



SUDBURY CONSERVATION COMMISSION
Meeting Minutes for October 7, 2019

Present: David Henkels, Acting Chairman; Bruce Porter; Mark Sevier; Charlie Russo; Kasey Rogers; and Lori Capone, Conservation Coordinator

Absent: Thomas Friedlander, Richard Morse, and Ken Holtz (Associate Member)

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

Wetlands Applications:

Request for Extension for Order of Resource Area Delineation (ORAD) - Bruce Freeman Rail Trail (BFRT), DEP File #301-1193

Beth Suedmeyer, Environmental Planner, presented the Request for a three-year Extension to the ORAD confirming the boundary of Banks and Bordering Vegetated Wetlands associated with the BFRT corridor. The project is still in the design phase which should take a couple more years. C. Russo asked if there are any modifications to the wetland boundary since its approval. B. Suedmeyer responded that there are no known changes to the delineation, which had been peer reviewed by Dave Burke.

On motion by M. Sevier, seconded by B. Porter, the Commission voted unanimously to Extend the ORAD for BFRT for three years.

Notice of Intent for 35 Stone Root Lane, DEP File #301-1276

Dave Burke of Wetlands Resource Specialist and Peter Lavenson of New England Sunrooms presented the project on behalf of the Applicants, who were not in attendance. Mr. Burke presented the plan to remove the existing deck and construct a sunroom within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. Mr. Burke said there is also a stream on site which is not shown on the USGS Map. He did not have time to provide the required documentation under the Bylaw to determine it was intermittent, so he showed the Riverfront Area on the plan, though noted that previous filings on this lot determined this stream to be intermittent. Mr. Burke stated that the house was constructed in 2000 and the site is surrounded by wetlands to the north and west. The remainder of the site, that is not developed, is protected by a Conservation Restriction. There was an application in 2003 for an addition that remains open. Work proposes to increase impervious surfaces on site by 180 s.f. If the site was in the Riverfront Area, existing and proposed work would constitute 3.26% alteration to the Riverfront Area, which is well below the 10% threshold.

M. Sevier asked if the sunroom would have a foundation, to which Mr. Lavenson responded that it would. A drip edge is proposed to infiltrate drainage from the sunroom. The Commission expressed concern with the tightness of the work area and whether a foundation could be installed. Mr. Burke agreed that a foundation could be installed but the contractor would need to be careful not to impact the adjacent blueberry bushes. Mr. Burke suggested the project be conditioned to not stockpile excavated soil in the back yard or have an Environmental Monitor on site during excavation. Mr. Lavenson stated that the homeowners requested a critter proof foundation but he could also evaluate whether building the sunroom on helical piers might work and reduce the amount of disturbance. The Commission requested the applicant evaluate the options of installing helical piers or provide a narrative explaining how the sunroom would be

constructed to minimize disturbance to the Buffer Zone. The plan will also be revised to position the erosion controls in front of the blueberry bushes to protect them during construction.

On motion by M. Sevier, seconded by C. Russo, the Commission voted unanimously to continue the meeting to October 21, 2019 for the applicant to provide additional information and to allow time for DEP to issue a file number.

Request for Extension for an Order of Conditions for Avalon, 200 Bay Road, DEP File #301-1190

David Gillespie of Sudbury Avalon, Inc. attended tonight's meeting to request a two-year Extension to the Order of Conditions. Mr. Gillespie explained that work is substantially complete but there are a couple punch list items as well as complete stabilization of all areas still outstanding.

On motion made by C. Russo, seconded by M. Sevier, the Commission voted unanimously to issue a two-year Extension for DEP File #301-1190.

Violation Update:

196 North Road - Notice of Violation and Enforcement Order issued May 25, 2019 for vegetation removal and regrading.

David Burke of Wetlands Resource Specialist and the homeowners attended the meeting to discuss this violation. The homeowners admitted to having one tree located in the yard removed to protect the house and a second tree located on the resource area side of the fence fell in a storm in their yard. They had that cut up and removed also. Mr. Burke explained that the house was constructed in 1780 and the buffer zone had been heavily altered and degraded. All the work that the Brennans have done since purchasing the property in 2013 have greatly improved the Buffer Zone by removing trash and junk metal, including an engine block. The Commission reviewed aerial photos to evaluate changes to the buffer zone. Mr. Burke read the wording of the Enforcement Order noting that the wording is not clear as to what the exact violation was.

On motion by C. Russo, seconded by M. Sevier, the Commission voted unanimously to rescind the Enforcement Order with no further action needed.

Other Business:

Quarry North Update:

Chris Clausen updated the Commission on the Quarry North Project. Town Meeting has approved the 40R District; DEP has approved the sale of the Water Department land; and LEC Environmental has flagged the wetlands. There will be work proposed in the Riverfront Area; in an area that prior Coordinator Dineen had determined would qualify as a redevelopment project. The Hydrogeology Study showed no impact to Concord wells and was approved by DEP. They will be designing the treatment plant soon. A Groundwater Discharge Permit will be needed which they anticipate obtaining in March or April. Mr. Clausen will be filing with the Planning Board in December/January.

No work is proposed on the portion of the property that is located in Concord. However, Chris Clausen has met with the Concord Water/Sewer Superintendent and the Director of Planning. Concord is concerned with traffic but was in favor of the Traffic Mitigation Plan proposed for the development which includes shuttles to the commuter rail and to area shops.

An Environmental Notification Form will be filed on October 15th, which will be shared with the Commission. C. Russo and D. Henkels had previously submitted letters regarding the preferred siting of

this project at the Melone site rather than in the Town Center. Mr. Clausen requested the full Commission consider submitting a letter of support.

