

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, December 3, 2018**

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Kasey Rogers; Richard Morse; Bruce Porter; Charlie Russo (6:50pm arrival); Mark Sevier (6:55pm arrival); Debbie Dineen, Coordinator

**WPA & Bylaw Request for Determination of Applicability: 316 Boston Post Rd.**

Present: Mark Alexander, Applicant; Mike DiModica, septic designer/installer

Mr. DiModica presented a plan for the installation of septic tight tank to replace a failed septic system. The only option on the property is a tight tank that will require regular pumping. An alarm is built into the system to alert when the tank is at 2/3 capacity.

D. Dineen explained that bordering vegetated wetland (BVW) is across Massasoit Ave to the east and across Boston Post Rd to the south. The tank will be within 100' of BVW.

On a motion by R. Morse; 2<sup>nd</sup> K. Rogers; the Commission voted unanimously in favor of a negative Determination. C. Russo abstained due to late arrival. M. Sevier not yet present.

**WPA & Bylaw Notice of Intent: 19 Middle Rd.,** Marie Loranger, applicant, Tree removal violation

A request for continuation to 12/17 was received from R. Kirby, LEC Environmental, on 11/16. The meeting conflicted with two other hearings he was scheduled to attend in Lexington.

On a motion by B. Porter; 2<sup>nd</sup> R. Morse; the Commission voted unanimously in favor of continuing the hearing to 12/17/18.

**WPA & Bylaw Notice of Intent: 9 Trevor Way;** Al Maillet, Maillet & Son, Inc.; applicant

Site preparation and habitat restoration

On a motion by C. Russo; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously approve the applicant's request to continue the hearing to 12/17/18. This will to allow time for the applicant to clarify new work vs work under an old Order and respond to questions by the Coordinator on the NOI.

**WPA & Bylaw Notice of Intent: 36 Hampshire Dr.,** correction of violations; Dhruv Bhandary

Lawn expansion into Conservation Restriction and Riverfront area

On a motion by D. Henkels; 2<sup>nd</sup> B. Porter; the Commission voted unanimously in favor of continuing the hearing at the applicant's request to allow time for review of the two previous Orders of Conditions.

**Landham Brook Marsh:**

**Landham Brook Marsh Management Plan**

On a motion by D. Henkels; 2<sup>nd</sup> K. Rogers; the Commission voted to accept the Management Plan dated Feb. 27, 2018

### **Landham Brook Marsh Conservation Restriction**

On a motion by D. Henkels; 2<sup>nd</sup> C. Russo; the Commission voted unanimously in favor of accepting the Conservation Restriction language and sending positive comments to the Board of Selectmen.

### **Landham Brook Marsh Municipal Certification**

On a motion by C. Russo; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of approving the Municipal Certification.

### **Mahoney Farms Conservation Restrictions (2 parcels):**

The Coordinator explained that there were some last minutes suggested changes and questions from KP Law Counsel Lee Smith. He questioned if easement #7 was to be included in the CR. Both D. Dineen and D. Ruiz believed easement #7 was to be included. No final signed CR was submitted for signing tonight.

### **Town Meeting 12/11/18 Warrant Review: Melone/Sudbury Station development & disposition**

#### **Articles**

Present: Chris Claussen

On a motion by M. Sevier; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously in favor of supporting Articles #1, 3, 4 and 6.

On a motion by R. Morse; 2<sup>nd</sup> K. Rogers; the Commission voted unanimously in favor of supporting Article #2.

On a motion by D. Henkels; 2<sup>nd</sup> R. Morse; the Commission voted unanimously in favor of supporting Article #5 which permits the use of \$350,000 of the Melone gravel pit closure funds for use on development of active or passive recreation on the northern field of Broadacres Farm. C. Russo recused from the Article #5 discussion and vote as an abutter to Broadacres.

### **Certificates of Compliance: 197 & 0 (209) Old Sudbury Road; Walker Development**

Present: Jeff Walker, Tim Darcy of Walker Dev.

D. Dineen reported that only grading and stormwater structures were within SCC jurisdiction on these two new single-family house lots. The as-built has been received and shows that the grading and stormwater basins were built in accordance with the approved plan. T. Friedlander stated that the site was stable with mostly complete vegetative cover. D. Dineen added that the basins are fully vegetated but due to time of year, it is not known if the species of vegetation in the basins area all native as required by the Order.

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

### **Associate Members**

#### **Review and Vote on Adoption of Draft Policy**

B. Porter had the Commission confirm that the tasks to be assigned to an Associate member would be consistent with SCC decisions.

