

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held Monday, May 6, 2019**

Present: Tom Friedlander, Chairman; Dave Henkels, Vice Chair; Bruce Porter (via remote); Mark Sevier; Kasey Rogers; Charlie Russo (remote participation); Debbie Dineen, Conservation Coordinator; Ken Holtz, Associate Member

Absent: Richard Morse

Guest: Len Simon, Board of Selectman

The Chairman called the meeting to Order at Lincoln Sudbury High School, 6:45pm with a quorum present.

**1. Minutes**

On a motion by D. Henkels; seconded by M. Sevier, the Commission voted (roll call vote) unanimously in favor of approving the minutes of February 25, 2019.

On a motion by K. Rogers; seconded by D. Henkels, the Commission voted (roll call vote) unanimously in favor of approving the minutes of April 22, 2019.

On motion made by M. Sevier; seconded by D. Henkels, the Commission voted (roll call vote) unanimously in favor of approving the minutes of February 11, 2019 with amendments suggested by Len Simon (Selectman).

**2. Commission Reorganization:** T. Friedlander agreed to serve as Chair for another year, and D. Henkels agreed to continue as Vice-Chair. Motion made by K. Rogers, seconded by D, Henkels (via roll call vote) the Commission voted in the affirmative (C. Russo not present for vote).

**3. Town Meeting Warrant Articles:**

Sewetaro: The Commission discussed whether to take a position or not on the purchase of the Sewetaro land. B. Porter stated Commission should not take position. Coordinator Dineen said purchase was being billed as ‘land preservation purchase’, when the clearly defined terms would indicate allowing the site to revert back to its natural state, but this is being billed as a municipal use, so it did not actually qualify as preservation.

K. Rogers stated that none of the land is Conservation. Coordinator Dineen concurred. T. Friedlander stated the Land Acquisition Review Committee voted to not support this acquisition.

Len Simon (Selectman), stated he was in agreement with the assessment. Len handed out a FAQ sheet. He presented a detailed report of Open Space in Sudbury, which was well over 8,000 acres. He discussed briefly the reasons Sewetaro was not a good use of funds by the Town.

Coordinator Dineen agreed with the Selectman Simon stating the current taxes of \$200,000 will no longer be available.

In general, the Board did not support the purchase but did not wish to take any position due to the purchase being outside of the Commissions mission.

M. Sevier made the motion to take no position, seconded by K. Rogers. C. Russo did not think Conservation was a factor. Via Roll Call vote, the Commission voted unanimously to take no position. Commission stated that if questions arise at Town Meeting, the Coordinator would speak on behalf of the Commission.

Article 27 – Raymond Road land transfer. Coordinator Dineen told the Commission that this article is under 9 acres, this is in exchange for land the Water District gave up at Quarry North, and parcel is adjacent to one of the Town Wells on Raymond Rd. The lot is unbuildable, all on Wetlands, not useable. The value to Water District is protection of water supply. Commissioners discussed taking a position on article. There was discussion about whether the Conservation Commission had an interest in keeping this land. B. Porter stated that whether the Town or Water District owned, there would be no appreciable difference to the land itself except for preservation of the Water Supply. The sense was to support the article, and on motion by D. Henkels to support the Article, seconded by K. Rogers, via Roll Call vote, decision was unanimous to support.

**4. WPA & Bylaw Request for Determination of Applicability: 575 Peakham Roa:** Derek Zurn, applicant, Dave Burke representative for Wetlands Delineation attended to present a Request for a pool, pool apron, fence and garden within the riverfront area. D. Burke presented the plan, which he stated is in the outer limits of the resource area, on existing lawn. Coordinator Dineen is recommending that a Negative Determination be issued. She stated that even though it is within riverfront area, it is over 185 ft. from mean annual high water. She stated conversion of lawn to garden and fence for this project are outside jurisdiction of Wetlands Protection Act.

On motion by M. Sevier, seconded by D. Henkels, the Commission voted unanimously, via Roll Call vote, to issue a Negative Determination.

**5. WPA & Bylaw Request for Determination of Applicability 29 Babe Ruth Drive:** Kathy Linke, applicant, presented the Request for porch stabilization in the outer riverfront area. Ms. Linke stated the porch off living room was sagging, so they want to stabilize it now. Deck Company will replace helical piers.

On motion by K. Rogers, seconded by M. Sevier, the Commission voted unanimously, via Roll Call vote, to issue a negative determination.

**6. WPA & Bylaw Request for Notice of Intent 36 Hampshire Drive:** Dhruv Bhandary applicant. Continuation of discussion for final phasing of a plan submitted because of a violation. The Coordinator stated that in the past week the Wetland Engineer had requested a continuation, however, all that was needed was a phasing plan. Mr. Bhandary was under the impression a continuation would not be granted. T. Friedlander stated that he had had concerns, due to the numerous continuations granted for this project. The applicant presented the three phased plan, with updates on project status. He discussed tree plantings,

shrubs with locations and plants. He was questioned about the various components of the plan relative to location of plantings. The Coordinator stated that the planting of phase three would not take place in the fall, but rather in the spring. She stated as the result of a violation there had to be a deadline, but the required growing season of two years would put the project past the 3-year deadline for the Order. This could possibly trigger a new Notice. M. Sevier suggested planting plan was ok and planting could go along with suggestion by Nursery professionals to plant now.

