

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, December 18, 2017

Present: Tom Friedlander, Chairman; Bruce Porter; Mark Sevier; Kasey Rogers; Dave Henkels (remote participation); Charlie Russo (5:55pm arrival); Debbie Dineen, Coordinator

Chairman Friedlander called the meeting to order at 5:45pm with a quorum present. He welcomed Commission candidate Richard Morse to the meeting as an observer.

Violation-25 Union Ave.

Present: Stephen Turner, Gold Brick Development, LLC, owner

D. Dineen explained that a violation had been found where pallets and other materials had continued to be stockpiled at the top of the slope to the wetland in violation of the Order. A site visit by T. Friedlander, B. Porter, and D. Dineen earlier in the day showed that all materials had been relocated to an acceptable location on the pavement. It was suggested that the straw wattles be moved to the edge of pavement to better define the limit of activity area and prevent further encroachment. The area will need to be seeded again in the spring as required in the Order.

Due to the cooperation and immediate response of the property owner, D. Henkels motioned to rescind the two \$100 tickets. B. Porter 2nd. Unanimous in favor by roll call vote.

Mr. Turner thanked the Commission and offered to remove the debris from the vernal pool that appears to have been there for quite a long time. Commissioners will review this offer in the spring when the extent of work can be seen and the property owner(s) can be involved.

WPA & Bylaw Notice of Intent: 3 Goodnow Rd., after-the fact driveway paving

Irma Dishnica, applicant

Present: Dan Wells of Goddard Consulting LLC; Sokrat Dishnica, owner

Mr. Wells presented a plan for the removal of the retaining wall and 677 sq. ft. of area will be restored as upland vernal pool habitat. Restoration will occur to the 101' contour. The pipe inlet is at elevation 96'.

T. Friedlander stated that the plan is an improvement. D. Dineen agreed but stated that she would like to see a mitigation to double the restoration area to provide meaningful upland habitat. She did not feel that 677 sq. ft. would provide much upland habitat for the wood frogs and spotted salamanders confirmed to breed in the vernal pool. Site alterations from the current and previous owner have reduced the viable habitat within 100' of the vernal pool. This includes regrading and expansion of residential use by the current owner when he backfilled to the retaining wall and removed vegetation.

B. Porter questioned the groundwater flow and the direction relative to the vernal pool. He questioned if infiltration or overland flow was better for the pool habitat.

C. Russo reminded the applicant that an infiltration strip was to be provided for the untreated runoff at the end of the driveway to Goodnow Road. He stated that improvement to wildlife habitat was key for approval.

D. Henkels restated the importance of the upland area for the protected wetland interests.

Mr. Dishnica stated that he was not happy with the loss of lawn area. He feels he has cooperated. M. Sevier noted that he is trying to find a compromise. D. Dineen added that the

Commission is looking for meaningful habitat replacement, not just ticking a box. She added that the lawn area that will be lost was never approved lawn area initially. It was created partially with the backfilling and leveling behind the retaining wall. T. Friedlander noted that Mr. Dishnica cooperated only after many months and six violation notices.

Following further discussion, on a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously by roll call vote in favor of allowing another continuation of the hearing to Jan. 22. The applicant agreed to this continuation.

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

A request by the applicant for continuance to Jan. 22, 2018 was received by the Commission on 11/27/17.

On a motion by D. Henkels; 2nd C. Russo; the Commission agreed by roll call vote to continue to Jan. 22, 2018.

WPA & Bylaw Orders of Conditions : 47 Bigelow Dr.; violation remediation

J. Shanamugan, applicant;

Commissioners re-opened the discussion on the issuance an Order of Conditions. C. Russo stated that the violations were caused by the builder, not the homeowner. He felt the Commission should accept “one-half a loaf” as plenty of mitigation has been offered, rather than risk losing a majority of the mitigation being offered through a potential court decision that might reduce the required mitigation.

