

SUDBURY CONSERVATION COMMISSION
Minutes of the August 12, 2019 Meeting

Present: Thomas Friedlander, Chair; David Henkels, Vice-Chair; Bruce Porter; Mark Sevier; Kathleen Rogers; Richard Morse; and Lori Capone, Conservation Coordinator

Absent: Charlie Russo

T. Friedlander opened the meeting at 6:45 PM under the Wetlands Protection Act and the Sudbury Wetland Administrative Bylaw.

Minutes:

The Minutes of May 23, 2019 were tabled to the August 12, 2019 meeting.

On motion made by D. Henkels and seconded by K. Rogers, the Commission voted to approve the minutes of the July 15, 2019 meeting (B. Porter abstained as he was not in attendance at the July 15, 2019 meeting).

On motion made by R. Morse and seconded by M. Sevier, the Commission voted to approve the minutes of July 29, 2019 (K. Rogers abstained as she was not in attendance at the July 29, 2019 meeting).

Wetland Applications:

Notice of Intent - 604 Peakham Road, DEP File #301-1268

At the request of the applicant, on motion made by R. Morse and seconded by M. Sevier, the Commission voted unanimously to continue this hearing to August 26, 2019.

Request for Determination of Applicability - 280 Goodmans Hill Road

Edward Freedlender, of Sudbury Kitchen, presented the Request for the demolition and reconstruction of a garage within the 100-foot Buffer Zone on behalf of the applicant, who was not in attendance.

E. Freedlender explained that there would be no disturbance or stockpiling of fill in the back yard due to the existence of the septic leach field. Erosion controls consisting of straw wattles will be installed around all disturbed areas. The proposed work will move the garage further from the resource areas, which are located on the adjacent property. To manage drainage from the roof, the applicant is proposing to install two dry wells. To question by R. Morse concerning whether they were proposing to increase the number of bedroom, E. Freedlender confirmed that they are not. M. Sevier asked what would happen in the area of the existing garage. E. Freedlender explained that this would be converted to grass like the surrounding yard. To K. Rogers question regarding removal of debris, E. Freedlender confirmed that all demolition and construction materials would be removed from the site.

There were no abutters present.

On motion by M. Sevier and seconded by B. Porter, the Commission voted unanimously to issue a Negative Determination of Applicability with the condition that the contractor meet with the Conservation Coordinator on site prior to construction to review the erosion controls and proposed work.

Notice of Intent - 261 Mossman Road, DEP File #301-1273:

T. Friedlander opened the hearing for renovations to the pool deck and drainage. Michael McDonald presented the work, on behalf of the Greenwood Swim and Tennis Club. M. McDonald explained that there are safety concerns with the existing pool deck so they are replacing it in kind and improving the drainage as well, adding a drywell to provide infiltration. They have received comments from Coordinator Capone and are working with their engineer to see if there is an opportunity to infiltrate all drainage, they are redesigning the outfall to include native plantings, they are working on removing discarded grass clippings, and have submitted an Operations and Maintenance Plan.

D. Henkels asked what the existing gradient of the site is, how thick the concrete deck to be removed is, how much fill would be brought into the site, and whether work would require a separate stormwater review. M. McDonald responded that the site is fairly flat, the existing slab is four inches thick, loam would be brought in following work but no additional fill would be needed. Work will alter less than 1 acre, so a stormwater permit would not be needed.

K. Rogers asked when the grass clippings would be removed. M. Sevier asked if the club had a plan regarding where grass clipping would be stored. M. McDonald said he learned about them last Thursday and is working on having them removed and will be including this as a task for their maintenance crew.

The applicant agreed to the Hearing being continued to the next meeting for additional information to be provided and for DEP to issue a file number.

There were no abutters present.

On motion made B. Porter and seconded by R. Morse, the Commission voted unanimously to continue the hearing to August 26, 2019.

