

***SUDBURY CONSERVATION COMMISSION***  
**Minutes of the Meeting held Monday, April 30, 2018**

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

**New Violations:**

**14 Tall Pine Drive**

Present: Mark & Allegra Aquino

The Commission was made aware of tree clearing at 14 Tall Pine within 100' of a bordering vegetated wetland and an intermittent stream. Ms. Aquino stated that some of the trees removed had fallen in the storm and they were concerned more trees would fall. D. Dineen informed the Commissioners that Mr. Aquino had contacted the office and was informed of the process for tree removal. He was advised to have an arborist review the trees to determine if they were imminent threats and could be removed without a permit, or if a permit and restoration plantings were required. He was forwarded the Request for Determination forms, if needed.

The Aquinos went ahead and removed the trees even after they were aware of the proper procedures and permitting requirements. An Enforcement Order (EO) and Notice of Violation (NOV) was issued under the direction of Chairman Friedlander when it became apparent that procedures were not followed.

On a motion by C. Russo; 2<sup>nd</sup> R. Morse; the Commission voted unanimously to ratify EO/NOV. Commissioners discussed issuance of fines but decided not to issue fines at this time because the homeowners were being cooperative. The deadline for submission of the Notice of Intent as stated in the EO must be met.

**Review Revised Plan: 4 Maynard Rd.; change in septic system grading**

Present: Alex Mungiano

The Commission had received a revised plan for approval that showed a minor change in the septic system grading. Grading had been shifted by 4' to move grading from the property line. Commissioners determined the change will not require an amendment to the Order of Conditions and approved it as a field change.

Motion by D. Henkels to accept the modification as a field change. 2<sup>nd</sup> B. Porter;  
Unanimous in favor.

**Request for Amendment to Determination: 21 July Rd.**

William Curley, Hamblin Homes, Inc. had requested an amendment to an existing negative Determination on 21 July Road to include tree removal on the property line of the abutting lot at 16 August Road. He owns both lots and is in the process of reconstruction of 21 July Road and will be submitting an NOI soon for 16 August Road. The July property sits at the top of a hill above the August Rd lot. It would make sense to remove the trees on the slope

while he is able to get the crane in and working from the July lot. Once the July lot is built, the area where the crane will be located will be the septic system so access from the top of the hill will no longer be available. Access from August road will be closer to Run Brook and partially within a floodplain, risking some damage to the wetland.

On a motion by D, Henkels; 2<sup>nd</sup> R. Morse; the Commission voted unanimously to amend the July Road Determination to allow tree removal to extend to the slope onto 16 August Road, conditional upon no stump removal or other activity that would destabilize the slope.

### **Landham Brook Marsh Conservation Restriction & Management Plan**

Present: Dan Stimson, Christa Collins of Sudbury Valley Trustees

Commissioners reviewed the new draft wording for the LBM Conservation Restriction (CR). D. Dineen noted that any reserved rights in the CR will need a wetlands permit if they are within wetland jurisdiction. Much of the work on site will be within jurisdiction due to the extent and location of the wetlands on the property. C. Russo thought there were sufficient checks and oversight for future work as long as the maps of November 2014 were used as the limit of future trails.

T. Friedlander stated that trail width was the next issue to be resolved. D. Dineen advised Commissioners of Police Chief Nix's email where he advocates for maintaining some of the old cart roads for public safety access purposes. C. Russo stated he was in favor of a maximum of 8' wide for the trails. R. Morse and D. Henkels preferred a 10' width for better public safety access. They argued that the trails will be located per the map, and these trail locations are in the area of former cart roads for the previous farming use. These cart roads have grown up in mostly invasive buckthorn so there will be no loss of environmental values but better access for public safety and future land stewardship activities.

