



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of November 18, 2019

Present: Tom Friedlander, Chairman; David Henkels, Vice Chairman; Bruce Porter; Richard Morse; Kasey Rogers; Charlie Russo; Mark Sevier (6:53 PM); Ken Holtz, Associate Member; and, Lori Capone, Conservation Coordinator

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

Minutes:

On motion by D. Henkels, seconded by R. Morse, the Commission unanimously approved the minutes of November 4, 2019.

Wetland Applications:

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

T. Friedlander reopened the hearing for the construction of an addition at 35 Stone Root Lane, continued from October 7, 2019, under the Wetlands Protection Act and Sudbury Wetlands Administrative Bylaw.

David Burke of Wetland Resources Specialist updated the Commission on behalf of the applicant, who was not present. Mr. Burke explained that since the last meeting, they have evaluated constructing the addition on helical piers, which they have found suitable for this construction. They have also received a DEP file number which was not available at the last meeting. They have evaluated the unpermitted generator pad and have adjusted the Riverfront Area alteration calculations to accurately reflect existing and proposed alterations, which is still well below the permissible threshold. They have included information regarding stabilization of the existing disturbed area leading to the rear yard and have included the installation of two duck boxes, this winter, as mitigation for unpermitted activities.

The Commission discussed requirements associated with installation and monitoring of the duck boxes. It was determined that the boxes would be installed and monitoring by a qualified wildlife biologist for the life of the Order.

On motion by C. Russo, seconded by R. Morse, the Commission voted unanimously to close the hearing. On motion by D. Henkels, seconded by C. Russo, the Commission voted unanimously to issue an Order of Conditions, approving the project.

Request for Determination of Applicability – 75 Wake Robin Road:

Adam Neale presented his Request for the removal of trees and construction of a swimming pool within the 100-foot Buffer Zone and Adjacent Upland Resource Area under the Wetlands Protection Act and the Sudbury Wetlands Protection Bylaw.

Mr. Neale explained that his wife had inquired with the Conservation Office regarding whether the installation of a pool would require a filing with the Conservation Commission. It was their understanding that they just needed to stay about 30 feet from the lot line to stay out of wetlands jurisdiction. They did, however, mistakenly remove some large pine trees from the Buffer Zone before knowing that they were in wetland jurisdiction. Mr. Neale explained that the area of tree removal had recently suffered storm damage and he had an arborist recommend they be removed. Mr. Neale presented a landscape plan to revegetate the area of tree removal with native species. Invasive species consisting of winged euonymus,

honeysuckle, buckthorn, will be removed. Mr. Neale apologized for removing the trees without permission and felt the proposed mitigation plantings will provide a more diverse habitat for wildlife.

D. Henkels asked what chemicals will be used for the pool. Mr. Neale explained that they are using a salt pool which uses less chemicals and he submitted information on the filter that will be used confirming that backwashing will not be needed.

The Commission discussed whether this application should be reviewed under a Notice of Intent given that the trees had been removed without permission, in violation of the Wetlands Protection Act and the local Bylaw. The Commission discussed the options of whether it was appropriate to issue: a Negative Determination of Applicability with conditions; a Positive determination of Applicability requiring a Notice of Intent be filed for the proposed project; or, an Enforcement Order requiring restoration of Buffer Zone with the implementation of the mitigation plantings. After much discussion, the Commission determined that given there was no additional information that would be required under a Notice of Intent application and the applicant had removed the trees in error but there was no net negative impact on the resource area given the proposed mitigation, a Negative Determination of Applicability could be issued.

C. Russo made a motion to issue a Negative Determination of Applicability with the condition that the planting plan is to be implemented and the project will be considered in compliance with a 90% success rate on mitigation plantings after two growing seasons. The motion was seconded by M. Sevier. The motion passed 5-2. (T. Friedlander and R. Morse opposed)

Certificates of Compliance:

Willow Hill School, 98 Haynes Road, DEP File #301-1226: David Heinsohn-Roe, Director of Facilities, and Paul Avery of Oak Consulting Group attended tonight's meeting to request a Certificate of Compliance for the construction of an addition at Willow Hill School. All work was completed in compliance with the Order of Conditions and Coordinator Capone recommended issuance of the Certificate of Compliance.

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

Wetland Applications continued:

Notice of Intent - Buddy Dog, 151 Boston Post Road:

T. Friedlander explained that he, Coordinator Capone, Planning Board Chair, Steve Garwin, Director of Planning, Adam Duchesneau, and Environmental Planner, Beth Suedmeyer, met to discuss the project. The Planning Board was requesting changes to the site layout and T. Friedlander felt that the Planning Board Chairman understood the Conservation Commission's concerns and any changes would likely be sensitive to conservation issues. They are next scheduled to meet with the Planning Board on December 13th. The Planning Board may request a joint meeting with Planning and Conservation but at this time, the applicant has requested a continuance to the December 2nd Commission meeting.

