

Approved
7/31/17

**Sudbury Conservation Commission
Minutes of the Meeting Held May 8, 2017**

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Bruce Porter; Kasey Rogers; Dave Henkels; Charlie Russo; Mark Sevier; Debbie Dineen, Coordinator
(Sudbury TV did not show up to video tape this meeting.)

Bylaw Certificate of Compliance: 24 Tippling Rock Trail

Present: Bryan & Paula Coffey

An as-built plan has been received from Hannigan Engineering showing the as-constructed and graded conditions following new house construction. The site substantially conforms to the approved plan and is fully stabilized.

On a motion by M. Sevier; 2nd D. Henkels; the Commission voted unanimously in favor of issuing the COC. B. Porter abstaining (out of room for the discussion)

WPA & Bylaw Notice of Intent: 24 Tippling Rock Trail

Present: Bryan & Paula Coffey

Mr. Coffey presented plans for an addition on his existing house. The addition will consist of a 16'-wide porch along two sides of the house. They will construct the porch so they can add a pool within the porch. The wetland resource is an intermittent stream and associated 100' upland resource area under the Bylaw. For mitigation, they are offering a perpetuity conservation restriction on the area of land that includes the entire west to east slope down to the stream. This area is approximately one acre and abuts the Tippling Rock Trail town conservation land. This will buffer the conservation land and protect the slope to the stream. K. Rogers questioned how they would deal with any pool drainage. If necessary to drain, the water will sit without chemicals for a minimum of two weeks and then be discharged to own area outside the upland resource on the opposite side of the house.

D. Henkels motioned to close the hearing. B. Armstrong 2nd; unanimous in favor.

On a motion by B. Porter; 2nd K. Rogers; the Commission's voted unanimously to issue the Order as discussed.

Violation: 39 August Rd.

Present: Jeff Merritt, property owner

Mr. Merritt had taken down four mature trees close to Run Brook on his property that he felt were hazards. His neighbor informed him that he was required to obtain a permit for tree removal so close to the perennial stream. Mr. Merritt stated he was not aware of this requirement. He said one was so close to the house that the branches were hitting the screens of his porch. The other three trees were identified by the tree company as potential problems.

Mr. Merritt contacted the Commission to explain what had been done. D. Henkels inspected the property and noted the trees removed were 60' -70' high. They are 3 white pines and one oak that had been extremely close to the house. Large timber was left on the ground and he noted that at least one of the three pines had a trunk that was rotted. He recommended allowing Mr. Merritt to remove the timbers as were left haphazardly and presented a possible safety issue to children. D. Dineen suggested requiring some plantings along the stream for shading in case shading was lost by tree removal. T. Friedlander suggested taking action against the tree company as they should have known they were working adjacent to a stream.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of issuing an NOV/EO and requiring at least four high bush blueberry shrubs to be planted to help shade the stream. This work will be permitted in the NOV/EO.

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

WPA & Bylaw Notice of Intent: 11 Bridle Path; Dennis Bulat

Present: Renee McDonough of Goddard Consulting for the applicant

Ms. McDonough explained that the homeowner wanted to install a pool and he took down many trees in the backyard to accomplish this without knowing he was subject to wetland regulations. There is a perennial stream off site on town land that is subject to the local bylaw as perennial and bordering vegetated wetland subject to both state and local wetland jurisdiction.

The pool is proposed to be 54' x 64' including a concrete apron. A stormwater infiltration trench is planned for infiltration of runoff. A replanting plan with native shrubs is proposed for a significant area of the backyard. Some of the work will be on the abutting town property. The fence on the property line will need to be removed and reinstalled to accommodate the replanting. A gate may be added to the fence for future access.

The arborvitae must be replaced with a native shrub. The pool will be pumped to a tank if it needs to be emptied. Alternatively, no chemicals shall be added to the pool for a minimum of two weeks and then the pool can be drained to the lawn area that does not slope to the wetland or drain into a street storm drain.

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted unanimously in favor of closing the hearing.

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted unanimously in favor of issuing the Order as discussed.

WPA & Bylaw Notice of Intent: 4 Maynard Rd., Walker Dev.; new house construction

Present: Renee McDonough of Goddard Consulting for the applicant

Ms. McDonough requested a continuation of the hearing to May 22, 2016. On a motion by B. Armstrong, 2nd D. Henkels, the Commission voted unanimously in favor of continuing the hearing to May 22, 2016.