D. Henkels stated that no matter who is responsible for the violations from the approved order and additional wetland fill and upland alterations, the WPA performance standards and the standards in the Bylaw must be met. In spite of DEP’s acceptance of the plan, the wetland replication does not meet the WPA performance standards for configuration and elevation of replicated wetland. He added that it is unfortunate that the builder has put the homeowner in this precarious position but that the Commission still has an obligation to uphold the WPA and the wetlands bylaw for the good of the neighborhood and the Town.

WPA & Bylaw Notice of Intent: Willow Hill School- building addition

Present: Tom Peterman, architect; Tom Hughes, Hughes Environmental

The Notice of Intent was submitted for the construction of a 3,640 sq. ft. addition to existing buildings within the riverfront area as defined by the Sudbury Wetlands Administration Bylaw, as well as within the buffer zone of wetlands under the jurisdiction of M.G.L. Chapter 131 section 40 and its regulations at 310 CMR 10.00. It was noted that the stream channel appears to be filling in over time. The addition will be located within the outer riparian area and within 60’ – 70’ of the bordering vegetated wetland. The total amount of new impervious surface is 1,130 sq. ft. Some of the area to be redeveloped is currently a stone patio area. Stormwater will be managed with a rain garden.

The property is a 26+-acre site containing a perennial stream as well as bordering vegetated wetland, floodplain, bank, buffer zone (WPA only), and adjacent upland resource area. The site alteration is confined to the area of the property that is disturbed as part of lawn and patio area located between two existing buildings on the campus. Although the plans include additional development within the riverfront area, there will be no structures located closer than existing structures to the resource areas. The site already has a recorded conservation restriction on 17+- acres of the 26+-acre lot.

D. Dineen suggested that inkberry may not be the most appropriate plant for the rain garden as it is an upland species. D. Henkels confirmed that soils were used as part of the wetland delineation. C. Russo confirmed that there are currently two drains on site for stormwater management.

Ellen Donohue, 60 Haynes Road, informed the Commission of her observations that there has been a huge change in the stream and wildlife in the past.

On a motion by B. Porter; 2nd M. Sevier; the Commission voted unanimously by roll call vote to close the hearing.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously by roll call vote to issue the Order as discussed addressing erosion and sedimentation control, rain garden plantings, and standard conditions for stormwater.

Discussion & Vote for Possible Support: Broad Acre Farm- Possible Land Acquisition

As an abutter, C. Russo recused himself from participation as a Commissioner in this discussion.

Commissioners discussed the ecological values and connectivity of Broad Acre Farm as reasons to support purchase.

On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of supporting acquisition of Broad Acre Farm, Morse Road, with the south side of Morse Road being acquired exclusively for designated conservation purposes, including agriculture. Vote by roll call.

Violations:

1. **267 Landham Rd.** – Property owner Gaston Safar, has hired David Burke as his new wetland specialist. Mr. Burke will be preparing the Notice of Intent following his review of the plans and issues.
2. **E08-0013** Morse Rd., Natalie Haight has hired a wetland specialist to assist with compliance.
3. **Violations Update: 168 Horse Pond Rd.** – Court hearing on non-payment of fines is scheduled for January 3.

Update on LARC meeting - Camp Sewataro CR and Broad Acres Farm/Conservation Fund CPA applications

T. Friedlander provided a summary of the Land Acquisition Review Committee's vote on recommendations.

Broad Acre Farm was received enthusiastically for purchase for conservation use on the south side and possible Park & Recreation use of the north field and redevelopment of the land with the structures on the north side. The recommendation was subject to a realistic acquisition price.

Camp Sewataro/Liberty Ledge was not recommended for acquisition through the open space CPA category. The amount of developed and altered land, along with the desire of the owner to continue to run a for-profit camp business takes the property out of contention as purchase as open space in accordance with the CPA definition.

Sudbury TV request for SCC assistance with Park & Recreation Environmental Education Project in July 2018

K. Rogers felt the SCC should commit to participate again in this project as D. Henkels did in 2017.

On a motion by C. Russo; 2nd M. Sevier; the Commission voted unanimously to adjourn (roll call). 7:55pm