

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, April 23, 2018

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Bruce Porter; Mark Sevier; Richard Morse; Charlie Russo (7:50pm arrival); Debbie Dineen, Coordinator

Absent: Kasey Rogers

WPA & Bylaw Request for Determination of Applicability: 39 Union Ave.; Paris Trust, applicant; septic repair

Present: Fred King of Schofield Brothers for the applicant

Mr. King presented plans for the reconstruction of a failed septic system. The current system is below seasonal high ground water. No increase in flow design is proposed. The proposed system is a Presby design that will reduce the system footprint by 40% and enhance treatment. Tanks, pump chamber and leach field will all be replaced. The vertical and horizontal distance to the wetland will increase. It is approved by DEP and the Sudbury Board of Health. It is located 67' from the bordering vegetated wetland, which meets MA Title V standards. Impervious surface on the site will be reduced by 1,025 sq. ft. due to the need to remove some of the parking lot area. Erosion and sedimentation barriers will be installed and maintained until the site is stabilized. Mr. King delineated the wetlands as shown on the plan in January and March of 2018.

In response to D. Henkels, Mr. King stated that the system will be mounded by 2.5' which is a final 4' differential over current conditions. The mound will be grassed. Mr. King stated that the difference between a FAST system and Presby is that the additional treatment provided by a Presby system is passive, while a FAST system uses active treatment to provide oxygenation to the effluent. Parking is reduced by 1,200 sq. ft.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted in favor of a negative Determination with C. Russo abstaining due to late arrival during the discussion.

WPA & Bylaw Notice of Intent: 133 Goodman's Hill Rd., Robert Campanella, applicant septic repair

Present: Mike Sullivan, Sullivan Connors, Inc. for the applicant

Mr. Sullivan presented a plan for a septic reconstruction on an existing residential lot bordered by wetlands on three sides. The lot is accessed by a driveway crossing of an intermittent stream and bordering vegetated wetland. The new system will be 52' from bordering vegetated wetlands. The current system is 35' from the wetlands and has failed Title V. The water table is at 3.5' and the perc rate is 20 min/inch.

Sequencing of the work is important. The leach field will be constructed first and the equipment will back out to construct the balance of the system. C. Russo noted that a retaining wall is shown along the front of the house. He confirmed construction access will be over the existing driveway crossing. D. Dineen suggested the culvert be accessed for strength and stability before bringing large equipment over it. No expansion of lawn should be permitted as part of this project. C. Russo suggested all stockpiling of fill material be enclosed in an erosion control barrier.

D. Dineen noted that this wetland filing was submitted as a Notice of Intent due to the need to place conditions on the work, unlike the previous septic repair where all issues could be addressed on the plan.

Mr. Aikens, abutter at 139 Goodman's Hill Rd., questioned if their property could be impacted. Mr. Sullivan replied that they are up-gradient from any work. M. Sevier added that their property is 2' higher and 133 Goodman's Hill has lawn and slope away from 139 Goodman's Hill.

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

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

Conservation Restriction Landham Brook Marsh.: Discussion and possible revote on draft language

Commissioners discussed the current draft of the language of the Conservation Restriction (CR) to be held by SVT. There were several outstanding items. Commissioners confirmed that they had previously agreed to allowing an agricultural building with a footprint not to exceed 1,000 sq. ft. The draw-down test for any agricultural well language was acceptable to all.

The balance of the discussion centered on whether or not to maintain the cart roads on the property. Commissioners concurred with a 10' width from the Landham Road access to the agricultural field for agricultural purposes. D. Henkels suggested maintained the cart roads beyond the field for access for land stewardship purposes. D. Dineen noted that these cart roads had passable at least up until 2013 and have grown in with buckthorn. Maintaining the cart roads in most areas will allow access not only for land stewardship but for emergency vehicle access for fire and police as well as for public walking trails.

Commissioners decided it would be beneficial to have a site inspection to look at the current condition of the cart roads. A visit was scheduled for Saturday morning at 8am.

Bylaw Notice of Intent: Morse Rd. E08-0013; (across from #275); Natalie Haight (cont.)

Violation: Removal of vegetation in Adjacent Upland Resource Area without permit

Present: Natalie Haight, property owner

Ms. Haight explained that she had received a Violation Notice for cutting of vegetation within 100' of a pond. She filed the NOI and would like to proceed as soon as possible with the disposal of the invasive plants and removal of the trees that fell into the pond. She had hired Dan Wells of Goddard Consulting to assist her but she thought he was too expensive. She is representing herself.

D. Dineen reminded the Commission that the outstanding items from the hearing where Mr. Wells was present was the receipt of a revised Invasive Species Management Plan (ISMP) for further removal of invasive plants without the need for more permitting, and the extent of revegetation that should be required in the Order for replacement of wetland values and functions. Not all the cutting was invasive plants. She and Mr. Wells observed silly dogwood cuttings in the brush piles on the north side of the pond. The trees in the pond will provide hunting, perching and basking areas for wildlife. Some of them should remain.

C. Russo stated that the best interest of reducing invasive species from recolonizing is to replant the area where they have been removed with native plants. 90% coverage with native plants within two years is the standard to meet. D. Dineen added that tree saplings had been cut in the area around the pond outfall. Trees should be included in the replanting plan to provide a multi-layered canopy and shading. Ms. Haight stated that she could not remove the invasive plants without removing the trees because of the invasive vines.

D. Henkels stated that there was cutting of a significant amount of vegetation on the site within wetland jurisdiction. Even if the cutting contained mostly invasive plants, the erosion control and wildlife cover values, as well as others need to be replaced.