Violation Updates Continued:

24 Kendra Lane and 40 Cudworth Lane Notice of Violation and Enforcement Order

David Burke of Wetlands Resource Specialist discussed the Enforcement Order issued in June for trees, shrubs, and other vegetation removal within 100 feet of a detention basin, which is also a wetland resource area, on behalf of the Ozcans at 24 Kendra Road, who were unable to attend. By viewing aerial photos, Mr. Burke described how the site has changed since it was developed in 2007. A wind storm had knocked down some trees into the yard at 24 Kendra Road, which they had removed. Mr. Burke scoured the area in an attempt to determine how many trees had come down and found evidence of substantial beaver damage to the remaining trees. Mr. Burke's assessment was that trees came down by storm damage and/or were weakened by beaver and then fell. He did find evidence had landscapers had cut beaver damaged trees but did not feel that restoration was warranted as the entire area was thickly vegetated with native species.

On motion by C. Russo, seconded by K Rogers, the Commission voted unanimously to rescind the Enforcement Order given the additional information presented about the site conditions.

Certificates of Compliance:

35 Stone Root Lane, DEP File #301-829

David Burke of Wetlands Resource Specialist presented the Request for Certificate of Compliance for an outstanding Order of Conditions for the construction of an addition at 35 Stone Root Lane. A couple deviations from the approved plan were noted, specifically the installation of the generator and air conditioner units in the rear of the house. The Commission requested additional information regarding when these elements were installed to determine appropriate mitigation. They continued this matter to the October 21st meeting to obtain this additional information.

264 Morse Road, DEP File #301-1054

Coordinator Capone explained that the Commission had issued a Certificate of Compliance back in May pending removal on a Japanese maple tree. Coordinator Capone had reviewed the site with David Burke and determined that this tree had been present at the time the Order was issued. It was not required to be removed at part of the Order and so recommended that the Certificate of Compliance be issued.

On motion made by M. Sevier, seconded by D. Henkels, the Commission voted unanimously to issue a Certificate of Compliance.

Minutes:

On motion by B. Porter, seconded by M. Sevier, the Commission voted unanimously to approve the minutes of June 17, 2019.

Certificate of Compliance continued:

201 Peakham Road, DEP File #301-1197

Coordinator Capone explained that this filing was for tree removal which required six winterberry bushes be planted as mitigation. All work was completed per the plan and it was recommended that a Certificate of Compliance be issued.

On motion by M. Sevier, seconded by C. Russo, the Commission voted unanimously to issue a Certificate of Compliance.

139 Goodmans Hill Road, DEP File #301-1271

Coordinator Capone explained that this project was recently in front of the Commission to replace the septic system. Coordinator Capone recommended a Certificate of Compliance be issued as all work has been completed and the site was sodded and stable.

On motion made by B. Porter, seconded by K. Rogers, the Commission voted unanimously to issue a Certificate of Compliance.

31 Thunder Road, DEP File #301-1221

Coordinator Capone explained that this project was an after-the-fact tree removal which required the area to be revegetated. All work has been completed and the homeowners are happy with the results of the restoration. Monitoring reports have been submitted and it was recommended that a Certificate of Compliance be issued.

On motion by M. Sevier, seconded by K. Rogers, the Commission voted unanimously to issue a Certificate of Compliance.

Other Business:

Bow Hunting - Broadacres, 82 Morse Road

C. Russo recused himself as an abutter to this property.

Coordinator Capone explained that she was approached by the hunter who previously hunted Broadacres, when the property was in private ownership. He has asked if he can continue to hunt this property now that it is conservation land. There is about a 30-foot strip of trees, directly adjacent to Wake Robin, which is also part of the hunting program. Part of the request to hunt this land is to conduct research for UMASS and URI, by collecting blood from deer, in an effort to develop a vaccine for Lyme Disease. The hunter has also offered to conduct a talk for the Commission on ticks and tick borne diseases. He is an experienced hunter and conducts the bow proficiently training for Sudbury Valley Trustees.

The Commission approved allowing bow hunting at Broadacres given the research that will be conducted and given that he has hunted this area in the past.

Sudbury Valley Trustees TerraCorps Request for Proposals

The Commission discussed submitting a proposal to take the land management plan developed for Landham Brook Meadow to the next step; evaluating the three meadow management strategies identified in the management plan to determine the most beneficial, yet cost effective, way to manage the field. Coordinator Capone will draft a proposal for review. RFPs are due October 10.

Community Preservation Act Grant:

Coordinator Capone had disseminated a draft of the CPA grant proposal for invasive species removal at King Philip Woods to open up Old Berlin Road and the foundations of the Tavern of the Damned, along with installing interpretive signs about the history and impact from invasive species. Coordinator Capone asked for comments to be sent to her by Wednesday, as the grant is due October 10.

Hop Brook Protection Association

Coordinator Capone said she met with members of the Hop Brook Protection Association and Commissioner Porter to discuss a CPA grant that they would like to submit for funding to chemically treat water chestnut in Hop Brook and its three ponds: Stearns, Carding Mill, and Grist Mill Ponds. The Commission had taken a vote in April 2018 that they would not consider permitting chemical treatment of water chestnut given the information provided at that time. The Hop Brook Protection Association wanted to know if the Commission would consider permitting this activity if adequate information is provided on the efficacy of this management technique. The Commission would require substantial site specific

information on the wetland system and information on proposed chemical toxicity of not only the herbicide but also its break down products, to consider chemical treatment.

On motion made by M. Sevier, seconded by K. Rogers, the Commission voted unanimously to adjourn the meeting. The meeting adjourned at 9:23 PM.