D. Dineen noted that both the SCC and SVT recently approved a reconstructing of some of the cart roads in the Nobscot Boy Scout Reservation to allow for a 10' for safety and access for land stewardship. C. Collins noted that Nobscot is 300 acres where Landham Brook Marsh is only 34 acres. D. Dineen responded that LBM connects with Lyons-Cutler and the Sudbury Water District, all which have public trails and no other emergency vehicle access. She stated that clearing some of the cart roads will not only provide needed emergency access, but also provide new walking trails through the maintenance of these trails. Restoration does not make sense because the existing vegetation is invasive and the trails will be kept open. There are no funds in the budget for restoration. C. Russo questioned if the Commission is meeting its own standards by clearing invasive plants and not resorting the area with native species. He felt that was lowering the standard. D. Dineen replied that if the cart roads are kept clear, there is no need for replanting. The purpose of replanting is to prevent the invasives from recolonizing the area. C. Collins stated that the state model CR includes replanting. D. Dineen noted that the state model does not apply to this situation of removing buckthorn from old cart roads. The state model just provides some examples. C. Collins stated that SVT wants temporary cutting only and restoration.

C. Russo stated that he does not feel the cart roads can be cleared without a huge amount of environmental harm. He would like to see a maximum of 8' cleared. D. Dineen noted that an additional 2' – 4' in width of buckthorn removal is not harming the environment and will provide public trails and emergency access. M. Sevier stated he tends to agree with the narrower width of 8".

T. Friedlander summarized the discussion to date. Commissioners appear to be leaning toward:

- No new trails beyond those shown on the Nov. 2014 maps in yellow;
- Trail width no greater than 8';
- Leave in the provision for replanting;
- Leave in SVT approval as in the draft CR.

C. Collins clarified that approval meant more than just notice except in the agricultural area and Trail A as shown on the Nov. 2014 maps. D. Stimson added that Exhibit C needs to be amended to show the areas subject to SVT approval of activities. He noted that the Grantee has the right to maintain Trail A.

C. Russo motioned to approve the CR with the following changes:

- Delete the new trails shown in yellow;
- Keep in Notice and approval and maintenance of cart roads as to be shown on an update of Exhibit C;
- trail width not to exceed 8";
- Restoration required per state standards.

Motion seconded by R. Morse. Vote passed with 4 in favor, 2 opposed (R. Morse and D. Henkels opposed).

C. Russo motioned that T. Friedlander be delegated to receive the final CR wording for approval as long as the final version adheres to the vote tonight. D. Henkels 2<sup>nd</sup>. Unanimous in favor.

C. Collins noted that she did not receive the final comments on the CR prior to the meeting. T. Friedlander stated that he and D. Dineen developed these this afternoon and he stopped by SVT to provide them with a copy. They were not there. M. Sevier stated that he does not find it acceptable that everyone is not copied on the final version. He added that there is a policy of receipt of material a minimum number of days before a meeting and that has not been followed. T. Friedlander noted that exceptions have been allowed. He added that there will be several more Town/SVT CRs coming for Libby and Dickson properties as these purchases used CPA funding.

#### **Determine Start time for May 14, 2018 Meeting**

Commissioners agreed to move the start time of the 5/14/18 meeting to 6:30pm to accommodate the full agenda.

### **Conservation Commission Reorganization**

On a motion by C. Russo; 2<sup>nd</sup> by D., Henkels; Commissioners voted unanimously in favor of reelecting T. Friedlander as Chairman and Dave Henkels as Vice-Chairman for another year.

### **Spring Walks**

T. Friedlander, D. Dineen, B. Porter have lead walks so far this spring. All walks have been well attended with a good, engaged group of participants. D. Henkels and R. Morse have walks upcoming in the next two weeks.

### **Violation: 33 Maynard Rd.**

T. Friedlander informed Commissioners that the homeowners have contacted the Conservation office and have begun the process of compliance. No fines will be considered at this time.

On a motion by B. Porter; 2<sup>nd</sup> R. Morse; the Commission voted unanimously to adjourn the meeting at approximately 8:10pm.