

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, April 1, 2019

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Bruce Porter; Richard Morse; Mark Sevier (6:15pm arrival); Charlie Russo (6:45pm arrival); Kasey Rogers (by remote participation); Debbie Dineen, Coordinator; Ken Holtz, Associate

Chairman Friedlander called the meeting to order at 6:00pm in the conservation office at the DPW Facility.

WPA & Bylaw Request for Determination of Applicability: 92 Hudson Rd.

Joseph & Emily Coughlin, applicants

Present: Peter Ferland of Sudbury Design Group for the applicants

Mr. Ferland presented plans for a swimming pool, spa, retaining wall, pool equipment, fencing, and pool deck construction within 100' of an isolated vegetated wetland (IVW). The storage shed will be raised on blocks. Infiltration of runoff will be added to the pool deck if the deck is heated. Several 5" and 10" oaks will be removed near the edge of the lawn adjacent to the IVW. Any brush removal will be invasive buckthorn removal. The dogwood will be replaced. The total disturbance is a 90' x 20' area mostly of existing lawn.

On a motion by D. Henkels; 2nd K. Rogers; the Commission voted by roll call vote in favor of a negative Determination. B. Porter, R. Morse, and T. Friedlander in favor.

WPA & Bylaw Notice of Intent: 275 Old Lancaster Rd., DPW Facility; Town of Sudbury

Fuel Island Relocation and drainage upgrades within riverfront area

Present: Dan Nason, DPW Director; Jamie Fir, Weston & Sampson consultant to applicant

Mr. Fair presented a plan for the proposed work. The overall site (the "Property") is an approximately 16+-acre developed site. Wetlands currently on the Property and offsite within jurisdictional areas extending onto the property include riverfront area of both the perennial Hop Brook and another unnamed perennial stream flowing into Hop Brook, bordering vegetated wetland, adjacent upland resource area (bylaw), buffer zone, land under water body, bank, and bordering land subject to flooding. The existing detention basin is not a jurisdictional wetland resource area as it was designed and constructed after Nov. 18 1996.

This Notice of Intent ("NOI") was filed for the relocation of the existing underground fuel storage island with gasoline and diesel, underground storage tank, landscaping, paving, and stormwater improvements (the "Project") on a portion of the Property. All work is limited to previously-developed, or degraded areas. The proposed work results in improvements over existing conditions. The BMPs chosen for the Project will provide the pre-treatment as required under the MA Storm water standards for lands with higher pollutant loads. Although the Project qualifies as a redevelopment project under the WPA regulations, the performance standards for new development are achieved for stormwater and riverfront area disturbance of degraded areas.

The alternatives analysis showed that the options are limited by the long-term use of the site as a DPW garage with most of the site currently disturbed. Moving site activities to alternative areas within the site will not result in any improvement to existing conditions, and will bring more harmful and less controlled activities closer to the stream. Alternatives are also impeded by the need for safe traffic flow and turning ability of large vehicles, including large fire engines and DPW trucks.

Mitigation for the 1,385 sq. ft. of additional pavement includes the installation of a stormwater detention basin that captures and treats the first one-inch of runoff from all new impervious areas plus additional areas, including the salt shed loading area. Hooded deep-sump catch basins, an oil and water separator, and sediment forebay complete the treatment train. Existing fuel tanks are underground. The new tanks will have the same capacity and will be located above ground in double-walled steel tanks with continuous electronic leak detection sensors and alarms. Bollard and curbing will further protect the tanks and the environment. Additional trees and shrubs will be planted between the edge of the work area and the top of the slope to the wetland.

No direct lighting will be aimed toward the wetland. A Licensed Site professional will be on site during the excavation of the existing tanks. Responding to D. Henkels, Mr. Fair stated that there will not be any flushing of water. Surplus soil will be stockpiled on ply-material and tested prior to proper disposal. The stockpile will be covered and wrapped with filter tubes.

There are a number of dead trees along the driveway that could block access to the site if they fell. The Commission agreed that the Order should include the ability to remove these hazardous trees that would prevent town vehicles from accessing the fuel island, or DPW vehicles from entering or existing the site.

On a motion by R. Morse; 2nd B. Porter; the Commission voted unanimously by roll call vote to close the hearing.

On a motion by R. Morse; 2nd B. Porter; the Commission voted unanimously by roll call vote to issue the Order as discussed. (C. Russo joined the meeting at this time.)

