

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, April 22, 2019**

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

Absent: Bruce Porter

**Minutes**

On a motion by R. Morse; 2<sup>nd</sup> M. Sevier; the Commission voted unanimously by roll call in favor or approving the 2/11/19 minutes as corrected.

On a motion by R. D. Henkels; 2<sup>nd</sup> K. Rogers; the Commission voted unanimously by roll call in favor or approving the 4/1/2019 as drafted.

**WPA & Bylaw Request for Determination of Applicability** 52 Goodman's Hill Rd. Stephen Maimone, applicant

Present: Vito Colonna, Sullivan Connors; Stephen Maimone

Mr. Colonna presented a plan for grading and rain garden within upland resource area of a bordering vegetated wetland located across Goodman's Hill Rd. Filter mitts will be installed for erosion control. The clearing has already been done and most of the vegetation cleared were invasive plant species.

On a motion by D. Henkels; 2<sup>nd</sup> C. Russo, the Commission voted unanimously by roll call vote for a negative Determination with the requirement to plant native species within jurisdictional areas.

**WPA & Bylaw Request for Determination of Applicability: 261 Mossman Rd., Greenwood Club**

At the request of the applicant, the meeting was continued to 5/23/19 by unanimous roll call vote. Motion D. Henkels; 2<sup>nd</sup> M. Sevier. C. Russo abstaining as a Greenwood Club member. The scope of work may be changed to address drainage deficiencies and a Notice of Intent may be filed and the RDA withdrawn.

**Bylaw Notice of Intent: 137 Mossman Rd.** new house construction **WITHDRAWN**

**WPA & Bylaw Notice of Intent: 36 Hampshire St.,** Drhuv Bhandary, applicant

Present: Dan Wells of Goddard consulting; Dhruv Bhandary, applicant

Mr. Wells stated that the NOI was the result of a violation of the recorded Conservation Restriction as well as work within riverfront area. The NOI is intended to correct the violations with restoration plantings in the disturbed areas. R. Bhandary has owned the property five years and some of the lawn expansion into prohibited areas was done by previous owners. It will be a financial burden to complete the entire restoration planting plan at one time. The homeowner would like to plant in stages of two-three years. D. Dineen noted that the restoration plantings must show that they are viable for at least two growing seasons. That will mean that the OOC will expire before the second or third of plantings goes through two growing seasons. M. Sevier questioned what the harm would be if the restoration takes three years when the clearing appears to have occurred over 20 years. D. Dineen

replied that it will take that much longer for the wetland values and functions to return and that there is no precedent to issuing an OOC knowing that a continuation will be needed.

R. Morse questioned the deck expansion and the cost of that project vs. the restoration planting timeframe. Mr. Bhandary stated that the deck expansion was cut back by 80% due to cost of the plantings. He is targeting completion of the planting within 2 years but may need to go the full request of three years. He will begin with the planting of the trees on the perimeter and fill in over the next three years.

B. Porter noted that there have been 7 continuations already on this hearing. The violation notice was issued in August 2018. Allowing phasing will further delay the plantings which should have been installed last fall. K. Rogers felt that phasing might be acceptable if it will ultimately accomplish the goal, but there should be annual reporting of accomplishments.

D. Dineen received confirmation that in-ground sprinklers have not expanded into the illegal lawn area. Mr. Bhandary stated that a spigot is available to run a hose to water the new plantings.

On a motion by M. Sevier; 2<sup>nd</sup> K. Rogers; the Commission voted unanimously by roll call vote to continue the hearing to May 6, 2019 for receipt and review of a phasing planting plan.

**Request for OOC Amendment: 39 Griscom Rd.**; Steve Garanin, applicant

Present: Dan Wells of Goddard Consulting

Mr. Wells presented a plan to change of plant species in the area under the red pines and request an extension of time for replanting. The OOC has May 15, 2019 as the planting deadline. Mr. Garanin would like a one-month extension to June 15, 2019. The OOC was issued 3/5/19. He would like to change the native ferns to Virginia creeper under the red pines. D. Dineen noted that Virginia creeper is vine and could strangle the trees. R. Morse noted that the creeper berries are poisonous to humans, although they are good food for wildlife. K. Rogers felt the SCC could monitor the creeper.