B. Porter stated that a better plan was needed of the areas disturbed and the areas to be revegetated. C. Russo stated the plan should not be a hand drawn sketch but a more formal plan with plants identified and dimensions of disturbed and restored areas indicated. D. Dineen noted that Ms. Haight had a surveyed plan showing a new wetland delineation available at a meeting with Department Heads last year. Dave Burke had recently done the wetland delineation and it was shown on the plan.

Commissioners agreed that a site inspection should be held. With the agreement of all parties, the hearing was continued to May 14, 2018. Motion by D. Henkels; 2nd C. Russo.

Eversource Yearly Operating Plan for use of Herbicides on the 8-1 ROW

Commissioners reviewed the notification and maps from Eversource that are required to be presented to towns for identification of sensitive resource areas prior to the application of herbicides in accordance with MDAR requirements. The Commission's only input to the process is to ensure all sensitive areas, as defined by MDAR regulations, are shown. These areas include vernal pools and private and public water supply wells.

Commissioners stated that the issues with the maps show that they are outdated. D. Dineen pointed out that the maps are USGS maps that show the old lime slurry pits at the former Union Carbide facility. These have not existed since the 1980s. Commissioners also noted the lack of response to previous letters of concern for unidentified sensitive resource areas and the fact that the MDAR regulations do not take into account the current results of peer-based studies on the impacts of some herbicides that are on the Eversource/MDAR list.

Renata Aylward of Protect Sudbury advised Commissioners of reports of witnessed sloppy and careless mechanical controls by Eversource in previous herbicide applications. D. Henkels added that application conditions are critical to whether there are direct or indirect hits to target vegetation. B. Porter added that the consequence is impact beyond the areas intended. Nick Perniece, Peakham Road, questioned if the town was monitoring the herbicide application and if any off-site monitoring was performed. The Commission was not aware of any on or off-site monitoring by the town. D. Dineen questioned why the USFW was not more involved as the ROW is through the Great Meadows NWR. Renata Aylward stated that Eversource relies on apathy and consumers uneducated about the issues.

The Coordinator will draft a letter to Eversource and MDAR with the Commission's concerns as stated.

WPA & Bylaw: Abbreviated Notice of Resource Area Delineation: Eversource; MBTA ROW

Confirmation of all jurisdictional resource areas along the MBTA ROW from the Sudbury Substation at 183 Boston Post Road to the Sudbury-Hudson line

At the request of the applicant, the Commission voted unanimously in favor of continuing the hearing to May 14, 2018. Motion C. Russo; 2nd D. Henkels

WPA & Bylaw: Notice of Intent: Eversource Notice of Intent: Soil Borings on MBTA ROW

Soil borings, soil samplings and other exploratory testing along the MBTA ROW from the Sudbury Substation at 183 Boston Post Road to the Sudbury-Hudson line

At the request of the applicant, the Commission voted unanimously in favor of continuing the hearing to June 18, 2018. Motion C. Russo; 2nd D. Henkels

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

At the request of the applicant, the Commission voted unanimously in favor of continuing the hearing to May 14, 2018. Motion C. Russo; 2nd D. Henkels

Bylaw Notice of Intent: 0 Willis Rd.; Mark Merullo, applicant; New house construction

At the request of the applicant, the Commission voted unanimously in favor of continuing the hearing to May 14, 2018. Motion C. Russo; 2nd D. Henkels

Request for Proposals: Agricultural Use of Carding Mill and Landham Brook Marsh fields

No Requests for Proposals for agricultural use of the fields has been received.

Violation Status:

267 Landham Rd., Gaston Safar

The NOI was due today, 4/23 and has not been received. Dave Burke has been hired but only received on 4/19. The Commission voted to issue a \$100 ticket and require the NOI by 5/14/2018. If it is not received by this date tickets will be issued at \$100/day. Motion M. Sevier; 2nd D. Henkels. Unanimous in favor.

33 Maynard Rd; lawn expansion/use of wetland replication area for garden

No response yet from current homeowners although proof of delivery of certified mail has been received. Commissioners voted that if no response is received within 7 days, one ticket shall be issued. The NOI must be received within the original 30-day timeframe explained in the NOV. Motion by B. Porter; 2nd D. Henkels; unanimous in favor.

159 Concord Rd. ratify EO/NOV

D. Dineen reported that the NOI was received today but has not yet been reviewed. On a motion by C. Russo; 2nd D. Henkels; the Commission ratified the issuance of the EO/NOV.

Other Business:

Town Meeting Warrant Review

Commissioners agreed to take no position on any Articles on the Warrant with the understanding that the Broadacres Farm articles were to be Indefinitely postponed.

Use of paint blazes vs trail signs on conservation lands

Commissioners voted to allow the painting of trail marking blazes on trees rather than continue with the metal trail signs. This is a cost savings and does not require the use of nails in trees. Motion by M. Sevier; 2nd D. Henkels. C. Russo opposed.

DEP Superseding Order of Conditions for RDA on 30 & 40 Lincoln Lane

The DEP issued an SOC allowing the maintenance of the private gravel roadway but not requiring the driveway to be to dissipate runoff. It is this runoff that is creating the need to fix the gravel roadway. This ruling was under the WPA. The work must still comply with the local wetlands bylaw or be withdrawn.

Review Future Meeting Schedule

Upcoming meetings were scheduled for: 5/14 (Town Hall), 6/4, 6/18 (Town Hall), 7/9, 7/23, 8/6, 8/20, 9/10, 9/24, 10/1, 10/15, 10/29, 11/19, 12/3, 12/17, 1/7/19.

On a motion by D. Henkels; 2nd M. Sevier; the meeting adjourned at 9:25pm.