On a motion by R. Morse; 2<sup>nd</sup> B. Porter; the Commission voted unanimously in favor of adopting the Associate Member Policy as drafted and amended.

**Act on Application for Appointment as an Associate Member from Ken Holtz**

On a motion by C. Russo; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously in favor of appointing Ken Holtz, 175 Landham Rd.; the position of Associate Conservation Commission member.

**Violation Status:**

**12 Maynard Rd. Shkben Dev., LLC, owner**

Present: Ben ? and Alex ? of Shkben Dev., LLC

None of the materials requested on Nov. 5 has yet to be received. These included :

- Engineering report indicating why the perimeter drain was required and a plan showing the location and discharge;
- A written report from the Environmental Monitor on current status of the property and number of visits performed;
- Timetable for the invasive species removal and restoration plantings.

These materials were due by the Nov. 19, 2018 meeting.

Alex informed the Commission that he had a meeting scheduled with his Environmental Monitor on Dec. 5. He stated that they might not have completed the planting restoration and might need to post a bond if the property sold prior to completion of all required conditions, including the two growing seasons for the plantings. He noted the drainage pipe is to discharge above ground.

T. Friedlander reminded the SCC that an EO/NOV was issued and required all work to cease and desist. It appears to have stopped. A court injunction was not pursued due to Town Counsel's availability and that the work stopped under the SCC enforcement actions.

Alex asked to be able to continue working to the extent he needs to make the structure weather-tight. M. Sevier asked Alex to define what work he meant specifically to make the structure weather-tight. Alex replied that weather-tight included windows and siding, but no shingles on the roof. It was noted that there may need to be an Historic Districts permit obtained and any work making the structure weather-tight may not be in accordance with the final HD requirements. Len Simon, public observer and Selectmen, stated the applicant would be proceeding at this own risk. The SCC could reserve the right to reinstate the previous requirements. D. Henkels agreed and thought the Commission should allow the applicants to minimize loss and proceed at their own risk.

C. Russo questioned the minimum scope of work required to make the structure weather tight. M. Sevier stated that just the windows and roof. No siding is required as the system uses zip walls and is already weather-tight.

D. Dineen explained to the applicants that posting a bond for outstanding work will not result in the issuance of the Certificate of Compliance. To obtain a COC, all work must be completed.

On a motion by M. Sevier; 2<sup>nd</sup> K. Rogers; the Commission voted to limit the cease and desist only to the extent that work to make the structure weather tight is permitted. This consists only of window installation and roof (no shingles).

The SCC will revisit the status of the violation and the materials requested at the Dec. 17 meeting.

**8 Singing Hill Circle & Powers Rd. Ext.; K. Fenton, property owner**

The Commission was in receipt of the 11/30/18 DeRosa report on the extent of fill in bordering vegetated wetland. They are now waiting on a surveyor to develop an existing conditions plan for the property.

### **267 Landham Rd., Gaston Safar**

Wetland specialist Dave burke had measured the distance from new septic installation disturbance to the edge of bordering vegetated wetland as reflagged. He found it to be approximately 114'. Mr. Burke noted that a surveyor will be on the property shortly to survey for the Conservation Restriction. A surveyed measurement of the distance should be taken as it was difficult to measure due to site constraints and building location. T. Friedlander noted that the survey will confirm whether or not new work without a permit has occurred on the site.

D. Henkels motioned to amend the existing Enforcement Order to require a Request for Determination of Applicability. No second. Commissioners felt that the information necessary would be forthcoming with the survey.

### **Commissioner and Staff Updates**

#### **DPW Facility Expansion**

T. Friedlander informed the Commission that an upcoming DPW project will involve the SCC for permitting in riverfront area. The preliminary plans show relocating the fuel island closer to the perennial stream. Although the new tanks will be above ground and double-walled, he had concerns for the proposed placement extremely close to the top of the bank of the stream.

#### **Chainsaw Course**

T. Friedlander has done some preliminary investigation into bringing a chainsaw safety course to Sudbury. Commissioners agreed that with all the storms of the past year, it is likely many more untrained residents are using chainsaws. Commissioners supported T. Friedlander further investigating this educational program.

#### **Buffer Zone Class**

R. Morse has attended three educational workshops in the past several weeks. The most recent was a class on the importance of Buffer Zones and the regulation of these areas under the Wetlands Protection Act. The class incorporated the latest DEP and MACC guidance on regulating buffer zone s. He will advise when the new materials on buffer zones are available. The other two courses involved forestry work and native meadow establishment and maintenance.

On a motion by R. Morse; 2<sup>nd</sup> B. Porter; the Commission voted unanimously to adjourn the meeting.  
8:21pm