

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, March 12, 2018

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

Absent: Mark Sevier

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

WPA & Bylaw Notice of Intent and Stormwater Bylaw: Mill Village: 365 Boston Post Rd.;

R. Goldberg, applicant

Present: Mike Sullivan, Sullivan & Connors

Mr. Sullivan presented plans for the reconstruction of one of the two septic systems at Mill Village. One system is working properly and the other is malfunctioning and creating problems for the retail tenants. The plan shows the construction of a new 1800 sq. ft. leaching field in the same location as the failed field. The new 2,000-gallon tank will be installed first and will be pumped as necessary during construction. A new grease trap will also be installed.

The current and proposed system are both within 70' of Hop Brook, a perennial stream. There are no other options to locate a new leach field further from the wetland due to the location of the other leach field, ground water elevations and underground utility locations. The vertical distance of the bottom of the system to the ground water will be increased.

The hearing is also for a general permit under the Stormwater Management Bylaw. Stormwater issues will be addressed by the use of properly installed and maintained erosion control (compost filter sock) as shown on the plans. Parking lot sweeping will be performed as necessary. Down gradient catch basins will have silt socks installed for the duration of the construction.

Due to temporary loss of parking spaces during construction, D. Dineen suggested a condition in the Order prohibiting the parking off any paved surfaces.

Responding to B. Porter's comments on the method of construction, Mr. Sullivan explained that the septic tank will be pumped dry and the leach field will be allowed to dry out. Once dry, excavation can begin. In response to R. Morse, Mr. Sullivan stated that the project will take about one week of construction disruption. In response to C. Russo, Mr. Sullivan confirmed that there are no other alternatives to move the septic system further from the wetland. D. Henkels stated the plan results in a system that is a better for the environment and appears to be the best design for the limited site options.

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

On a motion by C. Russo; D. Henkels; 2nd; the Commission voted unanimously in favor of issuing the Order and Stormwater permit as discussed.

WPA & Bylaw Abbreviated Notice of Resource Area Delineation: Powers Rd.; G. Cronin, applicant
Present: Molly Obendorf of Stamski & McNary

Ms. Obendorf presented a plan showing a partial wetland delineation for a property on the Sudbury/Concord line. The ANRAD was submitted only for the confirmation of the bordering vegetated wetland located closest to Powers Road. This line is identified by wetland flags A 1- 17 and AA 1- 6.

T. Friedlander, D. Dineen and Nicole Haynes of Goddard Consulting reviewed the line in the field on Feb. 26, 2018. D. Dineen noted that soils were used and confirmed on the site visit. The bordering vegetated wetland delineation appeared conservative in favor of the wetland. D. Dineen noted the site contains significantly more wetland including a perennial stream, several additional areas of bordering vegetated wetland, and the 100' upland resource associated with an off-site vernal pool. Pockets of upland are sandwiched between these wetland and upland resource areas.

Responding to R. Morse, Ms. Obendorf clarified that the applicant is not the owner. The applicant has an agreement to purchase the land. The owner is John Norman.

Mary Sterling, direct abutter in Concord, read a prepared statement from a number of abutters to the land. They asked the Commission to continue to perform thorough due diligence as the development of the property proceeds. They note the sensitive environmental qualities of the wetlands and the wildlife in the area. John Kraemer, 44 Maynard Farm Rd., a direct Sudbury abutter, clarified that the lot was actually at least three separate parcels.

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

On a motion by K. Rogers; 2nd D. Henkels; the Commission voted unanimously in favor issuing an ORAD accepting the delineation of the limited area of bordering vegetated wetland shown on the plan as flags A 1 – 17 and AA 1 -6.

WPA & Bylaw Notice of Intent Continued: 137 Mossman Rd.; D. Smith, applicant New house construction

The Commission was in receipt of a request for continuation to the next meeting on 4/2/18 due to site conditions due to weather. Voted unanimously in favor. Motion by D. Henkels; 2nd B. Porter

Bylaw Notice of Intent Continued: 69-71 Brewster Rd.; A. Sumito, applicant
Present: Molly Obendorf of Stamski & McNary; Atty. Matthew Watsky for the applicant

Ms. Obendorf presented revised plans showing the infiltration trench extended to the end of Brewster Road to capture runoff from the driveway entrance area. The plan also indicated the area to be subject a Conservation Restriction and the overall limit of work area. The driveway will be limited to access from Brewster Road so it cannot be extended to Old Sudbury Road in the future. The plan shows both a CR area A and CR area B.

D. Dineen stated that she has not received the CR document yet so she cannot comment on any proposed purposes or any prohibited or reserved rights. Atty. Watsky stated that they are not proposing a Conservation Restriction. They are proposing a Deed Restriction that the statute allows to be in perpetuity. D. Dineen noted that a DR might not be acceptable as it is not required to be approved by the EOEEA. Atty. Watsky felt that the EOEEA approval process was too cumbersome and

time consuming. D. Dineen requested the proposed wording the statute Atty. Watsky is referring to so Town Counsel can review and offer an opinion.

All parties agreed to continue the hearing to April 2, 2018 to allow review of the Restriction issue. SCC motion by D. Henkels; 2nd K. Rogers.