On a motion by M. Sevier; 2<sup>nd</sup> K. Rogers; the Commission voted unanimously by roll call vote to extend the planting deadline to June 15, 2019 and allow the substitution of Virginia creeper for native ferns in the red pine area.

**Public Hearing: Request for OOC Amendment: Coolidge II 189 Boston Post Rd.**

Present: Atty. Josh Fox for B'nai B'rith; Jacob Lemeiux of Hancock Associates; and other representatives of the applicant

Atty. Fox explained that the applicant has made some drainage and grading modifications to the plans approved by the SCC in 2017. He believes these changes are minor in nature and requested the SCC approve them administratively rather than through the public hearing process to avoid a possible appeal.

Mr. Lemeiux stated the changes have been made at the request of the Fire Department to allow better fire engine access to the rear of the building. This was after review by the new Fire Chief. Mr. Lemeiux explained that there are 38 changes, however most are very minor and directly related to the need to raise the building and lower the drainage structures to achieve the best turning radius and slope for the fire engine. Additionally the building is moved 4' closer to the bordering vegetated wetland. Two retaining walls are eliminated and the design volume of the detention basin was increased slightly. There is no change to drainage characteristics on the site or in the detention basin. The Time of Concentration is not impacted.

D. Dineen questioned if there are any changes to the O & M Plan as a result of surface material changes to the fire truck access road. C. Russo noted that they are now using porous pavement and he thought that a special vacuum truck was needed to maintain this type of surface. Mr. Lemeiux stated it was porous pavers but those are generally sprayed down and then vacuumed. This would be a change to the O & M.

T. Friedlander brought up the issue of mitigation due to the relocation of the building 4' closer to the wetland. The building was shifting slightly in location but was not being enlarged. Therefore, Commissioners did not feel further mitigation was necessary. D. Dineen added that the Coolidge project was not dealing with riverfront area where mitigation is required under the WPA. This is a 40B WPA-only OOC. M. Sevier noted that the changes were driven by Fire Department request modifications that were out of the control of the applicant.

On a motion by M. Sevier; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously by roll call vote to accept the changes as administrative changes, not requiring a public hearing.

Atty. Fox requested the Sudbury Conservation Commission approve the Environmental Monitor contract with Mark Arnold of Goddard Consulting. He will be performing weekly site inspections for compliance with the Order and preparing the SWPPP reports.

On a motion by M. Sevier; 2<sup>nd</sup> K. Rogers; the SCC voted unanimously by roll call vote to accept Mr. Goddard as the EM reporting to the SCC but paid for by the applicant.

A discussion was held about the pre-construction requirements in the OOC for the \$30,000 for the eagle/osprey nesting platforms. Atty. Fox presented the check to the SCC. D. Dineen questioned if an additional \$30,000 was required in the form of a bond or escrow for the restoration planting in the vernal pool. The wording in the Order was unclear. D. Dineen will check the minutes and video of the hearing to see if there are further pre-construction bond requirements. The SCC voted unanimously in favor of granting a 30-day extension for the submission of further funds, should it be necessary. Motion by C. Russo; 2<sup>nd</sup> D. Henkels by roll call vote.

#### **Request for OOC Amendment: Herb Chambers Jaguar; 83 Boston Post Rd.**

Present: Atty. Josh Fox for the applicant and Mr. Gabe of CHA., Inc. engineering firm for the applicant

Several minor changes are being requested as administrative changes on this site. A light pole is being moved 4' and drainage pipe locations are slightly modified.

On a motion by D. Henkels; 2<sup>nd</sup> C. Russo; the SCC voted unanimously by roll call vote to accept the changes administratively as field changes.