On motion by M. Sevier, seconded by K. Rogers, the Commission voted unanimously, by roll call, to accept the phased planting plan as presented. Roll Call vote was unanimous.

**7. Review of Davis Farm Restoration Project:** Coordinator Dineen stated she and the Chair had met with Mike DeRosa and Tyler Ferrick of DeRosa Environmental. They also met with SWCA Consultants, who did the meadow restoration at Maple Meadows. Four quotes were received for creating a pollinator meadow at Davis Farm. The low quote was \$17,000. Work needs to commence this year or risk having to start over. Coordinator Dineen recommended proceeding with the lowest quote. As far as King Phillip, it is a state project. The cost is \$80,000. Project is more comprehensive and will require a 5-year plan. She suggested a revolving fund to monitor this. T. Friedlander stated since this was not on the agenda, the discussion should focus only on the Davis Project. He asked if DeRosa had bid on the Davis project and the Coordinator said she had not.

The Chair questioned about cost and how it gets paid. She recommended to accept the proposal for \$17,000 bid from SWCA. She was waiting for final numbers, and the Commission discussed whether to go ahead with project or wait for other bidders.

On motion by D. Henkels, seconded by K. Rogers to issue contract to SWCA. Via Roll Call vote, it was unanimous, except C. Russo who was lost in the building, so he abstained.

**8. WPA & Bylaw Request for Determination of Applicability 590 Hudson Road:** Applicant absent. Building of a fence right on border of property. Coordinator stated she had some questions about recent clearing on the property and would like to question the applicant. Her recommendation was to continue the hearing until the applicant could be present. Site visit by Coordinator was not helpful.

On motion by C. Russo, to continue the hearing until the 23<sup>th</sup>. If applicant refused to attend, a Positive Determination would be issued, seconded by D. Henkels. Roll call vote was unanimous.

**9. WPA & Bylaw Request for Determination of Applicability 11 Crestview Road:** Applicant absent. Tree removal in buffer area. Commission discussed house. Had two vernal pools on property. Originally, homeowner did not know about wetlands, prior to ticketing. Wants to take down more trees. Coordinator questioned whether it was preventative or in danger of falling.

On motion by D. Henkels, seconded by B. Porter, to continue hearing until May 23 with applicant present to answer questions or received a Positive Determination. Roll call vote was unanimous to continue.

## **10. Violations**

-31 Beckwith Road – Commission received update from Coordinator Dineen who stated the office had had no further contact with homeowner, nor response to letter or ticket sent. Commission discussed sending \$100.00 tickets daily. K. Rogers said this has ‘been languishing’ for quite some time and no real attempts to correct violation or submit NOI. C. Russo made a motion to send daily tickets, seconded by D. Henkels, via Roll Call vote unanimous.

-105 Boston Post Road: MA DOT: Reached out to individual with no contact back. T. Friedlander had expressed reservations about issuing a violation unless contact was made with appropriate agency. C. Russo asked if it was State property, and could they claim special status? The Coordinator stated they are not exempt from the WPA. However, they could be exempt from the local Bylaw. He also asked if the Commission could not issue the RDA on that property until contact with resolution was made. Coordinator had spoken to Planner in Wayland and they understand to issue an RDA (for the bus overflow from Wayland), this particular issue had to be resolved.

Commission will send Enforcement Order to clean up the site as soon as possible. MADOT would have to submit scope of work, before next meeting on May 23, with no specific NOI but at least a work plan.

D. Henkels moved to issue Notice of Violation and Enforcement Order, seconded by C. Russo, Roll Call vote unanimous.

-52 Goodmans Hill Road: Violation release of silt in to wetland. After a rain there was a river of silt, but after several days it appeared the silt had been cleaned up. No sign of further damage. No action taken.

-29 Hudson Road: Violation was sent. Complex of shops and restaurants, replacing septic holding tanks, had no Board of Health permit, within 50 feet of Wetland. Applicant paved over area after the Health Director had asked them not to. Coordinator was asked to meet with applicant, but she did not see the purpose other than they had to submit a NOI.

On motion to ratify violation and Enforcement Order made by M. Sevier, seconded by C. Russo, via Roll Call vote, the Commission voted unanimously. Further Chair was concerned about opening of 29 Sudbury. Coordinator said it could not open unless this was resolved.

## **11. Updates:**

K. Rogers completed another Fundamentals course and is one course short of being finished.

Motion to adjourn: C. Russo, seconded by K. Rogers, unanimous at 7:15 pm.