

***SUDBURY CONSERVATION COMMISSION***  
**Minutes of the meeting held Monday, June 3, 2019**

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Bruce Porter; Mark Sevier; Richard Morse; Charlie Russo; Coordinator Debbie Dineen; and Administrative Assistant, Kirsten Roopenian.

Absent: Kasey Rogers.

Meeting was called to order at 6:45 pm.

Chairman Friedlander announced it was Coordinator Dineen's last meeting before retirement. On behalf of the Commission, he presented a gift.

**WPA and Bylaw Request for Determination of Applicability: Shaw's Plaza, 505 Boston Post Rd. Outdoor garden center, at Aubuchon Hardware**

Present: Applicant, Mike Doherty from Gravestar, and Janice Weldon of Meridian Associates

Mr. Doherty introduced the proposed project for the addition of an outdoor garden center at Aubuchon. Ms. Weldon presented the plan, which was to demolish the drive through window area and make it into a small garden center as an outdoor addition to Aubuchon. The project removes existing impervious surface and includes drainage improvements. A fence will be installed around the garden center. Coordinator Dineen stated this area is already disturbed and thought it was a slight improvement. Questioning what type of garden supplies would be outside, the Coordinator recommended no pesticides or herbicides be stored in that area.

There was some discussion about requiring a Notice of Intent as opposed to a Request for Determination of Applicability as the area is in the Riverfront area. There was concern of products with toxins leaking into the wetland. The Commission discussed placing conditions on any Determination, as conditions would be difficult to enforce. M. Sevier felt it was a non-issue. R. Morse asked where water used in the garden would flow to. M. Dougherty responded that it would run into parking lot and into the drainage system. He also stated the items for sale were typically shovels and rakes. When questioned further about plants and watering, M. Doherty could not confirm.

On Motion by R. Morse, seconded by B. Porter, the Commission voted to continue this matter to the June 17 meeting in order to answer question about specific uses in the garden center. The motion passed 4-1 (M. Sevier against).

**Discussion about RDA's with Conditions-** T. Friedlander brought the Commission up to date on the question of whether or not Conditions could be applied to Requests for Determination. The Coordinator, through the direction of the Chair, had spoken with legal counsel and the opinion was, for the Wetlands Protection Act, if there is work in buffer zone, a Negative Determination can be issued under the WPA, with conditions. A Positive Determination would

be issued if there is impact to the Resource Area. Under the Town bylaw, since the buffer zone itself is a Resource Area, it would be likely that conditions would be placed on the RDA, for work in an Upland Resource area that is disturbed. If the area is undisturbed, a Notice of Intent would need to be filed.

Fees were also discussed for an RDA vs. NOI. The Coordinator explained the Fee structure for both. C. Russo stated the fees could go up exponentially from an RDA to NOI, so the Commission should be aware of this, as it can become burdensome to a homeowner. Discussion was tabled for further discussion at a future meeting.

**Continued WPA & Bylaw Request for Determination of Applicability: 11 Crestview Dr. Tree trimming and cutting.** Present: Keith Dennis, homeowner.

Keith Dennis presented his Request to cut four trees in a Resource Area. Coordinator Dineen, R. Morse and K.Rogers conducted a site visit. Pictures were shared amongst the Commission. They discussed the tree location in relation to the wetland. When asked, the homeowner stated that no equipment was to enter the property. The Coordinator stated one tree clearly had to be removed, the others were not as clear cut. The concern was that it would remove shading to the wetland. An Arborist certified the trees were imminent threats. Homeowner had a replanting plan that included replanting his Rhododendrons, but Coordinator told him they are not native. Discussion was around the replanting plan and Commission's recommendation for replacing habitat value in the wetland.

The Commission then discussed an RDA vs. NOI for this project. Homeowner agreed to add plantings in order to avoid an NOI. Discussion took place about whether or not to issue the RDA at this point. M. Sevier felt this should be an NOI to ensure compliance by the homeowner. After more discussion on tree removal and replanting plan, on a suggestion by the Chair, the Commission decided to continue this matter.

On motion by R. Morse, seconded by M. Sevier, the Commission voted unanimously to continue this matter to June 17, 2019.

**Continued WPA & Bylaw Request for Determination of Applicability Revision: 19 August Rd.** Applicant, William Curley. The Commission continued the discussion from the previous meeting for additional drainage information. Coordinator shared with Commission an update on issues from Town Engineer Bill O'Rourke with simply putting in the Rain Garden at this location. The concern was flooding of the road and potentially causing an icing situation. Proposal to place a trench was made, which would infiltrate to drain rather than overflowing to the road causing ice to form in cold weather. Questions were raised about elevation and flow of groundwater, where water flowed, and the applicant's agreement to the solution, as it was a public safety issue. D. Henkels was appreciative of Mr. Curley's willingness to work with Engineering and make a solution possible.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously to issue a Negative Determination.

**Certificate of Compliance: 264 Morse Road** Natalia Ratikin, applicant. Coordinator stated that the only outstanding issue was a non-native Japanese Red Maple in the yard which should be removed or moved. Discussion was about whether to continue until communication with homeowner was accomplished, or deny Certificate. Was Order of Conditions substantially complied with in order to issue outright.

On motion by R. Morse, seconded by D. Henkels, the Certificate would be issued contingent upon tree being removed and proof it had been done. Vote was unanimous.

**Violations:**

**31 Beckwith:** Coordinator Dineen updated the Commission on the status of the violation. K. Roopenian stated the homeowner was not in agreement with the supposed scope of the violation. He had however begun the process of a Notice of Intent but that he had more work to do for a final NOI to be heard by the Commission. The homeowner and the Coordinator are in disagreement as to the extent of his violation. He maintained that a storm caused damage, not him. D. Henkels offered to meet with the homeowner to discuss the content of the Notice and how Mr. Boermeester might, best proceed.

**Commissioner and Staff Updates:** Chairman discussed recognizing Debbie Dineen for her many years working for the Town. He had suggested naming a field or trail for her. She stated she preferred a Vernal Pool be named after her and her husband who had been on the Commission for many years but has since passed away, as it was her favorite place to visit. The Commission was in consensus to move forward with pursuing this with the Town Manager.

Additionally, the Chair announced the replacement for Debbie, Lori Capone from Concord. In the meantime, Beth Suedmeyer and Adam Duchesneau, from Planning will be taking over the Coordinators responsibilities.

Motion to Adjourn was made M. Sevier, seconded by B. Porter, unanimously voted. The meeting adjourned at 8:18 PM.