#### **Violations:**

##### **0 Washington Drive**

The SCC was in receipt of a revised planting plan for review. The Goddard Consulting plan dated 3/21/19 plan adds eight high bush blueberry plants to the slope. D. Dineen these shrubs are in addition to the plants installed in 2017 that were never approved by the SCC. These plants were mostly grasses and wildflowers. Commissioners noted that accepting the plan would be approving the previous plantings from 2017. They would like to visit the site to inspect the viability of the 2017 plants and determine the extent of coverage to be sure it achieves the OOC condition of full coverage on maturity.

#### 168 Horse Pond

D. Dineen reported that the 4/8 Superior Court hearing resulted in the Judge asking if there are any other current issues with the property other than the fence location. Because the SCC had not been on site since 2017, a site visit was determined to be the best way to proceed. A 4/18 site inspection was held, attended by T. Friedlander, R. Morse, D. Dineen. Additional violations of further clearing, landscape debris and trash in the wetland, a mosquito magnet on the stream side of the fence, new lawn and possibly a shed within wetland jurisdiction.

#### 31 Beckwith

Robert Boormeester, property owner, submitted a very incomplete NOI submitted which was rejected by the office for failure to include the basic information. Commissioners agreed to give the owner until May 2, 2019 to submit a completed NOI or fines would begin.

#### 105 Boston Post Rd., MA DOT lot

R. Morse & D. Dineen were on site with the Wayland Town Planner to look at possible bus parking for Wayland schools on the site. They saw a release of salt and other contaminants into the wetland from improper storage of salt and failure to use best management practices for other contaminants. T. Friedlander asked that MA DOT be notified and a site visit held before the issuance of an NOV/EO. C. Russo suggested MA Dot be given until the 5/6/19 meeting to respond.

#### **Certificates of Compliance:**

1. #301-1161 Hop Brook Ponds Harvesting Order from 2015
2. #301-990 Rt. 20 Walkway Construction
3. #301-670 DPW Generic Maintenance
4. #301-625 193 Dutton Rd., Breazzano

D. Dineen reported that all projects have been completed in accordance with the Orders. As built plans were required, and final reports have all been received.

On a motion by M. Sevier; 2<sup>nd</sup> B. Porter; the Commission voted unanimously by roll call vote to issue the Certificates of Compliance.

#### **Other Business:**

##### NStar Water Line Replacement at substation, 163 Boston Post Rd.

The Commission was informed that work on the water line at the substation was proceeding by NStar as an exempt use. D. Dineen agreed that utility repair and replacement was exempt.

##### Duplicate OOC Requested: #01-616 40 Moore Rd.

Duplicate OOC signed for issuance.

#### **Commissioner and Staff Updates:**

D. Henkels- is taking a Controlled Wildfire Course in ME. It is to volunteer to be on call for fighting wildlife. To pass, he must, among other requirements, carry a 75lb. pack 3 miles in under 45 minutes. He is also attending a seminar on Culvert Training Design.

R. Morse- will be representing the SCC at the May 14 Municipal Vulnerability Program all day workshop. He attended the MA Floodplain workshop in Springfield on flood functions. He is also looking to participate in the Keystone forestry project at Harvard Forest. Lastly, Mr. Morse attended the MetroWest Conservation Alliance Tools for Engaging Landowners workshop.

D. Dineen- Informed Commissioners that the purchase of Camp Sewataro is going forward on the May Town Meeting Warrant. Cost is around \$11,000,000 and none of the land will be dedicated at the time of purchase as conservation land as most of it has been disturbed for camp use.

D. Dineen- reported that a significant number of trees had been taken down around an intermittent stream at 48 Old Lancaster Rd. Wood chips have been spread within the wetland area.

On a motion by K. Rogers; 2<sup>nd</sup> D. Henkels; the Commission voted unanimously by roll call vote to issue an NOV/EO.

On a motion by D. Henkels; 2<sup>nd</sup> K. Rogers the Commission voted unanimously in favor of adjourning the meeting. 9:30pm