

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting held Monday, May 14, 2018

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Bruce Porter; Richard Morse; Kasey Rogers; Charlie Russo (6:35pm arrival); Mark Sevier (6:45 arrival)

Minutes

On a motion by B. Porter; 2nd D. Henkels; the Commission voted unanimously in favor of approving the April 2, 2018 Regular Session.

On a motion by R. Morse; B. Porter; 2nd; the Commission voted unanimously in favor of approving the April 2, 2018 Executive Session

On a motion by D. Henkels; R. Morse 2nd; the Commission voted unanimously in favor of approving the minutes of April 23, 2018.

WPA & Bylaw Request for Determination of Applicability: 72 Dakin Rd., swimming pool installation; Lawn Kiley of Andrews Gunitite Co., applicant

The Coordinator presented the plan for a pool install on existing lawn at the top of the slope to an off-site vernal pool. All work is on existing lawn and approximately 85' to the pool.

On a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously in favor of a negative Determination with the standard conditions in the negative Determination for no discharging of pool water unless chemical use has been stopped completely for the two weeks prior to discharge and no discharge permitted into the wetland or street drainage.

WPA & Bylaw Request for Determination of Applicability: 17 Plantation Cir., tree removal

Chris Premark, applicant

The Commission reviewed the information submitted by the applicant. Mr. Premark plans to remove 15-25 trees, mostly tall, spindly white pines and replant 25-30 native trees and shrubs which will introduce some variety to the area. The area to the northwest of his property has been cleared of white pines for new house construction, further adding to the instability of the current white pine trees.

The wetland resource is an intermittent stream/ditch with a bordering vegetated wetland further north of the applicant's property. The intermittent only flows at times of high water. There are no hydric soils in the area.

On a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously in favor of a negative Determination with the condition that the replanting plan be adhered to, the Commission is contacted for a site inspection after two growing season (spring 2020), and the arborvitae is replaced with native shrub species.

WPA & Bylaw Request for Determination of Applicability: 40 French Rd., swimming pool installation; Stephen & Karen Prince, applicants

Present: Corey Everleigh of Environmental Pools, Inc.

This was a previously withdrawn RDA because the Sudbury Maps on Line showed the pool was going to be installed in a wetland. Dave Burke went out, checked soils and determined no filling of a wetland had occurred on the property. The pool has been relocated further up the slope toward the house and is 62' from the edge of bordering vegetated wetland and will be located on existing lawn and

landscaped area. Mr. Everleigh stated the pool will be salt and chlorine pool with no filter backwashing required.

On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of a negative Determination with the standard conditions in the negative Determination for no discharging of pool water unless chemical use has been stopped completely for the two weeks prior to discharge and no discharge permitted into the wetland or street drainage.

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

On a motion by R. Morse; 2nd M. Sevier; the Commission voted unanimously in favor of the applicant's request for continuation to June 4 (rec'd 5/9/18).

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

Present: Mark Arnold of Goddard Consulting for the applicant

Mr. Arnold presented a revised plan showing a new retaining wall added in the rear of the house. The purpose of this wall is to raise the grade to allow depth for infiltration chambers for roof runoff. A FAST treatment system is added to the septic system for additional nitrogen removal. The rain garden has been retained as it is the only feasible solution to infiltrate driveway runoff due to the location of the septic trenches under the driveway. Mr. Arnold suggested the rain garden maintenance requirements could be included in a covenant recorded with the Deed. The floodplain issue is still being reviewed. The plan showing a floodplain on the abutting property had an assumed benchmark elevation.

D. Dineen advised the Commission that Bordering Land Subject to flooding is presumed to be the 100-year flood elevation under the WPA. This presumption can be overcome. The WPA defines BLSF as: *Bordering Land Subject to Flooding is an area which floods from a rise in a bordering waterway or water body. Such areas are likely to be significant to flood control and storm damage prevention.* She suggested that it was more important to determine the extent of flooding on the site based a watershed analysis of current conditions in the watershed, rather than try to understand the elevation on an abutting property from 30 years ago. Mr. Arnold stated he will be requesting a hearing continuation so they can continue to work on the flooding issue.

Mr. Arnold explained that the wildlife corridor will be reduced by 55' in width but will be enhanced for better usage of the remaining width by the removal of multiflora rose that impede the movement of some animals. He added that the guardrail and sidewalk on the other side of Willis road may also present a barrier to some animals. R. Morse commented that the reduction in wildlife corridor width by 55' will mean that animals now have a reduced corridor where much of it is wetland. Not all animals may move through a flooded area. He added that the house and driveway add to the blockage of this corridor. Mr. Arnold confirmed that the footprint of the development is 16,000 sq. ft. Responding to C. Russo's question, he added that only approximately 100 sq. ft. of the site is outside wetland or upland jurisdiction as the adjacent upland resource area covers almost all of the area to be developed.

Mr. Arnold showed the "big picture" of wildlife movement corridors in this area of town. He felt that there are other options for animals to move west/east.

T. Friedlander suggested that the rain garden might be eliminated if the driveway were not paved. Mr. Arnold stated that is not possible because with the septic under the driveway, driveways must be paved. He noted that the big issue is whether or not bordering land subject to flooding occurs above the limit of work.

Stan Gayshan, 159 Willis Rd., stated that the wildlife corridor will be severely diminished because some animals will only cross non-wetland areas. D. Dineen suggested suitable mitigation might be enlargement of the culvert. C. Russo suggested it meet the current stream crossing standards for a wider opening. This is at least 1.2x the width of the channel.

