

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, July 9, 2018**

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

**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

K. Rogers recused

Present: Katie Kinsella, VHB representing Eversource

The applicant has requested a continuation to July 23 to allow time to ground survey the bordering land subject to flooding and submit the revised plans as recommended by the Commission's consultant, Nover Armstrong.

A motion was made by D. Henkels to continue as requested to July 23; 2<sup>nd</sup> R. Morse. Unanimous in favor

**WPA & Bylaw Notice of Intent: 14 Tall Pine Dr., Violation;** Mark & Allegra Aquino, applicants

Present: Mark & Allegra Aquino; Matt Schweisberg, wetland consultant for applicants

Mr. Schweisberg explained that the Notice of Intent (NOI) was submitted following the removal of trees in upland resource without a permit. The NOI offers restoration plantings to restore and improve wetland and upland values and functions. Ten Eastern white pine were cut with no ground disturbance. The NOI proposes the planting of ten native shrubs within an 85' x 6' area within the 100' of bordering vegetated wetland and contiguous with the wooded area. Invasive plants colonizing the area will be managed by hand clipping with no application of herbicides.

D. Dineen noted the NOI states the stream is intermittent. No evidence of the stream being intermittent was provided and there are no currently wetland delineations associated with this stream that provided evidence of it dry. She noted that it was not necessary for the scope of this NOI to make this determination, however the Order should note the determination of intermittent was not made as part of this filing.

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

**WPA & Bylaw Request for Determination of Applicability: 9 Southwest Circle;** John Bleuer, applicant

Present: John Bleuer

Mr. Bleuer presented his plans for removal of four white pine trees in the southwest corner of his property and replanting of four native shrubs that will thrive in acidic soils. He would also like to remove some damaged branches from several trees in the southeast corner of his lot. These branches are close to the house and driveway. The wetland resources include riverfront area and adjacent upland resource.

On a motion by D. Henkels; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously in favor of a negative Determination contingent on the replanting as proposed.

**Certificate of Compliance Request for WPA & Bylaw Certificate of Compliance: #301-983;**

267 Landham Rd., G. Safar

Present: Gaston Safar, applicant; Dave Burke, Wetland Specialist

Mr. Burke explained that now that the SCC has accepted the plan showing the location of the retaining wall as accurate, the old Order of Conditions can have the COC issued. D. Dineen recommended that the old Order not have a COC issued until the new Order is issued and that new Order is recorded at the Registry of Deeds. The Commission might want to consider waiting until the new violation of disturbance behind the wall is corrected as well before issuing the COC on the old Order.

**WPA & Bylaw Notice of Intent: 267 Landham Rd. Violation,** Gaston Safar, applicant

Present: Gaston Safar, applicant; Dave Burke, Wetland Specialist

Mr. Burke presented plans for the restoration and mitigation of violations at the property. He stated the wetland boundary is right up to the base of the retaining wall in most places. The new NOI removes the debris from wall reconstruction and restores the area below the wall. The wall was reconstructed after a portion collapsed. The area will be seeded with a native meadow mix. A gate will be replaced along the side.

Mike DiModica, speaking for his parents who are direct abutters, questioned if there is a difference between the old fill and the fill that is now below the wall. D. Dineen explained that the retaining wall location has been surveyed and it appears that substantial compliance was achieved from the old Order. The amount of fill to be removed was determined by on-site soil investigation and the wall location was agreed to be at the old extent of fill. C. Russo stated that the Commission needs to proceed with caution as the site has a history of shenanigans with the wetland laws.

The Commissions requested a timetable for the debris removal and reseeded. They will reserve the right to require additional plantings in the disturbed areas should they deem additional plantings are necessary to restore wetland values and functions. The CC will visit the site after debris removal and before seeding to confirm all the debris has been removed and appropriate grades have been achieved for wetland growth.

All parties agreed to continue the hearing to July 23. Motion by D. Henkels to continue to allow time to review the materials presented. C. Russo 2<sup>nd</sup>. Unanimous in favor

**WPA & Bylaw Request for Determination of Applicability: 143 Pantry Rd.;** Stephen Bobrinitz, applicant

Present: Bruce Ringwald of APR, Inc for the applicant; Steve Bobrinitz

Mr. Ringwald presented a plan for a garage expansion and living area addition in the rear of the house. The living area addition is <1,000 sq. ft. on a full foundation. Septic expansion is proposed in presumed riverfront. The septic is being voluntarily upgraded as part of this project. No tree removal will occur and all work is contained within the existing yard. No flow was observed in the stream during the one time it was reviewed on site.

On a motion by D. Henkels; 2<sup>nd</sup> B. Porter; the Commission voted unanimously in favor of a negative Determination.