WPA & Bylaw Notice of Intent: 279 Old Sudbury Rd.; S. Snead; restoration plantings

Present: Renee McDonough of Goddard Consulting for the applicant

Ms. McDonough requested a continuation of the hearing to May 22, 2016. On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of continuing the hearing to May 22, 2016.

WPA & Bylaw Notice of Intent: 47 Bigelow Dr.; violations corrections

Present: Renee McDonough of Goddard Consulting for the applicant

Ms. McDonough requested a continuation of the hearing to May 22, 2016. On a motion by C. Russo; 2nd B. Armstrong; the Commission voted unanimously in favor of continuing the hearing to May 22, 2016.

WPA & Bylaw Notice of Resource Area Delineation: Nashawtuc Country Club

Nashawtuc Country Club has requested a continuation of the hearing to May 22, 2016. On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor of continuing the hearing to May 22, 2016.

WPA; Bylaw; and Stormwater Notice of Intent: Rt. 20 Roadway Improvements

Present: Meredith Avery and Karen Staffier of VHB; Dave Crosby of Avalon Bay; Fred King stormwater peer reviewer for the Commission

Ms. Avery presented a plan showing proposed improvements to Rt. 20 to accommodate a turning lane, minor Highland Ave. improvements at Rt. 20, and traffic signal. All work is within the adjacent upland resource area under the wetlands bylaw. There is one bylaw-only riverfront

area involved with this project. The sidewalk will be reconstructed. The curb design will be modified to prevent encroachment into the existing detention basin by CVS. There will be no loss of volume in the detention basin at Sudbury Plaza. There will be a slight widening of Highland Avenue where it meets Rt. 20. VHB has a request in to MA DOT for a waiver of the new north side section of the sidewalk. Drainage calculations for Meadow Walk have taken into account the new sidewalk section.

K. Staffier added that there are no infiltration best management practices (bmps) incorporated as part of this phase of the Meadow Walk project and the project complies with the stormwater bylaw through bmps incorporated into other Meadow Walk phases. All runoff ultimately drains north under Rt. 20. When combined with overall Meadow Walk phases, the runoff rates and volumes are still reduced and extra treatment is added, including 80% TSS removal on the east end of the project. The proposed rip-rap slope into the existing detention basin at CVS will not impact the amount of storage volume.

F. King agreed that further recharge is not feasible for this phase. The treatment units are appropriate for the project. The stormwater design is in keeping with the previously planned master plan for the entire Meadow Walk development. No new discharges or increases in flow will result from this phase. He agreed with the suggestion of K. Staffier to raise the berm in the CVS detention basin as it will increase the storage volume and filtering ability of the basin. Smaller stone should be placed on the top of the existing berm at the basin outfall. He suggested the final contract drawings be submitted to the Commission as a condition in the Order to be sure the final details are compatible with the current plans and the Order. He noted that the outfall at wetland #13 could use some maintenance.

D. Dineen confirmed that the sidewalk would not result in wetland fill. She recommended the berm be raised per F. King's recommendations in the existing CVS basin. M. Dougherty of Gravestar confirmed that Gravestar would accept that change. C. Russo questioned if using the 10-year storm as the design storm was sufficient. F. King respond that it was OK as this is redevelopment project. He added that the system can handle more than the 10-year event.

On a motion by D. Henkels; 2nd B. Armstrong the Commission voted unanimously in favor of closing the hearing.

On a motion by B. Armstrong; 2nd D. Henkels; the Commission voted unanimously in favor of issuing the Order as discussed.

Vote: Stormwater Peer Review

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously in favor hiring Fred King to perform a stormwater peer review for 2-23 Farmstead Lane, Highcrest at Meadow Walk. This is the next phase of the Meadow Walk development to be submitted for permitting.

Beth Armstrong Appreciation

Long-time Commissioner and Vice-Chairman, Beth Armstrong, is leaving the commission as she and her family are moving out of town. The Commission presented her with a drawing of several Sudbury landmarks by local artist Terri Rourke of Choate Studios. Atty. Armstrong will be missed.

