



**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting held Monday, July 29, 2019**

Present: Tom Friedlander, Chairman; Dave Henkels, Vice Chair; Bruce Porter; Richard Morse; Mark Sevier, Charlie Russo; Ken Holtz, Associate; and, Lori Capone, Conservation Coordinator

Absent: Kasey Rogers

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

**Minutes:**

On motion made by B. Porter and seconded by R. Morse, the Commission voted unanimously to approved the minutes of the May 6, 2019 Meeting.

Approval of the July 15, 2019 Meeting minutes was tabled to the next meeting.

**Notice of Intent DEP File #301-1267: Wayne's Drains, 29 Hudson Road:**

T. Friedlander opened the hearing for the after-the-fact installation of a septic pump chamber within the Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Administrative Wetlands Bylaw.

Wayne Barme of Wayne's Drains and Valerie Vasil and Barry Familetto of Stetson Management Company attended tonight's meeting. W. Barme presented work that was conducted for an emergency repair of the pump chamber based on safety concerns. They replace the tank, pump, and piping because they were corroded. He was unaware a permit to do this work was needed from the Conservation Commission.

T. Friedlander asked what mitigation was being proposed for performing an unpermitted activity in wetland jurisdiction. B. Familetto explained that he has managed the property since 2017 and have put many improvements into the building and property. W. Barme explained that he took care of an unsafe situation, replacing components in-kind with no impact to the wetland. T. Friedlander explained that if the situation was an emergency, the Commission could have issue an Emergency Permit.

B. Porter asked what mitigation the Commission would have required if an application had been filed prior to work, explaining that mitigation involves mitigating for impact to wetlands. In this case there was no impact therefore no mitigation is needed. C. Russo said that work was under a parking lot, questioning what wetland functions and values were impacted. M. Sevier said the mitigation is being asked for in this case as a punishment for not filing with the Commission, to discourage this behavior.

T. Friedlander suggested a site visit to look for potential mitigation opportunities.

There were no public comments.

M. Sevier made a motion to continue the hearing to August 12th for the applicant to develop a mitigation plan for unpermitted work. B. Porter seconded. The Commission so voted unanimously.

**Request for Certificate of Compliance: 29 Hudson Road, DEP File #301-1081:**

T. Friedlander suggested the Commission defer this Request until they resolve the previous matter as the property is currently out of compliance.

On motion made by M. Sevier, seconded by R. Morse, the Commission voted unanimously to defer this Request until the property is in compliance.

**Conservation Restriction 0 Union Avenue:**

Seeing Michael Precourt in attendance, T. Friedlander took up the matter of the Conservation Restriction for 0 Union Avenue. Coordinator Capone had distributed the final draft version of the Conservation Restriction (CR) to the Commission to review. M. Precourt wants to ensure that the Commission is in agreement with the final language before submitting it for State review and approval. Russo suggested adding a paragraph to the conservation value section for protection of cold water fisheries. Coordinator Capone provided suggested language for cold water fisheries protection. C. Russo also questioned how the boundary of the CR will be marked. M. Precourt stated that the developed side of the CR property is bounded with a two-ton block barrier wall. Two access points are provided to maintain the detention basins. The Commission was in agreement with the CR, as discussed.

**Notice of Intent DEP File #301-1266: Robert Boormeester, 31 Beckwith Street:**

T. Friedlander opened the Notice of Intent hearing for the after-the-fact filing for clearing vegetation within the Buffer Zone and riverfront area and restoration including revegetation and structure removal, pursuant to the Wetlands Protection Act and the Sudbury Administrative Wetlands Bylaw.

Robert Boormeester attended tonight's meeting R. Boormeester explained that he received an Enforcement Order for clearing brush. He has also cleared trees over the years damaged in a number of storms. A site visit was held today, and the applicant agreed to expand the mitigation by approximately 400 s.f.. T. Friedlander noted an irrigation system during the site visit today. R. Boormeester stated that it was there when he bought the property. The Commission discussed whether portions of the irrigation system should be decommissioned and discussed the need to limit fertilization of the lawn. R. Boormeester stated that he could use slow release organic fertilizers and block irrigation heads in the mitigation area.

