland. The trailer and most of the piping for the groundwater remediation system was removed several years ago.

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

Violation Status:

3 Goodnow Rd. – NOI received today. The hearing will be scheduled for Aug. 14, 2017

267 Landham Rd. – Plan from GPR, Inc. received last week. It shows not all fill in the wetland was removed. The wetland Consultant, DeSheng Wang, will be contracted to prepare an NOI to address to bring the property into compliance.

443 Peakham Rd. – The list of species planted was received from the homeowner. The species listed are acceptable. A site visit will be scheduled in the fall to look at the viability of the plants after summer growth.

168 Horse Pond Rd. – Fence relocation work was to be completed by June 30 and SCC notified. Ticket issued July 14th. Still no contact from the homeowner indicating they are working toward compliance.

On a motion by B. Porter; 2nd K. Rogers; Commissioners voted unanimously in favor of issuing another ticket.

NEW: 41 Lincoln Ln.- D. Henkels and D. Dineen were on Lincoln Lane on another matter involving roadway erosion issues. They noticed that the conservation restriction (CR) area had all been converted to mowed grasses. This is a violation of both the wetland Certificate of Compliance and the CR. D. Dineen noted that the builder had initially planted the required 120 shrubs and these small, although small, were in place at the time of the COC inspection. The first buyer had removed the shrubs and was ordered to replant. This did not appear that it was accomplished, or the new shrubs may have been removed by the new owners (purchased June 2016). Either way, removal of the shrubs takes the property out of compliance. Both the COC and the CR requiring the shrubs to remain, as they were mitigation for work in riverfront area, were recorded at the Registry of Deeds at the time of both sales.

On a motion by M. Sevier; 2nd D. Henkels; the Commission voted unanimously in favor of issuing and NOV and EO and sending it to the new owners with a letter of explanation of the situation.

For Signatures:

Duplicate Certificate of Compliance: 24 (Lot 12) Kendra Ln. was signed.

Other Business:

Eversource ENF and MEPA Decision-

K. Rogers recused herself from the discussion, as she is an abutter to the project.

Several Commissioners have read the Secretary's Certificate and found it to be very comprehensive. M. Sevier noted that Eversource would be happy to place the transmission lines in the road, as low cost is never their first choice.

D. Dineen will send the Certificate with all comments that were received by MEPA each Commissioner.

MACC FY 2018 dues - Eversource support

Commissioners discussed the fact the Eversource is the sole Platinum (largest) Sponsor of MACC yet they are planning to fill extensive amount of sensitive wetlands in Sudbury. D. Dineen stated that it appears hypocritical and questioned if the commission wished to renew their MACC membership for FY 2018 as it is almost \$900.

C. Russo noted that the knowledge the Commission gains from MACC can be used to fight the Eversource project. Commissioners agreed to renew the MACC membership.

Appointment to Ponds & Waterways Committee

The PWC is seeking a replacement member to fill the Conservation Commission appointment seat. Commissioners questioned the time commitment and the SCC's busy agendas and schedule at this time. They will consider it and report back.

Reports from Commissioners and Staff

Haynes Meadow Shelter – B. Porter advised Commissioners that he found a shelter along Hop Brook in the Haynes Meadow conservation land. D. Henkels and D. Dineen went with him to take a close look and determine the purpose of the structure. The structure was only several tarps hung from trees to create a 3-sided lean-to type shelter. It had 3 folding chairs, a small folding table, and a bottle of bug spray. It appeared to be a kid's hangout with no visible illegal activity. It was decided to let the structure remain. Commissioners felt these types of decision should be made by the Commission

members and staff who saw it in person. The outcome should be reported to the Commission at a meeting.

Bruce Freeman Rail Trail 25% Design Comments - D. Dineen reminded Commissioners that she had forwarded to them the 25% design information when received on July 17th. The Planning Office wanted comments back by July 25th. These 5 business days did not give the Commission time to meet to agree on whether or not to comment and if so, what the comments should be. She expressed concern that submitting her own comments might be contradictory to Commission comments and she was uncomfortable doing so. She added that T. Friedlander felt comments would be best submitted at the 75% design or when an NOI was filed. She added that Beth Suedmeyer of the Planning Office noted that the 25% design is expected to change.

C. Russo felt it is very appropriate to comment at this stage of design so any changes due to the comments could be incorporated into the plan at this time. He noted that he already sent comments that there should be a line item in the budget for a project Environmental Monitor. D. Henkels agreed and thought that several Commissioners could work on draft comments to be approved by the full Commission at an upcoming meeting.

On a motion by C. Russo; 2nd M. Sevier; the Commission voted unanimously in favor of adjourning the meeting. 8:25pm