On motion by C. Russo, seconded by R. Morse, the Commission voted unanimously to continue the hearing to December 2, 2019.

Notice of Intent – 22 Buckmaster Road:

T. Friedlander opened the hearing for the construction of a swimming pool under the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw. Coordinator Capone reported that the applicant is working on submitting a surveyed plan showing the wetland resource area and the project to scale. They have requested a continuance to the January 27th meeting to prepare this plan.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously to continue this hearing to January 27, 2019.

Request for Determination of Applicability – 347 Dutton Road:

Since the Applicant was not in attendance, the Commission requested Coordinator Capone present the Request for a septic system replacement on their behalf.

Coordinator Capone explained that the site is located between two potential vernal pools, the higher quality vernal pool habitat being the one located to the rear of the house. The current system consists of a tank and leach pit and is in failure. The project engineer provided an alternative analysis of possible locations to site the new leach field, all location are within existing lawn areas. Siting the system as far as possible from both PVPs would require the water line to be relocated. Siting it in the rear would require a pump system. The proposed configuration maintains a 50-foot offset to the PVP located across Dutton Road from the site and would allow the existing tank and piping to be reused, minimizing disturbance. The Board of Health has approved this design.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously to issue a Negative Determination with conditions, approving the project.

Violation Updates:

Buddy Dog Humane Society, 151 Boston Post Road:

T. Friedlander updated that Commission on the animal carriers being stored within the Buffer Zone. He had originally thought the carriers were closer to wetland resource areas. Coordinator Capone reported that Buddy Dog is committed to removing these carriers by December 15th and Buddy Dog has confirmed that all the carriers are clean.

Bosse Sport, 141 Boston Post Road:

Coordinator Capone reported that the landowner has started removing unpermitted materials being stockpiled in the Buffer Zone. The area directly adjacent to the wetland has been cleaned and a dumpster will be coming in next week to properly dispose of this material.

Conservation Restrictions:

O Washington Drive:

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously to accept the 3.8-acre Conservation Restriction at 0 Washington Drive pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws.

Libby-Dickson CR (Parcels H11-0305 and H11-0401):

Coordinator Capone explained that this CR will be conveyed to Sudbury Valley Trustee (SVT) after the land is conveyed at Spring Town Meeting from the Board of Selectmen to the Conservation Commission. SVT had two questions on the draft CR: 1) Where is the historic vista that is discussed; and, 2) Did SVT need to obtain written permission from the Commission to install signs. The Commission was not aware of exactly where the historic vista was but on motion by D. Henkels, seconded by K. Rogers, the Commission voted unanimously to include language that would allow a vista to be maintained to the Sudbury River and agreed the paragraph on the signs could be eliminated.

Other Business:

Hop Brook Pitch Pine Study: Coordinator Capone explained that she has been contacted by Jeff Licht, a Professor at UMASS, has been conducting an ongoing study of pitch pine ecology in MA and ME examining defenses that pitch pine have to the southern pine beetle. The study is comprised of setting one pheromone trap for the southern pine beetle and extracting sap with a small device to measure sap flow

over two days. A small amount of pine needles and soil will be taken to establish tree and soil chemistry. Work is not within wetlands jurisdiction but is on conservation land. He has been working with SVT and the Town of Marlborough along the pipeline and the Memorial Forest and would like permission to tap two trees in Hop Brook Conservation Land. This work would be conducted in April. There is no evidence of southern pine beetle yet in the area but they are trying to get out in front of any potential invasion. K. Rogers asked that the extraction holes be plugged at the end of the project. The Commission approved allowing this study in the Hop Brook Conservation Land, as described.

Upcoming Meetings/Site Visits:

Coordinator Capone reminded the Commission of the Broadacres Charrette that will be held November 21st at 7:00PM in the Town Hall; the site visit at the Carding Mill with the Historical Commission and the Board of Selectmen, Friday November 22nd at 9:15AM; and asked for confirmation on a site visit to 168 Horse Pond Road which was scheduled for November 25th at 3:00PM.

Land Stewardship Discussion:

The Commission discussed the need to establish a Land Management Committee and discussed ways to obtaining public interest and participation through Sudbury Flash Vote. It was determined that D. Henkels, R. Morse, and K. Holtz would work on developing a Land Stewardship Program.

On motion by C. Russo, seconded by M. Sevier, the Commission voted unanimously to adjourn the meeting at 8:48 PM.