

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, June 18, 2018
6:30pm Rd., 322 Concord Rd., TOWN HALL, Sudbury MA

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

Absent: Kasey Rogers

WPA & Bylaw Request for Determination of Applicability: 3 Cail Farm Rd.

Susan Farina, applicant (absent)

D. Dineen presented the applicant's plan for patio construction and invasive plant removal without herbicides. The patio will be constructed on existing, permitted lawn area. The invasive plant removal will be at the rear of the lawn area and into the conservation restriction. The applicant plans to perform regular mowing in the CR area to keep the buckthorn down and encourage return of the former meadow.

On a motion by B. Porter; 2nd M. Sevier; the Commission voted unanimously in favor of issuing a negative Determination.

WPA & Bylaw Notice of Intent: 16 August Rd.; house reconstruction; Hamblin Homes. applicant

Present: Bill Curley, applicant and Steve Poole, engineer

Mr. Poole presented plans for the reconstruction of an existing house located across the street, but within riverfront area of Dudley Brook. The site also has areas below the 100-year floodplain at the front of the property. The new house will be in the same location as the existing dwelling but will be slightly smaller. The outbuilding will be demolished. Cultec chambers to collect and infiltrate runoff from the roof. A trench will collect infiltrate driveway runoff.

The current septic system has failed. The existing system will be abandoned and a new system installed. The leach field will be moved well outside of floodplain, uphill from its current location for greater horizontal and vertical separation to groundwater. A pump chamber will be installed. A small area of floodplain will be filled in the front yard. Compensatory storage in excess of the area filled will be provided at the same elevations. The areas to be filled is 375 cu. Ft. with 472 cu. Ft. of compensatory area created for a net increase of 97 cu. Ft. of flood storage.

Rip-rap and plantings will be installed on the slope behind the house. Stumps will be left for slope stabilization. The stone wall will be removed. The 12' wide easement for the septic line will be reseeded with grass and jute netting as needed. The rest of the slope will have 13 creeping juniper added for further stability. The commission discussed the need for additional plantings on the slope to deter invasive plants and provide adequate stabilization. The Commission reserved the right to require replanting on the slope after the first growing season should the natural revegetation not result in colonization by mostly native species.

The former septic location will be decommissioned in accordance with board of Health requirements. M. Sevier noted that subsequent purchaser could be held responsible for plantings. The Coordinator replied that the Order will be required to be recorded at the Registry of Deeds so any purchaser should be aware of their responsibilities under the Order. B. Curley added that he will be planting shade trees at the top of the hill on the property line with the abutting lot.

On a motion by C. Russo; 2nd D. Henkels; the commission voted unanimously to close the hearing.

On a motion by B. Porter; 2nd M. Sevier; the Commission voted unanimously to issue the Order as discussed.

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

Present: Katie Kinsella & John Vieira from VHB for Eversource; Denise Bartone for Eversource; Ruth Geoffroy from Nover Armstrong as peer reviewer for the Commission

D. Bartone stated that Eversource would like to request a further continuation to resolve the issue of Bordering Land Subject Flooding as shown on the plans. They would prefer to address the issue now rather than have a condition in the ORAD.

Ruth Geoffroy stated that the topo shown on the ANRAD plans from LiDAR is accurate, however there is a concern that the topo does not match the high water elevations observed in the field. Cross sections were provided last week of areas near the stream crossings on 5 of the plans. These elevations appear to be interpolated between the VHB contours and the LiDAR 2' contours. She added that 94% of the spot surveyed elevations had less than a 6" difference with most of the shots having a 2" – 3" difference. Based on the material provided last week, she could only confirm this with 33 spot elevations. She was OK with the Base Flood Elevations (BFE) shown but not with the location of Bordering Land Subject to Flooding (BLSF).

M. Sevier motioned to continue the hearing to July 9. R. Morse 2nd but questioned if there is any other factor that is influencing the delay. D. Dineen asked if Eversource thought two weeks would be enough time to provide the additional information. D. Bartone replied that they would like to be sure there are no discrepancies and they would be able to resolve it in two weeks. Commission voted unanimously in favor of the motion.

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

Present: Katie Kinsella & John Vieira from VHB for Eversource; Denise Bartone for Eversource; Ruth Geoffroy from Nover Armstrong as peer reviewer for the Commission

A motion was made and seconded to continue the hearing for the soil borings to July 23 at the request of the applicant. Commission voted unanimously in favor of the motion.

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

New house construction

Present: Dan Wells of Goddard Consulting LLC for the applicant

Mr. Wells explained that the house is 100' from the edge of the flagged vernal pool and the septic leach field is outside the 100' AURA. The house 20' to the intermittent stream. Mitigation is being offered in the form of bat boxes and native shrubs at the edge of lawn. The site was previously disturbed and boulders had been moved to the property.

D. Dineen stated that the house, driveway, grading and some lawn areas is all within 100' of the edge of bordering vegetated wetlands (bvW). There is a presumed second vernal pool just off the

property, also within bvw. The loss of AURA will reduce the habitat for the vernal pool species and other wildlife. It will increase temperatures and light, and eliminate habitat features such as crevices, the boulders, food sources, and tree bases. The mitigation offered does not replace these lost values and function of the AURA. Stormwater mitigation was not included on the plan. This will allow runoff from lawn into the AURA and ultimately the bvw, intermittent stream and vernal pools.

