



**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the September 23, 2019 Meeting**

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair (6:48 PM); Bruce Porter; Mark Sevier; Kasey Rogers; Richard Morse; Charlie Russo; and Lori Capone, Conservation Coordinator

Absent: Ken Holtz, Association Member

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

**Minutes**

On motion made by B. Porter, seconded by M. Sevier, the Commission voted unanimously to approve the minutes of the August 26, 2019 Executive Session meeting.

On motion made by R. Morse, seconded by C. Russo, the Commission voted unanimously to approve the minutes of the September 9, 2019 meeting, as amended.

On motion made by K. Rogers, seconded by B. Porter, the Commission voted unanimously to approve the minutes of the September 9, 2019 Executive Session meeting.

**Wetland Applications:**

**Notice of Intent - 5 Taylor Road, DEP File #301-1275:**

Aaron Jackson, applicant, appeared before the Commission for after-the-fact permission for vegetation removal, regrading and landscaping within the 100-foot Buffer Zone to Bordering Vegetated Wetland.

Mr. Jackson apologized for conducting work in the Buffer Zone. He was unaware of the wetlands located across Union Avenue from the site. Mr. Jackson explained that he removed dead tree and trees that had fallen, along with the understory brush. He had intended to smooth the grade of the yard, install a fence, and expand the yard to create a safe playing space for his children and for privacy. Mr. Jackson was also attempting to limit exposure to ticks and mosquitos. There was one additional tree that he had intended to remove before receiving notice that work required review by the Commission. It is dead and leaning towards the street and overhead wires. Mr. Jackson submitted a planting plan which incorporated native plantings along Union Avenue, to restore the buffer zone that was altered.

Coordinator Capone explained that in an effort to stabilize the ground before winter, she recommends the Commission approved the plan, with the condition that she would work with the applicant in the spring to ensure the buffer zone is adequately revegetated.

C. Russo expressed concern with any use of fertilizers and/or deicing products getting into the drainage system and discharging to the wetland and recommended a 3-foot wide mulched berm be installed around the yard to inhibit ticks. K. Rogers requested that the fence not be extended to the ground to not impede overland flow of water.

Coordinator Capone explained that DEP has not issued a file number yet but requested the Commission close the hearing, and issue an Order of Conditions, pending receipt of a DEP number, to expedite

stabilization of the site. Special Conditions include that the ground must be stabilized by October, 15, 2019. Any areas not stabilize by November 1, 2019 will be covered with straw or an erosion control blanket. And the buffer zone shall be planted with native species by June 15, 2020

On motion made by K. Rogers, seconded by C. Russo, the Commission unanimously voted to close the Hearing.

On motion made by B. Porter, seconded by M. Sevier, the Commission unanimously voted to issue an Order of Conditions, pending issuance of the DEP number.

**Request for Determination of Applicability - 4 Powder Mill Road:**

Applicant, Thomas Corley, presented his project to convert an existing deck into an addition, on the existing footings. The footprint would remain the same. Ground disturbance will consist of digging up one footing for the Building Department can determine whether the existing footings can be reused. T. Corey explained that he constructed a similar addition to the house a few years ago on the same aged footings and anticipates the same.

Coordinator Capone recommended the Commission issue a Negative Determination with the condition that the office be contacted if it is determined that new footings are needed to determine whether erosion controls are needed.

On motion made by D. Henkels, seconded by R. Morse, the Commission voted unanimously to issue a Negative Determination of Applicability approving the project.

**Notice of Intent - Buddy Dog Humane Society, 151/183 Boston Post Road, DEP File #301-1261:**

At the request of the applicant, C. Russo made a motion to continue the hearing to October 21, 2019. Seconded by M. Sevier. All so voted.

**Certificates of Compliance:**

**54 Bigelow Drive, DEP File #301-1244**

Coordinator Capone explained that this project was associated with installation of a septic system which was constructed per plan. Coordinator Capone recommended the Commission issue a Certificate of Compliance.

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

**38 Haynes Road, DEP File #301-756**

Coordinator Capone explained that this Order is associated with the construction of a single-family house. One outstanding item was to convert the leach field area from lawn to the wildflower area. This has been accomplished and Coordinator Capone recommended a Certificate of Compliance be issued.

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

**31 Lake Shore Drive, DEP File #301-1254**

Coordinator Capone reported that this Order was in response to an Enforcement Order issued for the unpermitted removal of trees. Shrubs plantings were required as mitigation which have been installed.

Coordinator Capone recommended a Certificate of Compliance be issued and the Enforcement Order be rescinded.

On motion by M. Sevier, seconded by B. Porter, the Commission voted unanimously to rescind the Enforcement Order.

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

### **Commissioner and Staff Updates**

#### **SVT TerraCorps Request for Proposals:**

The Commission discussed various projects that they could submit to the TerraCorps Program. C. Russo read through the Commission 2019 Trail Priorities list. It was decided that Coordinator Capone would submit a request to have Land Management Plan developed for Landham Brook Meadow. Proposals are due October 10th.

#### **CPA Grant:**

The Commission also requested Coordinator Capone develop a CPA proposal to conduct invasive species removal and restoration of historic stone walls and foundations at King Philip Woods. Proposals are due October 10th.

On a motion by C. Russo, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to enter into Executive Session to discuss strategy with respect to litigation regarding Zero Washington Drive, and not to return to open session following this discussion. The Commission adjourned the public session at 7:45 PM.