

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, February 25, 2019

Present: Tom Friedlander, Chairman; Dave henkels, vice-chairman; Bruce Porter; Kasey Rogers; Richard Morse (7:25pm arrival); Charlie Russo (7:55pm arrival)

Absent: Mark Sevier

WPA & Bylaw Request for Determination: 75 Union Ave., Micki Rooney, applicant

Present: Mike DiModica for the applicant

Mr. DiModica presented a plan for a septic repair within the upland resource area. The water table is 3' below the surface. The current system has failed. There will be no change in the use of the building or the amount of impervious surface. The new system grading will be 70' to the intermittent stream. The closest trench will be 90 to the wetland. The system will be raised and effluent will be pumped to the trenches.

On a motion by K. Rogers; D. henkels 2nd; the Commission voted unanimously in favor of a negative Determination.

WPA & Bylaw Orders of Conditions: Stearn's Mill Dam Reconstruction; Sudbury Dept. of Public Works

The applicant and the consultant have all reviewed the draft Order and have no issues with the conditions. On a motion by D. Henkels; 2nd B. Porter; the Commission voted unanimously in favor of the issuing the draft Order.

WPA & Bylaw Request for Determination: 60 Greenhill Rd., Terri Arney, applicant

No applicant present

The Coordinator presented the plan for the removal of three trees within riverfront area. All three trees are located in front of the house with the river behind the house.

On a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously in favor of a negative Determination.

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

Site preparation and habitat restoration

A request for continuation to 3/11 was received 2/19/19. The Plan is being revised to remove any work that does not pertain to completion of the original road and drainage Order.

Request for Concurrence of Exemption: Eversource Replacement of six transmission line structures

within the 100' upland resource area (buffer)

Eversource is replacing six of the transmission line towers in south Sudbury on the north/south transmission line. Two of them will be within the AURA/buffer of the bordering vegetated wetland. As a utility, Eversource has an exemption for normal maintenance and improvement of its structures and facilities. Commissioners agreed that replacement of the transmission towers is considered normal maintenance or improvement.

Eversource Vegetation Management:

Eversource has sent notice to the Town that they will again be using herbicides and manual cutting to control vegetation along their ROWs. This is also an exempt activity per MGL Chapter 131 s. 40 and the

Bylaw as state law does not allow towns to control this type of utility maintenance. The SCC's only involvement is in reviewing for accuracy the designation of sensitive areas; i.e. vernal pools, drinking water wells, etc. Each year the SCC provides updates to Eversource on vernal pool locations that are never incorporated into their mapping. Denise Bartone of Eversource has agreed to meet with the SCC at an upcoming meeting to discuss this issue.

Violations:

12 Maynard Rd.; Shbken Dev.

A plan has been received from Dan Wells showing the additional invasive species management area for additional mitigation due to the increase in house size. The item will be added to the next agenda for review. Commissioners did not feel a new public hearing was necessary. K. Rogers suggested notifying the one abutter who has been involved.

31 Beckwith St, Robert Boermeester

At least three Notice of Violations have been sent to the property owner with no response. On a motion by D. Henkels; 2nd K. Rogers; the Commission voted unanimously to send a \$100 fine.

Sudbury Water District

A draft NOI has been submitted that proposes silt removal for 10" on each side of the pipe outfall. A site visit by R. Morse and D. Dineen confirmed recent siltation at least 100' downstream. Upstream was not visible due to snow cover. D. Dineen did not feel it silt removal was the preferred option for the entire length due to the disturbance of getting equipment and trampling the banks downstream, but she suggested a site visit by the SCC to see if what extent of cleaning made sense before the benefits of the silt removal no longer outweighed the disturbance necessary for access.

Buddy Dog, K11-0020 Boston Post Rd.

T. Friedlander advised the Commissioners that Buddy Dog has purchase land from Eversource at 163 Boston Post Rd. There is a concern that by identifying the one-acre+- for purchase, Buddy Dog has created their own hardship as they cannot follow through with their proposed development without work in very close proximity to the bordering vegetated wetland. They were advised prior to purchase to negotiate a parcel that would allow for a greater wetland setback to construction of their facility.

T. Friedlander also noted that there are storage pods, a dumpster, and tractor now parked within 100' of the bvw in violation. On a motion by c. Russo; 2nd R. Morse; the SCC voted unanimously in favor of issuing a NOV.

555 Dutton Rd.; Nerssessionian

Tree Removal in riverfront area has occurred on this site. It appears that over a dozen large white pines have been removed. Some of these trees appear to be located well within the RFA of Hop Brook. On a motion by C. Russo; 2nd R. Morse; the Commission voted unanimously in favor of issuing a Notice of Violation and requiring a Notice of Intent to be filed within 30 days that includes a restoration plan.

Land Stewardship:

Appalachian Mountain Club Trail Grant Opportunity:

C. Russo received approval from the SCC to pursue a grant application to the AMC for work on the Bay Circuit Trail within the Nobscot Conservation land. He will work with the Conservation office and K. Rogers on this application. There are three levels of scope of work under this grant. C. Russo will pursue the assistance in having volunteers perform trail clearing and boardwalk installation. K. Rogers felt it was important to explore the grant options as Nobscot trails are a very popular area for hiking.

Conservation Lands Mapping:

T. Friedlander reported that the IT Department is investigating whether or not the new aerial mapping might produce aerial photos that will be suitable to identify the trail locations on conservation lands. He has not heard back yet from IT.

Land Stewardship Priorities:

Commissioners identified completion of the King Philip Woods invasive species removal and the Davis Meadow restoration as the top large priorities. Hop Brook Marsh and Nobscot trail clearing are priorities for maintenance work.

Other Business:

- Review of the Open Meeting Law Restrictions on Communications- T. Friedlander noted that the Town Manager's Office sent an OML review out to all Boards and Commissions. He suggested Commissioners reread the OML and the Town Manager's information.
- D. Dineen reported that she has been working with Atty .Weishett of KPLaw on the filing of a Counter-claim and enforcement action that was filed in Superior Court on behalf of the SCC last week within the ten-day timeframe for a response to the Judge's decision on the preliminary injunction.
- Hop Brook Protection Association dissolution- The HBPA is considering dissolving and they have approximately \$80,000 in funding they will need to distribute to a 501(3)c or equivalent organization to further their mission. They are considering the funds go to the Conservation Commission to continue the mission of improving water quality in Sudbury's ponds and waterways. The SCC members were concerned for the amount of time needed but might be willing to partner with the Ponds & Waterways Committee. A meeting will be site up on an upcoming agenda.

Meeting adjourned at 8:20pm. Motion by C. Russo; 2nd B. Porter. Unanimous in favor.