



SUDBURY CONSERVATION COMMISSION
Minutes of the September 9, 2019 Meeting

Present: David Henkels, Acting Chair; Bruce Porter; Mark Sevier; Kasey Rogers; Richard Morse; Charlie Russo (7:50 PM); and Lori Capone, Conservation Coordinator

Absent: Thomas Friedlander and Ken Holtz, Association Member

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

On a motion by B. Porter, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to enter into Executive Session to discuss with Town Counsel Alex Weisheit strategy with respect to litigation regarding Zero Washington Drive and 168 Horse Pond Road, and to return to open session following this discussion.

Minutes:

On motion made by R. Morse, seconded by B. Porter, the Commission voted unanimously to approve the minutes of the June 3, 2019 meeting.

On motion made by C. Russo, seconded by M. Sevier, the Commission voted unanimously to approve the minutes of the August 26, 2019 meeting, as amended.

Wetland Applications:

Request for Determination of Applicability - 27 Revolutionary Road:

Bruce Jones, applicant, presented his Request to remove twelve trees within jurisdictional areas. B. Jones explained that he moved to Town recently and the first project they would like to undertake is to remove trees that are either leaning towards the house or are in poor health. An arborist has evaluated these trees and recommended they be removed. B. Jones explained that he would mitigate for removing trees within jurisdiction by planting two native trees and 14 native shrubs. No expansion of lawn is proposed. Coordinator Capone explained that trees being removed are far enough from the resource area that they are not providing shade to the resource area and proposed plantings mitigate for the trees removed but advised that there are a few invasive plants in the area of tree removal that should also be removed. B. Jones agreed to work with the Coordinator to remove invasive plants.

On motion made by M. Sevier, seconded by R. Morse, the Commission voted unanimously to issue a Negative Determination of Applicability.

Notice of Intent - 394 Boston Post Road:

D. Henkels explained that this Hearing was closed at the last meeting and asked for a motion.

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

Plan Modification - The Coolidge Phase II, DEP File #301-1206

Richard Kirby of LEC Environmental attended tonight's meeting to request a modification to the invasive species management plan for The Coolidge Phase II. R. Kirby explained that they have conducted the initial manual removal of invasive species within the mitigation area. Due to the softness of the soil, they were unable to manually remove the root system of some of the larger plants. They also found a small isolated patch of Japanese knotweed adjacent to the mitigation area that they would like to add to the invasive species management plan. R. Kirby requested permission to recut and dab the large invasive stumps with glyphosate and cut and bag the knotweed and stem treat the stocks also with glyphosate. R. Kirby explained that SumCo Ecological Consulting is the contractor conducting this invasive removal work and they focus on ecological restoration projects. R. Kirby said he can also supervise the work. Following treatment they would install the mitigation plantings.

B. Porter expressed concern with use of herbicides regarding their residency in the environment and potential long-term effects. Coordinator Capone explained a pilot project conducted by New England Wildflower Society that evaluated translocation of glyphosate in the soil when treating an area of endangered violets living under buckthorn. M. Sevier said the half-life of glyphosate in soil is between 2 and 197 days. D. Henkels explained that he is not a proponent of herbicide use but understands the practicality of herbicide management for an invasive such as Japanese knotweed.

R. Kirby reiterated that they would not be broadcasting the herbicide, but will use it sparingly. He also explained that the wetland is isolated from adjacent areas by a blocked culvert.

The Commission evaluated the pros and cons of allowing herbicide use and asked for the applicant to provide a report including before and after photo documentation.

On motion made by C. Russo, seconded by M. Sevier, the Commission voted to approve an administrative field change allowing herbicide use as described. The Commission also requested the R. Kirby inform the Commission when this work will be conducted. The motion passed 5-1 (B. Porter against).

Certificate of Compliance - 25 Singletary Lane, DEP File #301-1077:

Coordinator Capone explained that this project was associated with an addition which was constructed per plan. There was an issue with a prior Certificate of Compliance inspection where the lawn was mown too far. This area has since been allowed to naturalize. Coordinator Capone recommended the Commission issue a Certificate of Compliance.

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

Conservation Restrictions - Mahoney Farms, CR #115 and 117:

Daniel Ruiz attended tonight's meeting for present two Conservation Restrictions (CRs) associated with the Mahoney Farms development on Old Framingham Road. D. Ruiz explained that the CRs were previously reviewed and approved by the Commission. When the Executive Office of Energy and Environmental Affairs reviewed the CRs, they requested that the Grantor be changed to Mahoney Farms Trust as Mahoney Farms LLC was no longer active. D. Ruiz confirmed that all boundary markers were installed and reviewed by Coordinator Dineen.

On motion by C. Russo, seconded by K. Rogers, the Commission voted unanimously to accept these Conservation Restrictions pursuant to M.G.L. Chapter 184 Sections 31, 32, and 33 and recommend that the Board of Selectmen approve these CRs.

Violations:

5 Taylor Road: Coordinator Capone informed the Commission that the homeowner has conducted clearing of trees and understory within the buffer zone. A cease and desist letter was issued. The homeowner has been cooperative, is working on getting erosion controls installed, and has filed a Notice of Intent for the next meeting. The Planning Board may be delegating issuance of the General Stormwater Permit to the Commission.

Other Business:

Eagle Scout Project: Coordinator Capone explained that she and R. Morse will be meeting with an Eagle Scout later in the week to discuss potential Eagle Scout projects. Suggesting projects included GPSing all Town Trail and construction of a boardwalk in Hop Brook Conservation Land. The Commission said they had recently evaluated the trails and developed a list of needs, which should be on file.

Haynes Property - 489 Peakham Road:

Coordinator Capone reported that the Public Works Department recently had a few trees at the Haynes Property evaluated for safety. This property is Town Conservation Land but also has a house that is leased out. The trees are also located within jurisdictional areas, Riverfront and within buffer to a certified vernal pool. A fourth tree was requested to be pruned. Replacement plantings were not being proposed but the tenant did express interest in manually remove buckthorn.

On motion made by C. Russo, seconded by M. Sevier, the Commission voted unanimously to approve the removal of four trees from the Haynes Conservation Land

Community Preservation Act Grant: Coordinator Capone informed the Commission that proposals for this year's grant round are due at the end of September. No projects were proposed to be submitted.

Donation of Conservation Land: Coordinator Capone informed the Commission that a property owner has contacted her to see if the Commission would be interested in being gifted a 7.29-acre parcel of land on Green Hill Road. The property is almost completely wet and the land does not abut any conservation properties. The property is currently assessed at \$3,600. The Commission decided to conduct a site visit in the fall.

Unpaid Tickets: Coordinator Capone updated the Commission on uncollected fines which amounted to \$6,200. The Commission discussed developing a policy on Enforcement and ticketing. K. Rogers said she recently attended an MACC class on Enforcement. She will provide the materials to the Commission for review.

Commissioner Safety: Coordinator Capone informed the Commission that there was a recent altercation with a wetland scientist and a resident. The Police Chief recommends the Commission issue tickets or Enforcement Order in pairs and we can request police assistance if we feel that situation may be contentious.

EEE Update: Coordinator Capone informed the Commission that the Town Street were being sprayed tonight and tomorrow night.

MACC Fall Conference: Coordinator Capone asked Commissioner to inform the office if they intend to attend the MACC Fall Conference in October so that they can be registered.

On motion made by B. Porter, seconded by M. Sevier, the Commission voted to adjourn the meeting. The meeting adjourned at 9:11PM.