

***SUDBURY CONSERVATION COMMISSION***  
**Minutes of the Meeting Held Monday, July 15, 2019**

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Richard Morse; Kasey Rogers; Charlie Russo; Mark Sevier (6:47 pm); Ken Holtz, Associate Member; Lori Capone, Conservation Coordinator  
Absent: Bruce Porter

Chair Friedlander opened the meeting at 6:45 pm.

**Minutes**

On motion made by D. Henkels and seconded by C. Russo, the Commission voted unanimously to approve the minutes of the March 11, 2019 Meeting.

On motion made by R. Morse and seconded by K. Rogers, the Commission voted unanimously to approve the minutes of the July 1, 2019 Meeting.

**Notice of Intent: 503 Concord Road, DEP File #301-1264**

Tyler Ferrick of DeRosa Environmental presented the proposed project to the Commission on behalf of the Department of Public Works, who was not present.

Mr. Ferrick explained that the Public Works inadvertently dumped soil and brush in a previously filled wetland adjacent to the ballfield at Cutting Field. DeRosa Environmental conducted excavation to determine the extent of fill when they encountered the historical fill from when the property was a farm. Mr. Ferrick explained that they are proposing to leave the historic fill in place, as its contents are unknown. Mr. Ferrick proposes to excavate all but one foot of the soil dumped by the Town but leave a suitable soil substrate to revegetate the area. Exposed metal debris consisting of a car body and metal drums will also be removed. Once the area is regraded, the area will be planted with white pine, red oak, gray dogwood, cinnamon and ostrich fern, and all disturbed soils will be seeded with a native seed mix, including the access area.

D. Henkels questioned if the soil that will remain will be a suitable growing media. Mr. Ferrick replied that the soil will be augmented with loam and compost as needed.

There were no public comments.

On motion made by R. Morse and seconded by D. Henkels, the Commission unanimously voted to close the Hearing.

On motion made by C. Russo and seconded by K. Rogers the Commission voted unanimously to issue an Order of Conditions approving the project.

#### **Extension Request: Lots 4 and 5 Fairbanks Road, DEP File #301-1149**

Beth Cosgrove attended tonight's meeting to request a one-year Extension to their Order of Conditions to construct a single family house. Ms. Cosgrove explained that they have not built the house because they do not have a buyer. They anticipate completing the project this year. Coordinator Capone explained that she has reviewed the site. She has been working with Beth to get the erosion controls properly installed but reported that the required Conservation Restriction has been recorded on the property.

On motion made by M. Sevier and seconded by D. Henkels, the Commission voted unanimously to issue a one-year Extension to the Order of Conditions for DEP File #301-1149.

#### **Notice of Intent: DEP File #301-1265, 8 Singing Hill Road**

Tyler Ferrick of DeRosa Environmental presented the project on behalf on Ken Fenton, who was also in attendance.

Mr. Ferrick explained that this filing is in response to an Enforcement Order that was issued to his client for filling wetlands. Mr. Ferrick explained that his client owns two parcels, one with a house constructed in the 1980s and a wooded lot that he was using for storage. When he had met with Coordinator Dineen, it was determined that there were violations on both properties: tree clearing and wetland filling on the wooded parcel and partly on Town Conservation Land, and clearing and construction of a tennis court, garage, patio, deck, and lawn.

Tyler presented the wetland replication plan to remove the fill and revegetate the wetland. Boulder were proposed 25 feet from the wetland to inhibit alteration in the future. To mitigate for the unpermitted structures, the applicant is proposing to donate 97,000 s.f. of his land to the Conservation Commission. Mr. Ferrick explained that the unpermitted structures on the house lot were constructed to infiltrate run-off from their surfaces. The storage containers would be removed and all materials stored for his business would also be removed. Mr. Ferrick also explained that the applicant would like to replace his existing planks with a plank and sleeper boardwalk to access the man-made pond which is also a potential vernal pool.

T. Friedlander said that when he and Coordinator Dineen met with Mr. Ferrick regarding the Enforcement Order, it was suggested that a Conservation Restriction would be placed on the entire rear parcel which would protect the potential vernal pool. There was much discussion on whether the alteration to the Buffer Zone and Adjacent Upland Resource Area (AURA) would have been approved if the applicant had filed a Notice of Intent prior to work and what mitigation would have been required if this project was appropriately permitted. The Commission discussed the value of the land being proposed to either be gifted or a Conservation Restriction placed on the land. The land is very wet but provides a connection between two other town parcels.

The Commission requested the applicant continue the hearing to develop a plan that restores the values and functions of the wetland that have been lost from the unpermitted work including restoration of the Buffer Zone/AURA. The Applicant agreed to continue the hearing to August 12, 2019.

There were no public comments.

On motion made by M. Sevier and seconded by K. Rogers, the Commission voted unanimously to continue the hearing to August 12, 2019.

### Certificates of Compliance

#### **DEP File #301-1067: 85 Powder Mill Road**

Coordinator Capone reported that this project entailed moving an unpermitted retaining wall back 10 feet and constructing a pervious patio area. The project was constructed per the approved plan and Coordinator Capone recommended a Certificate of Compliance be issued.

On Motion made by K. Rogers; seconded by M. Sevier, the Commission unanimously voted to issue a Certificate of Compliance for DEP File #310-1067.

#### **DEP File #301-1168: 456 Peakham Road**

Coordinator Capone reported that this project was for reconstruction of a house. The only modification from the approved plan was that the garage was to be removed and converted into a gravel parking space. A portion of the driveway was to be restored to lawn. The applicant ended up converting the garage area to lawn and kept the driveway the way it was. Coordinator Capone recommended a Certificate of Compliance be issued.

On motion made by D. Henkels and seconded by C. Russo, the Commission voted unanimously to issue a Certificate of Compliance.

#### **SWAB 171108-2: 322 and 328 Maynard Road**

Coordinator Capone reported that this site is not ready for a Certificate of Compliance.

### Notices of Violations

**328 Hudson Road, Vincent Nasciemento:** Coordinator Capone reported that she has met with the landowner and they are in the process of filing a Notice of Intent for the next meeting for unpermitted vegetation clearing.

**29 Hudson Road:** Coordinator Capone reported that the grease barrel and drainage maintenance has been addressed. She has been working with the management company to file the Notice of Intent for the after-the-fact septic repair for the next meeting.

### Commissioner and Staff Updates

**Eagle Scout Project at Lincoln-Sudbury High School:** Coordinator Capone informed the Commission that she has been approached by an Eagle Scout to construct and install fitness apparatus on the side of the playing fields about 50 feet from two detention basins. The apparatus would be directly embedded into the ground. Coordinator Capone sought confirmation that this would not require an application with the Commission. The Commission concurred.

**Trail Maps:** Coordinator Capone informed the Commission that the 2019 aerial photos were just received this week. The IT Department will work with a consultant to see if trails can be distinguished based on these aerials. Coordinator Capone showed the Commission maps and trail guides that she worked with the Trails Committee in Concord to develop.

**Meeting Documents:** Coordinator Capone inquired with the Commission to ensure they were getting all the documentation they needed in the appropriate form and timeframe. The Commission concurred. K. Holtz asked to be cc'd on documentation sent to Commissioners.

### **Meeting Adjourned:**

On a motion made by K. Rogers and seconded by R. Morse the Commission voted unanimously in favor of adjourning the meeting. The meeting adjourned at 8:20 PM