Request for Determination of Applicability - 94 Butler Road

Marcel Millet presented his Request to enclose the existing deck. He said he had not included this work in the Request he submitted recently for a new sunroom because he was unaware it required approval since the footprint was not being changed. The drainage will be directed into the existing drainage system that was designed and installed seven years ago, when the house was constructed. M. Maillet said that he has already constructed the roof and stated that he would install 15 shrubs in the bare areas along the waterfront to mitigate for this unpermitted activity. Coordinator Capone had suggested 10 shrubs to mitigate the 264 s.f. increase in impervious surface.

There were no abutter present.

On motion made by D. Henkels and seconded by K. Rogers, the Commission voted unanimously to issue a Negative Determination of Applicability with the condition that 12 native shrubs be installed.

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

T. Friedlander reopened the Notice hearing for the after-the-fact removal of fill within Bordering Vegetated Wetland and unpermitted activities within the 100-foot Buffer Zone, previously heard at the July 15, 2019 meeting.

Tyler Ferrick of DeRosa Environmental attended tonight's meeting on behalf of Kenneth Fenton, who was also in attendance. T. Ferrick explained that the proposed mitigation has been expanded since the last meeting. All altered areas of the rear lot will be restored with vegetation and a Conservation Restriction is proposed over the entire rear lot. T. Ferrick also explained that he has obtained the Town Manager's signature for wetland restoration activities on Town land. As proposed, the applicant is proposing 10:1 mitigation for unpermitted activities.

T. Friedlander said he, R. Morse and Coordinator Capone visited the property. He questioned whether the driveway towards the rear of the property, and parking near the tennis court, was still needed if materials were no longer being stored on the rear parcel.

To questions by D. Henkels regarding soil conditions in the restoration plantings and when the driveway was installed. T. Ferrick responded that compacted soil would be scraped off and loam would be added as needed. K. Fenton responded that the driveway was installed in 2000. It is used to also access the shed and tennis court for maintenance.

The Commission determined that the driveway could remain due to the steepness of the grade, the need to get equipment down to the tennis court, and given the extent of mitigation. K. Fenton, however, agreed not to park vehicles adjacent to the tennis court.

There were no abutters present.

On motion by M. Sevier and seconded by D. Henkels, the Commission voted unanimously to close the hearing.

On motion made by K. Rogers, seconded by D. Henkels, the Commission voted unanimously to issue an Order of Conditions approving the project.

Notice of Intent - 29 Hudson Road, DEP File #301-1267:

T. Friedlander reopened the hearing for after-the-fact approval for making repairs to the septic system, continued from July 29, 2019.

Barry Familetto, of Stetson Management, attended the meeting. B Familetto informed the Commission that since the last hearing, he has provided a planting plan to vegetate the mulched parking lot shoulder between the wetland and work area. Lynch Landscaping is scheduled to install these plantings in September. No abutters were present.

On motion by R. Morse, seconded by B. Porter, the Commission voted unanimously to close the hearing.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously to lift the Enforcement Orders issued for this work, as well as a second Enforcement Order for improper maintenance of the grease barrel and drainage system.

On motion by M. Sevier, seconded by R. Morse, the Commission voted unanimously to issue an Order of Conditions.

Notice of Intent - 328 Hudson Road, DEP File #301-:

T. Friedlander reopened the hearing for after-the-fact approval for vegetation removal.

Victor Nascimento, applicant, explained that since the last hearing, he has submitted a restoration plan and narrative. DEP has not issued a file number yet.

R. Morse said he recently drove by the property, noting that the property was much more vegetated than when the Notice of Violation was issued.

On motion by M. Sevier to continue the hearing to August 26, 2019, seconded by D. Henkels, the motion passed 5-0 (K. Rogers abstained).

Notice of Intent - 31 Beckwith Road, DEP File #301-1266:

Lisa Tursi was presented, on behalf of the applicant.

As the hearing was closed at the July 29, 2019 meeting, R. Morse made a motion to issue an Order of Conditions approving the restoration plan. D. Henkels seconded. All so voted.

