

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, Nov. 6, 2017

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

Chairman Friedlander called the meeting to order at 6:45pm.

Minutes:

On a motion by M. Sevier; 2nd C. Russo; the Commission voted unanimously to accept the minutes of Sept. 11, 2017 as drafted.

On a motion by K. Rogers; 2nd D. Henkels; the Commission voted unanimously to accept the minutes of Oct. 11, 2017 as drafted.

On a motion by C. Russo; 2nd B. Porter; the Commission voted unanimously to accept the minutes of Oct. 23, 2017 as drafted with a typo correction.

WPA & Bylaw Notice of Intent: 26 Longfellow Rd.; house addition

Present: Dan Well of Goddard Consulting; Jim Geraghty and Kim Brown; applicants

Mr. Wells presented a plan for an addition to an existing single-family house located within 100' of bordering vegetated wetland and a large pond. The addition will be located mostly on existing driveway area or in an area of an existing shed. The shed will be moved onto lawn area within 100' of the wetland. Drip irrigation from gutters will be infiltrate the runoff from the new roof.

Mitigation is proposed in the form of the hand removal of approximately 1,750 sq. ft. of invasive bittersweet and buckthorn. No herbicides will be used. This area will then be naturalized with native ferns and augmented with other native plants.

Commissioners discussed the conditions for the Order and determined the following conditions are necessary to protect the jurisdictional values and functions:

- Hand removal only of the invasive plants;
- No herbicides are permitted within any jurisdictional areas;
- No expansion of lawn is permitted;
- Only plants from the approved Sudbury Native Species List may be used;
- The relocated shed must comply with zoning to the extent it applies;
- The restoration of the native plantings and invasive plant removal will be considered successful once all invasive plants are removed and the area is covered by at least 90% vegetation;
- The soil type and depth to groundwater must be provided to the Commission prior to construction of the drainage drip edge to show that the first 1" of runoff can be infiltrated.

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

On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of issuing the Orders with the special conditions to include the conditions discussed.

WPA & Bylaw Notice of Intent: 150 Wayside Inn Rd.; driveway and landscaping

Present: Dan Wells of Goddard Consulting; Ted Jandl, applicant

Mr. Wells presented a plan, with a revision date of Oct. 31, 2017, for the redevelopment of an existing 9.5+-acre lot. Portions of the driveway, fencing, and removal of several trees are located within the 100' upland resource area. All resource areas were delineated and approved under an ANRAD last year. The fence location as shown on the plan will be the limit of disturbance within wetland jurisdiction. The area to be disturbed will be managed as a native meadow and will not be irrigated. The driveway is proposed to be paved.

Commissioners had questions concerning the treatment of runoff from the driveway. No plan has yet been developed to deal with runoff. The applicant requested time to develop a drainage plan. On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of continuing the hearing to Nov. 20 to allow a drainage plan to be presented.

WPA & Bylaw Abbreviated Notice of Resource Area Delineation: 74-80 Maynard Rd.

J. Derderian, applicant

At the request of the applicant the Commission voted unanimously in favor of continuing the hearing to the Nov. 20, 2017 to allow the wetland peer review findings to be incorporated into the final plan.

WPA & Bylaw Notice of Intent: 47 Bigelow Dr.; violation remediation

Present: Dan Wells of Goddard Consulting; Steve Poole, engineer; J. Shanamugan, applicant;

Mr. Wells presented a revised plan for mitigation of authorized fill in a wetland and a request to fill additional wetland for better garage bay access. Proposed mitigation consists of planting 20 Eastern hemlocks in the rear of the house; additional sand removal in a section of the vernal pool; and the construction of a settling basin, check dams, and plunge pool at the outfall of the drainage at the intersection of Carding Mill and Bigelow Roads.

D. Dineen noted that the hemlocks should not be considered mitigation, as they are necessary as part of the restoration of an area altered without a permit.

T. Friedlander suggested the Commission focus on three items now being requested:

- leaving the 156 sq. ft. of existing fill in place;
- allowing an additional 108 sq. ft. of wetland fill;
- whether or not to permit the additional impervious surface on the west side of the house.

D. Henkels stated he has no issues with allowing the additional impervious on the west side of the house. Runoff is captured, treated and infiltrated. He thought the mitigation of sand removal and drainage upgrades was adequate to address mitigation of the existing fill, however he was not in favor of permitting new wetland fill.

M. Sevier agreed with the mitigation for the existing fill but would like to have more information on the mitigation as it pertains to the new proposed fill. B. Porter, K. Rogers, T. Friedlander, and C. Russo all agreed with D. Henkels and were not in favor of permitting additional new wetland fill.

T. Friedlander summarized the Commissioner's opinions at this time with everyone ok with leaving the existing fill in place with the proposed mitigation as an offset to wetland values and

functions; no new fill (M. Sevier undecided); leaving the additional impervious surface on the west side of the house.

J. Shanamugan stated that he feels he has come up with reasonable mitigation for the proposed new fill as well as the existing, unpermitted fill. He stated that the existing fill does not solve his problem of garage bay access. T. Friedlander noted that the garage is still accessible, maybe not as convenient as desired but available for other uses. M. Sevier questioned if it is reasonable to disallow the additional 108 sq. ft. of fill if the wetland impacts are managed. C. Russo added that it is in the Commission's best interest to find solutions when possible.