D. Wells responded that the vernal pool identified in the large wetland does not appear to have a large breeding population. He had only seen 3 egg masses last year and 9 masses the previous year. D. Dineen noted that these were years of lower than normal water tables in much of Sudbury and the bylaw requires population assessments in 3 out of 5 normal years. She provided a summary of the issues on the site, noting that the upland area on the 137 Mossman property was the only protected remaining upland vernal pool habitat in this fully-developed neighborhood. She recommended Denial.

David & Anne Pace of 4 Silver Hill Road, abutters, informed the Commission that their backyard has had historic severe flooding where the backyard was wet into July. A pond formed that attracted ducks.

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

On a motion by D. Henkels; 2nd R. Morse the Commission voted in favored denial of the project. B. Porter opposed.

Certificates of Compliance

41 Lincoln Lane #301-1230; Present: Kris Bursik, applicant

D. Dineen reported the results of her site inspection on June 8 and provided photos of the showing the re-establishment of the meadow. The trees, shrubs and grasses are all doing very well except for some minor deer browse on several shrubs.

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

Violation Status:

DEP File #301-838 & #301-1035; Maple Meadows; 35 Maple Ave.; and,

54 Maple Ave. EOs/NOVs - Revise June 4, 2018 **Certificates of Compliance** vote and ratify EO/NOVs 35 Maple Ave (Maple Meadows)

R. Morse recused from the discussion as a member of the Commission as he is an owner at Maple Meadows.

A vote was taken after a site inspection directly proceeding the SCC meeting on June 4. That did not afford an opportunity between the site inspection and the meeting to determine the extent of encroachment into the Conservation Restriction and/or the areas of wetland jurisdiction through a review of the plans, or to discuss the liability of property owner vs violator with Town Counsel. The SCC voted to issue the COC (2) and send a violation letter to the abutter who appeared to be the violator on the Maple Meadows property. The day after the meeting the coordinator performed a thorough review of the file and did speak with Town Counsel. He advised that the SCC must take action against the property owner even if it is clear the violation was caused by another entity. He also advised not to issue the COCs with the outstanding violation. They can be issued as soon as an Order of Conditions is issued and recorded to correct the violations.

Therefore, a vote to rescind the COC vote and ratify the EOs/NOVs is required.

R. Morse, speaking as a property owner, informed the Commission that he spoke with the property owner at 54 Maple Avenue who plans to review his property lines and cooperate to resolve the violations.

On a motion by M. Sevier; 2nd received; the Commission voted in favor of rescinding the Certificates of Compliance voted on 6/4/18 for Maple Meadows. Friedlander, Sevier, Russo, in favor; Henkels, Porter opposed; Morse abstaining.

C. Russo motioned to ratify the EO/Nov issuance to the owners of both 35 and 54 Maple Ave. Motion passed with Friedlander, Sevier, and Russo in favor

267 Landham Rd., Gaston Safar; property owner - ZBA Application

The Coordinator informed the Commission that the Zoning Board of Appeals has received an after-the-fact request to permit the continued use of the unpermitted accessory apartment above the barn at 267 Landham Rd. The Commission asked that the Coordinator inform the ZBA of the outstanding wetland violations and request they consider denying the accessory apartment permit until the wetland violations have been resolved.

159 Concord Rd.- status of NOI

The Notice of Intent for illegal deck construction is well overdue. The Commission voted unanimously in favor of a final extension of the timeframe for NOI submission to July 23. Motion by D. Henkels; 2nd B. Porter.

14 Tall Pine Dr. – The NOI has been received and the hearing will be held July 9, 2018

3 Goodnow Rd. – Dishnica

The Coordinator reported that the Order, issued in 2/2018, required submission of a timetable for retaining wall removal and replanting with 45 days of the Order issuance. This timetable was due 4/15/2018 and has not yet been received.

The Commission voted unanimously in favor of requiring the timetable by July 9, 2018 or daily fines will accrue. Motion by D. Henkels; 2nd C. Russo

Land Stewardship/FY 2018 Budget Balances

King Philip Woods Meadow Restoration and budget carry-forward

The Coordinator has requested the carry-forward of approximately \$7,500 for the KPW project. No word at this time on approval of this request.

Davis Farm Meadow Restoration status

The project is complete and all vegetation in the target area has been removed. A final inspection needs to be done.

Trees on Tipling Rock Trail Conservation Land

New England Wildflower Society's Bill Brumback, has looked at the tree photos and shared them with colleagues. They believe the damage to the hemlocks is due to a tow-spotted mite and some wooly adelgid activity. The Commission discussed the next steps but noted it appeared the destruction has stopped as the stand of trees are isolated. At this point the Commission will keep an eye on the area

to see if there is evidence of further spread on the property. D. Henkels added that the Commission also needs to be aware safety concerns should these trees start to fall. They are located adjacent to a busy trail that is part of the Bay Circuit.

The next meeting of the SCC is on July 9 and will be held at Town Hall.

On a motion by D. Henkels; 2nd R. Morse; the Commission meeting was unanimously adjourned at 9:10pm.