WPA & Bylaw Request for Determination of Applicability: 451 Peakham Rd.; Chris Davey
house addition on existing disturbed area within adjacent upland resource of vernal pool
Present: Chris Davey, applicant

Mr. Davey presented a plan for a small 4' x 5' wide shed to be attached to the side of his house to be used for storage. The new addition will be no closer to the wetland than the existing house. He is converting his garage into living space.

D. Henkels motioned for a negative Determination. 2nd M. Sevier. Unanimous in favor by roll call vote.

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

Filing amended to include only activities necessary for compliance with the road and drainage expired Order of Conditions

Present: Dan Wells of Goddard consulting for applicant

Mr. Wells presented a plan to bring the site in compliance with the outstanding issues in the Trevor Way road and drainage Order DEP File #301-944. The plan has been revised to remove all activity that goes beyond compliance with #301-944, in particular, any work associated with the development or alteration on Lot 4 that was not part of #301-944 has been removed from the plan.

To comply with the road and drainage Order, the new NOI includes:

- Removal of invasive plants, including black locust trees;
- Removal of piles of fill;
- Replanting for restoration of the area around the vernal pool for enhanced habitat and tree over and leaf litter.

D. Dineen noted that the development of Lot 4 may come back at some time in the future, however the vernal pool is considerably larger and the lot design may not be able to now accommodate a house and septic system.

On a motion by D. Henkels; 2nd R. Morse; 2nd; the Commission voted unanimously by roll call vote to close the hearing.

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

Conservation Restrictions:

Libby-Dickson: Update on status

Town Counsel has determined that the same process as Landham Brook Marsh to designate the land as conservation land under MGL Chapter 40 section 8C must be done by going back to Town Meeting for a vote. This appear to be the only two conservation land purchases affected by the need to have the vote as conservation land on the record from Town Meeting.

Mahoney Farms: Review and Sign

Present: Danny Ruiz, Capital Group Properties

The two required conservation restrictions for Mahoney Farm, the parcel at Mahoney Farm and a parcel known as the Shulkin parcel required conservation restrictions. The CRs are in their final form and have been reviewed and approved by the Coordinator, town counsel, and EOEEA.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously by roll call vote to approve and sign the CRs.

Violation Updates:

Featherland Park- T. Friedlander and D. Dineen met with Tyler Ferrick and Michael DeRosa of DeRosa Environmental. They had found that 3' – 4' in depth of fill was new but the remainder appeared to be old fill from both Park & Receptions grounds work and old farming activity on the site before it was purchased by the Town. T. Ferrick had developed a plan to remove most of the new fill and some of the older fill and to create a gradual slope to the wetland that would be planted with native species. As much farm debris will be removed as possible and a small area of bordering vegetated wetland would be recreated at the base of the slope.

Singing Hill Circle- update from 3/29 meeting with DeRosa Environmental - DeRosa Environmental completed the soils investigation to determine the extent of fill in the wetland and other disturbance of jurisdictional areas. A tennis court, house addition, paving, lawn, and mowed paths were also not permitted. Restoration of filled bordering vegetated wetland and lawn would be required. Mitigation could involve a CR on the entire 5-acre back parcel. The Commission can discuss permitting some elements, such as the tennis court, house addition, and some or all of the new pavement to remain.

555 Dutton Road – request 30-day extension to file NOI- the homeowner contacted the town Manager to see if they could obtain a 30-day extension to file the NOI required as a result of tree removal in riverfront area without a permit. The extension was requested as they had a death in the family.

On a motion by D. Henkels; 2nd C. Russo; the Commission voted unanimously I favor of the 30-day extension to May 1, 2019 by roll call vote.

31 Beckwith, Robert Boermeester- Mr Boermeester had contacted the office and set up a meeting to discuss the NOI with the Coordinator next week.

Meeting Date Change

The meeting originally scheduled for May 20 was moved to May 23. T. Friedlander, K. Rogers, C. Russo and R. Morse stated that would be attending.

AMC Application

C. Russo stated he needed to work on the grant application. He will contact Kirsten in the Conservation office for assistance. A Request for Determination may be necessary.

On a motion by D. Henkels; 2nd M. Sevier; the Commission voted unanimously by roll call vote to adjourn the meeting. 7:33pm.