

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Wednesday, Oct. 11, 2017**

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

Meeting called to Order by Acting Chairman, Dave Henkels at 7:00pm.

**Minutes**

On a motion by T. Friedlander; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of approving the minutes of Aug. 28, 2017 as drafted. B. Porter abstaining

**WPA & Bylaw Request for Determination of Applicability: 103 Water Row; J. Milburn; pool installation**

Present: James Milburn, applicant

Mr. Milburn presented plans for the construction of an in-ground swimming pool on lawn area in his backyard. The pool will be located approximately 97' from bordering vegetated wetland and a presumed perennial stream. The pool is as close to the house as possible where ledge can be avoided. No trees will be removed, no lawn will be expanded.

C. Russo stated that any findings should be conditional on the standard pool conditions to include a minimum of no chemicals added for two weeks prior to any draining or discharge of water from the pool.

B. Porter moved for a negative Determination with the conditions discussed. M. Sevier 2<sup>nd</sup>; unanimous in favor.

**WPA & Bylaw Notice of Intent: 58 Lincoln Ln; R. Kanarek; house and driveway addition**

Present: Ronnie Kanarak

Ms. Kanarak presented plans showing the addition of a garage and small driveway expansion. The structure will be slab on grade with a four-foot deep frost wall. Runoff from all new impervious surfaces will be collected and infiltrated. Wetland Soil Specialist David Burke has visited the site and confirmed deep sandy soils are present in the area of proposed infiltration.

D. Dineen explained that the new garage and driveway expansion will be located in the outer riparian area of the Sudbury River. Lincoln Lane is located between the River and Ms. Kanarek's property. There will be minor grading in the front yard as shown on the plan. She suggested jute netting, in addition to the proposed erosion control, be installed if the slope will not be permanently stabilized through the winter.

On a motion by B. Porter; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of closing the hearing.

On a motion by D. Henkels; C. Russo; 2<sup>nd</sup> the Commission voted unanimously in favor of issuing the Order as discussed with the requirement for jute netting as needed.

Mr. Kanarek noted that she does not expect to begin construction until March/April 2018, as she must get a permit from the ZBA.

## **Certificates of Compliance & Extension Permit**

### **DEP File #301-1156; 8 Brook Ln.; M. Pistorino**

Present: Michael Pistorino; David Cowell of Hancock Associates

Mr. Cowell presented his letter indicating that all work to restore areas altered unintentionally without a permit have been corrected and mitigation is viable. The floodplain fill has been removed to the required depth and the banks of the brook are stable.

D. Dineen visited the site last week and reported that the restoration plantings near the Hop Brook are doing well. Only two plants did not survive. The healthy winterberry have a profuse number of berries this year and will provide food for wildlife this winter. The floodplain work is evident and fully stabilized. She suggested Mr. Pistorino be given approval in the COC to continue to remove invasive plants from the property by hand and without the use of chemicals. She added that it has been a pleasure working with the homeowner and his consultant. Everything was completed per the Order, on time, and with the required monitoring reports. This was a good example of how the process can work smoothly.

On a motion by B. Porter; 2<sup>nd</sup> T. Friedlander; the Commission voted unanimously in favor of issuing the COIC and including a continuing conditions allowing invasive plants removal by hand and without herbicides or any other chemicals.

### **Violation Status:**

#### **267 Landham Rd., Safar**

Present: Gaston Safar

Mr. Safar explained that the NOI has not yet been submitted because he is having difficulty understanding the scope of work proposed for the plan and the cost necessary for that work. His engineer has stated that it will cost an additional \$4,000 – \$6,000 to add the items requested by the wetland consultant to the plan. He has already paid \$2,800 for the plan to date. His wetland consultant has charged him \$2,000. He wants to know what is actually necessary for the plan. He offered 1.5 acres of back wetland for mitigation for any violations. The wall was built 12 years ago and it was repaired 1/5 years ago.

C. Russo thanked Mr. Safar for now continuing a dialogue with the Commission. Mr. Safar replied that he wants to resolve the issue at a reasonable cost. M. Sevier suggested the Commission consider extending the deadline for a progress update to Nov. 6. T. Friedlander stated that the expenses involved in compliance is not the responsibility or concern of the Commission. The property owner needs to be responsive to the request for the NOI within the deadlines set. He added that this timeframe has already been extended several times. D. Dineen agreed that a timeframe for NOI submission should be set but it should be reasonable. It would be good to know what information the wetland consultant believes is missing from the current plan and how much time is needed to have that information added.

M. Sevier agreed and moved to extend the deadline to Nov 6 to give the applicant the time to determine the information that is needed and a realistic timeframe for submission of the NOI. D. Dineen will speak to the wetland consultant to see what additional information is required by him on the plan.

### **WPA & Bylaw Request for Extension Permit: Sudbury Valley Trustees Greenhouse**

On a motion by C. Russo; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously in favor of extending the Order for 6 months to allow for replanting and overwintering of the required number of mitigation plantings.

### **168 Horse Pond Rd.**

D. Dineen reported that there has been no response or change in the situation. Daily tickets are still being issued and sent weekly to Framingham Superior Court.

**Signatures:** Determination for 96 Plympton Rd. from 9/25/17 meeting was signed by the Commissioners.

At this point in the meeting Commissioner Bruce Porter left the meeting. A quorum is no longer present.

### **Commissioner & Staff Reports**

- D. Dineen reported that Eversource has informed her they will be filing the ANRAD on Nov. 7, 2017. She suggested adding a discussion to the next agenda of hiring a peer reviewer for the extensive wetland delineation review for this project.
  
- D. Henkels reported that he had only one person attend the first walk at Tippling Rock. D. Dineen only had one person on the Ford's Folly walk. The status of Final Fall Walk Schedule should be revisited at the next meeting to determine if the fall walks should continue.

Meeting adjourned at 8:31pm by unanimous vote of the Commission.