**Violation Status: 54 Maple Ave.**

Present: Rick Berardino, homeowner

Richard Morse recused from discussion

Mr. Berardino was present to request that he be permitted to continue mowing under the Notice of Violation until the Notice of Intent is submitted and an Order issued for restoration of the area in the riverfront converted to lawn without a permit and in a conservation restricted area. D. Dineen suggested that continued mowing could be considered as it is likely the area will need to be restored to a native meadow soon. Keeping the vegetation down now will help with the eventual restoration.

On a motion by C. Russo; 2<sup>nd</sup> K. Rogers; the Commission voted unanimously in favor of requiring the submission of the NOI by Aug. 20, 2018 and permitting continued mowing, subject to permission of the property owners (Maple Meadows homeowners) until the restoration work is permitted.

**WPA & Bylaw Request for Determination of Applicability: 61 Maynard Farm Rd.,** Lisa Tursi

No applicant present

D. Dineen presented plans for Installation of chicken coop within 100' of wetlands. All work is on existing lawn area. The wetland resource is a bordering vegetated wetland.

On a motion by C. Russo; 2<sup>nd</sup> R. Morse; the Commission voted unanimously in favor of a negative Determination contingent upon the coop and chickens remain all on lawn area.

**Certificates of Compliance**

1. 321 Old Lancaster Rd. C. Morley – The Commission acknowledged that the required replanting on the wetland side of the driveway had been accomplished per the report from the Coordinator. Work on the slope and replanting at the base has not yet been done. The Coordinator thought the applicant was not actually requesting a COC at this time.
2. 4 Powers Rd., R. Newton – The Commission continued the discussion for confirmation that the drywells had been installed in accordance with the requirement in the order of Conditions.

**Violation Status:**

3 Goodnow Rd., Status of response to NOV/EO - there has been no response and no payment of the most recent ticket. T. Friedlander suggested a \$100/day fine beginning immediately until the required sequencing plan is received.

On a motion by D. Henkels; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of daily fines until an acceptable sequencing plan is received.

35 Maple Meadows – The NOI was submitted so there is no need to ratify the request for an extension.

33 Maynard Rd. – deadline for NOI submission extended to July 23 to allow D. Burke time to complete.

159 Concord Rd. – The NOI was due today. The Commission agreed to extend the hearing to Aug. 6 with information submitted in time for this hearing. The item will be placed back on the July 23 agenda to see if the information has been received. One ticket will be issued if the information is not received in time. Motion by D. Henkels; 2<sup>nd</sup> K. Rogers unanimous

**Comments to Board of Selectmen: Lot 42 & 43 Fox Hill Dr., option to purchase**

In accordance with a letter dated June 11, 2018, the Conservation Commission reviewed the intent to sell two lots on Fox Hill Drive; Lot 42 Assessor's ID B07-0214 and Lot 43 Assessor's ID B07-0215, at the meeting held July 9, 2018. These abutting lots total 1.91 acres and the Purchase and Sale Agreement is for \$810,000 for both lots. The lots are currently under M.G.L. Chapter 61A, giving the town the ability to meet an offer to purchase. The Commission notes that the property consists of two residential lots with a mostly fully developed residential subdivision of 1+- acre properties. Both lots

about the underground natural gas pipeline and the Town of Maynard former landfill presently developed with a large solar array. The lots slope toward the gas pipeline to the west. There are no known rare plants or animals on the lot, and no distinctive features that would warrant purchase of this lot for conservation land. There do not appear to be any wetlands on these lots. The lots are not listed on the Sudbury Open Space and Recreation Plan or the Heritage Landscapes Inventory. The Conservation Commission does not recommend these lot be purchased for conservation purposes.

#### FY 2019 MACC dues

The Coordinator informed the Commission the annual dues to MACC are due in the amount of \$840.

On a motion by R. Morse; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously to renew the Mas Association of Conservation Commission dues for FY2019.

#### Tick/Mosquito Brochure

Commissioners reviewed a draft of a brochure by Charlie Russo on non-chemical methods to help control ticks and mosquitos. The information will be developed in a brochure form for distribution to town households.

#### Conservation Restriction 87 Cudworth Ln.; Virk

The Coordinator reported that both Town Counsel and EOEEA have approved the form of the CR and it reflects the requirement in the Order of Conditions. Commissioners signed the CR.

#### Powers Rd. Subdivision Concepts: comments to Planning Board

Commissioners looked at the concept plan showing limited work within the 100' upland resource area in exchange for the core wetland and most of the adjacent upland areas to be placed in a perpetuity conservation restriction. The Commission felt that they could approve the base lot count of four lots contingent on the CR as proposed being part of the subdivision requirements.

On a motion by M. Sevier; 2<sup>nd</sup> R. Morse; the Commission voted unanimously in favor of adjourning the meeting. 8:30pm