Bylaw Notice of Intent: 0 Willis Rd. Continued; Mark Merullo, applicant

At the request of the applicant the hearing was continued to the next meeting on 4/2/2018 to allow the applicant time to provide the requested floodplain, conservation restriction, and other information. Motion by C. Russo; 2nd K. Rogers. D. Henkels opposed.

Conservation Restriction: 4 Maynard Rd.: Review and Sign

Present: Lot buyer

The Commission reviewed the proposed Conservation Restriction on all areas outside the development envelope, totaling 3.62 acres, as shown on the plan approved with the Order of Conditions for the new lot adjacent to 4 Maynard Rd. D. Dineen, Town Counsel and EOEEA have all reviewed and accepted the wording in the document to be signed tonight.

On a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously to accept and sign the CR document.

Discussion and Vote Recommendation to Selectmen on Land Gift: 269 Morse Rd. E08-0012

Andrew Berman, lot owner at 269 Morse Rd., has offered the town a gift of an undeveloped second lot he owns. The lot contains mostly wetland and is nearby other permanently protected wetland and upland. D. Dineen felt that permanent protection of the lot would keep a good undeveloped corridor along an undisturbed wetland. She wanted to be sure Mr. Berman is aware that if the Town accepts the gift, the lawn area on the lot could no longer be maintained.

On a motion by K. Rogers; 2nd D. Henkels; the Commission unanimously voted to recommend acceptance of the gift to the Selectmen subject to confirmation that Mr. Berman is aware he will no longer be able to maintain the lawn area on the lot, or the interior lot line is shifted through an ANR plan to reconfigure the lot without the existing lawn area.

Violation Status:

267 Landham Rd., Gaston Safar-

The NOI was due today, 3/12/18. Wetland consultant, Dave Burke has forwarded Mr. Gaston a contract for signature, how it just was sent due to Mr. Burke's heavy workload on other town projects. The SCC extended the time frame for receipt of the NOI to 4/23/18.

40 French Rd.; S. Prince

The representative from the pool company, Corey Everleigh, advised that the homeowner has hired Snelling & Hamill to determine the former wetland edge before the tree removal and lawn expansion. A new NOI will be submitted once the information is obtained and a restoration plan can be developed.

140 Barton Dr.

American Tree Climbers have been very responsive and are planning to include a requirement in all their contracts that the homeowner is responsible for obtaining all permits associated with tree work

on their property. They advised the owners of 140 Barton that they had to obtain necessary permits. The owners have not contacted the Conservation Commission office even though at least two certified letters were sent.

Commissioners suggested that the contract clause be sent to other tree companies to see if they would consider including such a clause. On a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously in favor of issuing a ticket and requiring a restoration plan or a letter from the arborist by April 23, 2018, stating the trees were an imminent safety hazard. B. Porter abstaining as an abutter across Stearn's Mill Pond.

Haight, Morse Rd. –

The NOI has been received to correct the violation of vegetation removal within wetland jurisdiction. The hearing is scheduled for April 2, 2018.

Sale of APR land by Siena Farms CSA: review letter from purchaser and determine SCC support to MDAR - Update

Commissioners followed up on the discussion with Chris Kurth at the last meeting on the pros and cons of the subdivision of his APR land. The Commission discussed the subdivision and sale of 5-6 acres of APR farm land last night. They were unanimously supportive of the subdivision as shown on the red-line plan under the current circumstances. This support is predicated on Ms. Murphy's understanding that the APR and its restrictions on use travels with the land; and, that the proposed access easement is part of the sale.

Overall, subdivision of farmland into smaller parcels under different ownership is not preferred as it can reduce overall larger scale farming. However, in this case, it appears to be the only available solution to keep the farm actively in production. R. Morse expressed concern that the access easement was a bit out of the way and it appeared that access over town land was the most direct route. D. Henkels noted that the direct route is very wet.

On a motion by D. Henkels; 2nd K. Rogers; the Commission voted not to oppose the subdivision of the Siena Farms APR land in order to facilitate continued active farming.

Commission and Staff Reports:

MACC Annual Meeting information-

T. Friedlander & R. Morse attended the MACC meeting last Saturday. T. Friedlander attended sessions on wildlife habitat evaluations, the Army Corps of Engineers, and drone use. R. Morse attended two certification sessions including topics on map reading, vernal pools, conservation restrictions, and wetland delineation.

T. Friedlander found out that drones have applications for checking stormwater flows and flooding, and infrared for cold water fisheries. Good drones have obstacle avoidance. No license is needed if they are used for a public entity. There are height restrictions. He would not use them for violation identification. Case law on drone use is still very limited. Costs are in the \$10-\$15,000 range.

R. Morse expressed concern for the cost and type of use. He felt that drones and pilots could be hired if the situation warranted. He said there are questions on who would be trained on the use of the drones and where it would be kept. D. Henkels questioned the cost of insurance for the equipment and the operation. C. Russo stated he would like to see the type of data, the format, and the quality of the data

collected. K. Rogers noted that the state monitors shark sightings and movement by drone. C. Russo questioned if drone sharing with other departments such as DPW and Police might be an option. D. Dineen thought renting of drones may be better than purchase. Any large purchase such as this should be weighed against other department needs.

On a motion by K. Rogers; 2nd B. Porter the Commission voted to adjourn the meeting. Approximately 8:40pm.