Elisha Beneieu, 147 Willis Rd., abutter on the other side of the stream, expressed concern that the flooding she has not will get worse once a new house is constructed. She currently has a dry basement and would like to keep it that way. D. Dineen noted that when her house was constructed in the mid-1980s, floodplain was filled and compensatory flood storage was created. That compensatory flood storage area now has standing water up the retaining wall.

D. Dineen asked Mr. Arnold to involve Dan Wells from Goddard Consulting to identify the type of animal species who are likely to use the corridor. She though mink. Weasel, fisher, rabbit, raccoon, fisher were the small mammals likely to travel along the wetland/upland interface. R. Morse noted that red fox tracks were also found in within the bvw in January.

Irina Dubinchik, 159 Willis Rd., expressed concern with the use of heavy machinery and the compaction of soils. R. Morse questioned the sequencing of the construction on the long, narrow area. Mr. Arnold stated that there will not be a lot of excavation required. It is mostly fill. They will not need to travel over the area of replanting and will work from back to front. In response to D. Dineen, Mr. Arnold stated there was 5' between the corner of the house and the retaining wall. Dineen questioned if that was enough room for fire access around house.

Vadim Gayshan, 159 Willis Rd., asked about relocating the utility pole. Mr. Arnold said it would be moved further away from his property.

M. Sevier motioned to continue the hearing to June 4. All parties agreed and the Commission voted in favor of the continuation. 2nd by C. Russo. D. Henkels opposed

C. Russo asked a question about the permeability of the retaining wall.

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

New house construction

On a motion by R. Morse; 2nd B. Porter; the Commission voted unanimously in favor of the applicant's request for continuation to June 4 (rec'd 5/8/18).

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

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

On a motion by M. Sevier; K. Rogers, 2nd; the Commission voted unanimously in favor of the applicant's request for continuation to June 4 (rec'd 5/8/18).

Certificates of Compliance: DEP File #301-1217; 45 Mossman Rd.; septic repair

The Coordinator reported that the as-built plan has been received and is in accordance with the approved plan. The site appears stable.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously in favor of issuing the COC.

Violation Status:

267 Landham Rd., Gaston Safar; NOI due 5/14

The NOI was not received by the deadline. D. Burke did not receive a check correctly made out to him until around May 7. He waited for the check to clear before proceeding. Mr. Burke asked if the Commission would accept a plan showed a measured distance rather than a surveyed distance to confirm the retaining was located in accordance with the previously approved plan. C. Russo questioned what the Commission wanted from the process and if there is enough information to move on. T. Friedlander questioned if the Commission should accept the non-surveyed plan on principle. It could undermine the requirements of the old Order.

B. Porter moved to accept the GPR plan showing the retaining wall located by measurement and not by survey. C. Russo 2nd. Unanimous in favor]

T. Friedlander moved to require the NOI by June 18, 2018 or daily ticketing will begin. 2nd D. Henkels; 2nd K. Rogers. Unanimous in favor

33 Maynard Rd; - status of NOI

The homeowner has been responsive and has hired D. Burke to assist with the NOI for restoration. Commissioners agreed to extend the NOI due date to June 18, 2018.

159 Concord Rd.- status of NOI

D. Burke has reflagged the wetland. It is not clear if he will be submitting the NOI. Commissioners agreed to extend the NOI due date to June 18, 2018.

Land Stewardship

King Philip Woods Meadow Restoration status & letter from Sudbury Historical Commission

The SCC has received a letter from the Sudbury Historical Society stating they are not opposed to the clearing of invasive plants provided the stone walls are not disturbed. The Commission was not planning on any stone wall alteration. Nothing definitive has been received from the Town Manager relative to proceeding within an area that may be a Native American ceremonial landscape area. T. Friedlander felt it was OK to proceed as long as caution was used around the stonewalls. The next step will be contracting with a forester for the work, identifying the wetlands, and submitting a NOI to obtain an Order to proceed.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously in favor of proceeding with the contract and the work provided no rocks are moved. Unanimous in favor. Commissioners decided it would be best not to include the Haynes Garrison site invasive removal as part of the project. This should be done under the supervision and contract with the Historical Society.

Davis Farm Meadow Restoration status

The Davis Farm project is ready to proceed. There are two ways to approach the clearing. The first would be working with Minglewood Designs to clear and replant small areas at a time. This is very labor intensive as the new plantings, probably fern plugs, would need to be watered and the area weeded. This is labor intensive and we do not have any volunteers for these tasks.

The second approach would be to have Rusty's Tree Service clear the area, remove stumps. Grub and harrow to get it ready for seeding. This will require regular mowing to keep invasive plants under control.

Commissioners appreciated the "tender-touch" method of working small areas at a time, but recognized that the reality of getting volunteers on a regular basis is not likely to be successful. They decided to go with the full clearing and continued mowing.

Commissioner & Staff Updates

T. Friedlander reminded Commissioners of the upcoming Open Meeting Law training session.

D. Dineen informed Commissioners that the tree clearing work around the Pond View Cabin and the parking lot in the Nobscot Boy Scout land appeared to be completed. Logs still needed to be removed. No replanting has been done to date. A total of sixteen tree were cut. That appeared to be in accordance with the CC approvals.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously in favor of adjourning the meeting. 8:40pm