There were no public comments.

On motion made by R. Morse, seconded by M. Sevier, the Commission voted unanimously to close the hearing.

**Notice of Intent: 79 Bent Road:**

The Commission did not hear this Notice of Intent to remove six pines trees along with replanting of trees within the Buffer Zone and Riverfront Area at tonight's meeting.

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

T. Friedlander opened the Notice of Intent hearing for the demolition and reconstruction of a single family house with associated septic system, grading, and utilities within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Administrative Wetlands Bylaw.

Valovia Costa of Goddard Consulting attended tonight's hearing with applicant, Michael Audette. V. Costa presented the plan and explained proposed work within 100 feet of an off-site wetland explaining that about

30 s.f. of the proposed house and the entire septic system is proposed within jurisdiction. T. Friedlander asked if the Board of Health has approved the septic design. The applicant stated that the Board of Health said they will approve it.

To question by C. Russo regarding the square footage difference between the existing and proposed house, V. Costa responding that there is about a 1,500 s.f. increase. The Commission discussed plan modifications that would allow the leach field to be located further from the wetland such as reducing the footprint, modifying the orientation of the leach field, and evaluating alternative septic technologies. M. Sevier asked why test pits were not conducted in the front of the existing house. M. Audette responded that it would encroach on the existing septic system. M. Sevier asked for a square footage analysis of the existing versus proposed conditions.

C. Russo asked what Variances were being sought from the Board of Health. M. Audette responded existing non-conforming lot, seeking grandfathering status. M. Audette also stated that he is working on submitting the required stormwater permit.

T. Friedlander asked what mitigation was being proposed. M. Audette stated they are looking at invasive species removal and will be submitting an Invasive Species Management Plan.

The Commission requested an Alternatives Analysis be provided that discusses the alternative designs and site constraint considerations. The Commission discussed scheduling a site visit on August 12th. The applicant agreed to continue the hearing to provide additional information.

There were no public comments.

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

**Notice of Intent: 328 Hudson Road:**

T. Friedlander opened the Notice of Intent hearing for the after-the-fact removal of vegetation and restoration within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Administrative Wetlands Bylaw.

V. Nascimento, applicant, explained that he purchased the property last August. The property had not been maintained the last couple years by the prior owner so he started to clean up the property. There were two trees that had fallen across the stream. One he cut up and removed, the second he cut up but left it in place. He also mowed an area of the understory and removed downfall. Since he received the Enforcement Order in May, he has not done any additional maintenance and has allowed the area to revegetate. The Commission discussed mitigation. Coordinator Capone said there is a lot of buckthorn is coming up in the cleared area and recommended the owner work on hand removing invasives over the summer and planting native shrubs in the Fall in any areas where native species have not established. The Commission requested a mitigation plan be submitting showing the area to be restored and a narrative of restoration activities. W. Nascimento concurred.

On motion made by M. Sevier and seconded by B. Porter, the Commission unanimously voted to continue the hearing to August 12<sup>th</sup> for a mitigation plan to be developed.

**Open Meeting Law and Emails:**

T. Friedlander inquired with Town Counsel regarding a recent email submitted to the Commission by D. Henkels. Town Counsel advised the Commission discuss this in open session. The Commission requested the email chain be provided to them with Town Counsel's response.

**O Washington Drive:**

T. Friedlander stated that there was no need to go into Execution Session but updated the Commission with respect to litigation for 0 Washington Drive. He said that he and Coordinator Capone will attend a site walk with the landowner and counsel as suggested by the Town Administrator.

**24 Kendall Road and 196 North Road:**

Coordinator Capone has met with the consultant on both these Enforcement actions and Notices of Intent will soon be submitted with proposed mitigation for unpermitted clearing.

On motion made by R. Morse and seconded by C. Russo, the Commission voted unanimously to adjourn the meeting. The meeting adjourned at 8:25 PM.