Notice of Intent - 555 Dutton Road, DEP File #301-1270

Coordinator Capone explained that this hearing had been closed in May. However, DEP has finally issued the file number today. Since the Order could not be issued within 21 days of closing the hearing, the Commission must reopen the hearing. The applicant was not present but has been kept apprised of this issue.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously to reopen the Notice of Intent hearing for 555 Dutton Road.

On motion by B. Porter, seconded by K. Rogers, the Commission voted unanimously to close the hearing.

On motion made by D. Henkels, seconded by M. Sevier, the Commission voted unanimously to issue an Order of Conditions approving the project.

Potential Violation:

25 Beckwith Road

Coordinator Capone explained that when evaluating aerials associated with the project at 31 Beckwith Road, T. Friedlander noted clearing that occurred at 25 Beckwith Road and wondered whether a Notice of Violation should be issued. From review of aerial photos, these trees appear to have come down in 2015. From review of information in the office, it appears that the office was notified of this clearing, which was inspected at that time. There was no further action. Coordinator Capone suggested sending the landowners a letter to see if a site visit could be conducted to discuss replanting this area with the landowner.

Bruce Freeman Rail Trail Borings Project:

Beth Suedmeyer, Environmental Planner, attended tonight's meeting to discuss some questions that came up during the pre-construction meeting to ensure the Commission's expectations are met. At Cavicchios, there is a thick stand of buckthorn within the track whose removal would require larger equipment. This area could be avoided if the Commission would permit the machinery to travel outside the track-width, as was required. The area is asphalt.

The second deviation is at the boardwalk. Five borings are needed in this area which all falls within the buffer zone. The work plan prohibits machinery to stay overnight within the buffer zone. B. Suedmeyer

explained that moving the boring rig requires extensive mobilization which is very slow. Machinery would need to park on the opposite side of Hudson Road to stay out of the buffer zone. It is also difficult to realign the drill once removed from the hole. If permitted to remain on the rail overnight, the contractor will install a poly sheet under the rig, creating a pan with wooden boards. Absorbent pads will be installed within the pan. The Environmental Monitor is to inspect each night and morning. The Commission requested the leak containment materials be reused as much as possible.

On motion made by D. Henkels, seconded by R. Morse, the Commission unanimously to permit this modification.

Master Plan:

While present, B Suedmeyer updated the Commission on the Master Plan. B. Suedmeyer said they held a Public Forum in May and received approximately 250 respondents to the public survey. They have also had booths at fair events to obtain additional feedback and there will be an info fair in September. Tomorrow's Master Plan Committee meeting is focused on Open Space, Natural Resources, and Cultural Resources, encouraging member to attend. There was also a questionnaire that was disseminated to the Commission, as were two sections of the Master Plan for review and comment.

Emergency Certification - Public Works Department, Marlboro Road:

Coordinator Capone requested the Commission ratify the Emergency Certification for Public Works to stabilize a failing retaining wall on Marlboro Road with a temporary gabion wall. An engineered design had already been underway prior to the failure. A Notice of Intent will be filed soon, for a complete reconstruction of this culvert and retaining wall. Today two of the gabion blocks fell into the stream. This will be removed and restabilized first thing tomorrow. There has been little disturbance to the resource area.

On motion by M. Sevier to ratify an Emergency Certification, seconded by D. Henkels, the motion carried 5-1 (B. Porter voted in the negative).

Bow Hunting Program:

Coordinator Capone asked the Commission if they intended to continue the bow hunting program again this year and at the existing number of participants. The Commission discussed the recreational volunteer work component of the program and discussed having one of the hunters serve as the coordinator, similar to the community garden program.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously to continue the program.

Establishing a Land Management Stewardship Sub-Committee:

The Commission discussed establishing a Land Management Committee to manage the Town's conservation land/trails needs. Coordinator Capone discussed experience with Trails Committees in other communities and noted the need for monitoring Conservation Restrictions also. Further discussion was tabled for a future meeting.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously to adjourn the meeting. Meeting adjourned at 8:37 PM