D. Henkels stated that the Commission has provided the applicant with continuing opportunities since last winter to address the Commission's concerns for the on-going violations at this property. He motioned to close the hearing. T. Friedlander 2nd. Motion failed. Friedlander, Henkels in favor; Porter, Sevier, Russo, Rogers opposed.

On a motion by B. Porter; 2nd M. Sevier; the Commission voted to continue the hearing to Nov. 20. Motion passed with D. Henkels opposed.

Request to Allow Amendment to Order of Conditions: #301-1197, 210 Peakham Rd.

Denise Zhang, Ta Chung Chang, applicants

Ms. Zhang presented a request for relocation of restoration plantings that were required as the result of unpermitted tree removal within the riverfront area on their property. They planted 12 winterberry shrubs close to the stream. Only 4 have survived and 2 others are questionable. They would like to replant along the side of the driveway. They have installed drainage for the area of driveway expansion and planted 8 blueberry bushes along the side of the driveway. In August, they purchased an additional 7 winterberries but have not planted them because they do not feel they are appropriate for the area near the stream.

D. Dineen stated that planting along the edge of the driveway does not replace wetland values and functions associated with the stream. These included leaf litter, cover, and a food source.

B. Porter suggested that the original plants may not have all been planted correctly and he did not feel all options had been exhausted. New plants could be planted professionally with a guarantee. M. Sevier suggested other native species could be substituted along the stream that would replace the intent of the winterberry that is cover and food source. T. Friedlander agreed and stated that the Commission could substitute the species of native plants along the stream if they comply with the intent of the Order. Relocation of the restoration plantings is not acceptable.

D. Dineen suggested the applicants check the species of winterberry as there are cultivars that are meant to be planted in upland areas that will not survive in hydric soils.

WPA & Bylaw Notice of Intent: 3 Goodnow Rd., after-the fact driveway paving; Irma Dishnica, applicant
Present: Dan Wells of Goddard Consulting; Ardi Rrapi of Cheney Engineering; Sokrat Dishnica, homeowner

Ardi Rrapi of Cheney Engineering, explained that the inlet of the pipe from the vernal pool has been located under the retaining wall. The pipe has an elbow in it, which requires a head to build up before water flows beyond the elbow. All runoff from paved surfaces is captured and treated with the exception of one area from the high point on the driveway to Goodnow Road. Mr. Dishnica offered to install a stone paver area at the end of the driveway.

C. Russo expressed concern that the changes to runoff may starve the vernal pool of needed water in the spring. T. Friedlander questioned if a stormwater peer review may be necessary. D. Henkels felt it was important at this point to have a comprehensive written narrative on the pipe elevations, contours and the benefits of the pavement and drainage design as it relates to the wetland values. This should include a tight summary.

D. Dineen reinforced that the Commission's goal is to protect wetland functioning. She felt that a combination of the retaining wall construction (which was permitted after-the fact and without knowledge of the complex drainage and unpermitted connection to the town drainage system) plus the extensive pavement over 50% of this small lot was not contributing to wetland protection or enhancement. The plans provided to date have not addressed any mitigation for the activities within 100' of the bordering vegetated wetland and vernal pool. This pool is located within bvw so it is protected as a wildlife habitat feature under the WPA as well as protected under the bylaw. She added that with proper treatment and infiltration from the paved surfaces, it was her opinion it was more important to remove the retaining wall and provide a gradual slope stabilized with native plant species. This would increase upland habitat for the vernal pool obligate species as well as other animals, plus, it could provide additional flood storage within the wetland. The lawn area would be reduced but well defined and a no-disturbance area on the revegetated slope would be created, adding to enhancement of wetland functions. To summarize, she suggested: 1) eliminating the retaining wall abutting the vernal pool; providing a plan showing the new contours limit of disturbance, and restoration area; and developing a plan to show the pipe contours so the elevation at which the water flows from the pool to the pipe is established. This elevation should retain the water elevation in the vernal pool in normal rainfall years deep enough to provide obligate species breeding habitat for at least two continuous months in the spring. M. Sevier agreed with this approach.

On a motion by B. Porter; 2nd C. Russo; the Commission agreed to continue the hearing to Nov. 20 to allow the applicant to develop pipe elevations and consider the retaining wall removal as required mitigation.

Bylaw Notice of Intent: 69-71 Brewster Rd; common driveway and drainage construction

At the request of the applicant, the Commission voted unanimously in favor of continuing the hearing to Nov. 20 to allow the applicant to address Planning and Fire issues on the final plan.

Violations:

267 Landham Rd.

D. Dineen reported that despite numerous attempts, Mr. Safar's consultant, Desheng Wang, has not been willing to provide the plan requirements he is asking from the civil engineer. Mr. Safar was concerned with cost and the Commission wants compliance. It made sense to see if any of the items asked of the civil engineer may not be necessary for the Commission's purposes.

Commissioner's agreed that there was not anything more they can or should be involved with concerning cost of compliance. They agreed to give Mr. Safar to Nov. 13 to be under contract for an NOI or daily tickets for non-compliance will be issued beginning Nov. 13. This violation has been outstanding since at least last spring with no substantial progress being made.

Comments and Reports from Commissioners and Staff – Commissioners discussed the need to have the vacancy filled. Three candidates have submitted applications however, following interviews of two of the candidates by the Town Manager and the Coordinator, one withdrew due to time commitment required and one did not appear to be a good fit. The final candidate is active in town politics and was not likely to be ratified by the Selectmen.

On a motion by B. Porter; 2nd D. Henkels; the Commission voted unanimously in favor of adjourning the meeting. 9:50pm