WPA & Bylaw Request for Determination of Applicability: 505-525 Boston Post Rd.

Present: Mike Dougherty of Gravestar, property owner

Mr. Dougherty explained that they would like to do minor work in the parking lot of Sudbury Plaza. They will gain 11 parking spaces by claiming an area of former parking near the

north side of the CVS building, removing some landscaping, and restriping the parking lot. No new impervious surface will be added. 2,000 sq. ft. of pervious surface will be added overall.

On a motion by D. Henkels; 2nd B. Armstrong; the Commission voted unanimously in favor of a negative Determination. M. Sevier abstaining (out of room for discussion).

Certificate of Compliance Request: 168 Horse Pond Rd., Blank

A request for COC was received accompanied by a narrative and plan indicating that the fence was not relocated in accordance with the approved plan. Much time was spent at the hearing coming to an agreement by all parties for the final fence location. The Order was not adhered to for this final agreed-upon location.

On a motion by M. Sevier; 2nd D. Henkels; to not issue the COC and require the fence to be relocated by June 30, 2016. An NOV/EO will be issued as the current fence location is a violation of the Order. The Order was intended to correct previous violations, including initial fence installation without a permit.

Violations:

3 Goodnow Road

T. Friedlander stated that the NOV/EO issued on April 18th required the pavement to be removed. It had not been removed by tonight, which is past the timeframe for removal. Therefore, there remains a violation on site with the property owners not yet addressing the violation. D. Dineen added that the pavement installation did not include any infiltration of the increase in any peak rates or volumes of runoff. This is also a stormwater violation as well as a wetland violation as untreated runoff is channeled directly to a wetland. As stormwater compliance will require either pavement removal or drainage review and design by a civil engineer to meet stormwater requirements, a list of wetland scientists/civil engineering firms will be sent to the homeowner. Even if stormwater issues can be addressed, there might be vernal pool habitat issues that cannot be addressed.

M. Sevier stated he is in favor of fines and made a motion to issue a \$100 fine. 2nd D. Henkels. Unanimous in favor.

267 Landham Rd.

The NOI has not been received by the deadline. The Commission will revisit the status on May 22.

810 Concord Rd.

The NOI has been received and the hearing is scheduled for May 22.

Land Stewardship: Forest Stewardship at King Philip; Piper, Libby & Dickson lands

T. Friedlander informed the Commission that a May 11 site inspection has been scheduled with state-certified forester, Gary Goldrup, to review the potential for removal of invasive plants and some limited timber harvesting in the King Philip Woods conservation complex.

0 Willis Rd. DEP Appeal

The applicant has submitted a revised plan to DEP showing the addition of a 10' wide undisturbed area at the edge of the wetlands. Commissioners agreed this was a token gesture that had no scientific basis to now state the wetlands were protected. Comments will be sent to DEP.

Conservation Commission Reorganization

On a motion by C. Russo; 2nd K. Rogers; the Commission voted unanimously to reelect Tom Friedlander as Chairman.

On a motion by C. Russo; 2nd B. Armstrong; the Commission voted unanimously in favor of electing Dave Henkels as Vice-Chairman.

Miscellaneous Business:

2016 Spring Walks

T. Friedlander noted that attendance at the walk is picking up with the last several walks hosting 8-10 people.

Nobscot Kiosk

D. Dineen informed the Commissioners that a tree has fallen on the Brimstone Lane entrance kiosk at the Nobscot Conservation Land. She is working with Dale Blue at the Boy Scout Reservation to identify an Eagle Scout Candidate who might be willing to rebuild the kiosk as his Eagle Scout project.

Town Master Plan

C. Russo suggested that the Commission get involved early and often when the Town is seeking to update its Master Plan. The Commission has been under-represented and must escalate its needs and budget requirements.

Trails Committee

T. Friedlander suggested the Town, through the Board of Selectmen, form a Trails Committee to handle land stewardship tasks. He noted that other towns, Weston in particular, have trails committees, as the Conservation Commission's regulatory duties do not leave time for effective land management tasks. D. Henkels suggested getting volunteer land stewards assigned to each property.

On a motion by B. Armstrong; 2nd B. Porter; the Commission unanimously voted to adjourn the meeting. 9:00pm.