



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of December 30, 2019

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair; Bruce Porter; Mark Sevier; Kasey Rogers; Richard Morse; and Lori Capone, Conservation Coordinator

Absent: Charlie Russo and 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 K. Rogers, seconded by B. Porter, the Commission voted unanimously to approve the minutes of the December 16, 2019 meeting.

Certificates of Compliance:

Lot 4 Anthony Drive, DEP File #301-1154 and DEP File #301-1183, and Lot 5 Anthony Drive, DEP File #301-1182

Coordinator Capone has reviewed the sites for compliance with the corresponding Orders of Conditions. The last remaining item was the recording of a Deed Restriction which has been completed. Coordinator Capone recommended Certificates of Compliance be issued for these three Orders.

On motion by D. Henkels, seconded by B. Porter, the Commission voted unanimously to issue Certificates of Compliance for DEP File #s 301-1154, 301-1183 and 301-1182

Wetland Applications:

Notice of Intent - Department of Public Works, Concord Road Culvert Repair:

T. Friedlander opened the Notice of Intent Hearing for repairs to the culvert that conveys Cold Brook under Concord Road under the Wetlands Protection Act and the Sudbury Wetlands Protection Bylaw.

Chris Jones of BETA Group attended tonight's meeting on behalf of the Department of Public Works. Mr. Jones presented revised plan, based on comments raised by the Coordinator.

Mr. Jones explained that the northern culvert headwall collapsed during a recent car accident and needs to be rebuilt. At the same time, the southern headwall will also be replaced as it does not meet crash standards. Temporary measures were implemented, consisting of installation of concrete road barriers, in place of the missing headwall. The existing infrastructure will be removed up to the top of the existing culvert, a six-foot moment slab will be install under the roadway which absorbs the impact resistant forces from the retaining walls. Construction is anticipated to commence in August.

Part of the work includes dredging material from within and at either end of the culvert. A coffer dam will be installed upstream and downstream of the culvert to isolate the work area from the wetland. The six-foot culvert currently has about two-feet of clearance. All but one-foot of this sediment will be removed in order to maintain a natural stream bottom in the culvert. The area will be dewatered. Dredging will take about one week at which time the coffer dam will be removed and Cold Brook will be restored to existing conditions. Four new coffer dams will be installed around the four wingwalls. When a contractor is chosen for the project, they will develop a plan of how the area will be dewatered, which will be reviewed

and approved by the Conservation Commission prior to implementation. The plans have been modified to assume that the wingwalls will need to be repaired and/or installed, as the extent and integrity of the wingwalls is not known. This change will not change impacts to the resource areas.

D. Henkels asked if Natural Heritage has provided comments on the project and asked where the dredge material was going to be taken. Mr. Jones explained that they have not received comment from Natural Heritage yet and the hearing should remain open until they have been received. The dredge material will be stored at the DPW yard for reuse and/or disposal. Coordinator Capone commented that a special condition should also be included regarding invasive species monitoring to ensure invasive species, such as Phragmites, not invade the cattail swamp. K. Rogers asked if the retaining walls would be recreated with stone similar to the original wall. Mr. Jones explained that the retaining walls will be concrete with guardrails.

T. Friedlander asked if there were any abutters present who would like to speak. Jane Dretler, 286 Goodmans Hill Road, asked whether the slow flow conditions of Cold Brook were new. Mr. Jones explained that the culvert serves as an equalizer pipe due to the extensive floodplain and low gradient of the stream bed in this area.

As revised plans were just submitted at tonight's meeting and given that the Natural Heritage Program has not completed their review of the project, the Commission requested that the hearing be continued to January 13, 2020. Mr. Jones concurred.

On motion by M. Sevier, seconded by D. Henkels, the Commission voted unanimously to continue the hearing to January 13, 2020.

Other Business:

Quarry North Road Residential Development:

Attorney Bill Henchy and Chris Claussen of Quarry North Road LLC attended tonight's meeting to update the Commission on the project and discuss the proposed work within wetland resource areas. The hydrogeologic study has been completed for the proposed on-site leaching facility which has received approval from DEP. Atty. Henchy stated that after visiting the site with the Conservation Coordinator during the MEPA meeting, they have determined that they will modify the plan to move the access road further from the wetland resource area in an effort to minimize impacts to the point that they are hopeful that the project can be reviewed by the Conservation Commission under a Request for Determination of Applicability (RDA). The MEPA Certificate should be issued in January.

T. Friedlander stated that RDAs are usually used for small residential project. Atty. Henchy stated that the reason they would like to Commission to consider this work under an RDA is due to the fact that, since this project has been contentious, if the Commission's Determination is appealed, work may proceed while under appeal, whereas if an Order of Conditions is appealed, work must cease until a final decision is rendered through the Appeals process.

Coordinator Capone explained that proposed work within jurisdiction includes tree removal, retaining wall construction, and grading, as well as conversion of the existing gravel access road to a pervious pavement road, within the 100-foot Buffer Zone, Adjacent Upland Resource Area and Riverfront Area. The Commission recommended the applicant evaluate whether the access road could be moved out of jurisdiction and/or if the Fire Department would be satisfied with the existing road width, without expanding it to 20-foot wide. The Commission also asked the applicant to look into whether the access road would only be for emergency access or whether it would see regular use by the residents of the development.

Atty. Henchy thanked that Commission for their time and anticipate filing an application with the Commission in January or February.

Wetland Applications Continued:

Notice of Intent, 275 Morse Road (Barn side), DEP File #301-1278:

T. Friedlander stated that this hearing was closed at the last meeting for the construction of a footbridge and boardwalk and asked for a motion to issue an Order of Conditions.

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

Certificates of Compliance Continued:

Mahoney Farms, Old Framingham and Nobscot Roads, DEP File #301-874 and #301-884:

Coordinator Capone explained that she has reviewed the site for compliance with the Order of Conditions and asked the Town Engineer to review the culverts under Old Framingham Road. The site was constructed in compliance with the Order and the catch basins were found to be maintained, however there was sediment within the connecting pipes. The developer has provided written confirmation that this sediment will be removed as part of their regular spring maintenance. Coordinator Capone recommended that Certificates of Compliance be issued at this time as the additional work is part of their approved Operations and Maintenance Plan. The Commission requested written notification in the spring once the maintenance has been conducted.

On motion by K. Rogers, seconded by D. Henkels, the Commission voted unanimously to issue a Certificate of Compliance for DEP File #301-874 and #301-884.

M.C. Moore & Sons, 33 Douglas Drive, DEP File #301-150:

Coordinator Capone explained that there is no file for this Order of Conditions. In discussions with the Building Commissioner, whose family sold this land to the developer, he stated that the property at 33 Douglas Drive was not part of this subdivision. There was a subsequent Order issue for work at 33 Douglas Drive which has received a Certificate of Compliance. Given this information, Coordinator Capone recommended that a Partial Certificate of Compliance be issued for 33 Douglas Drive to clear their title of this Order.

On motion by D. Henkels and seconded by B. Porter, the Commission voted unanimously to issue a Partial Certificate of Compliance for DEP File #301-150 for 33 Douglas Drive.

Natalie Haight, 275 Morse Road, Sudbury Wetlands Administrative Bylaw #040218:

Coordinator Capone explained that the Commission discussed incorporating this existing Order of Conditions into the new Order issued earlier tonight and issuing a Certificate of Compliance to close out this existing Order.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously to issue a Certificate of Compliance for SWAB #040218.

Other Business continued:

Alta at River's Edge, 409 Boston Post Road, Wayland: Environmental Notification Form:

Coordinator Capone asked if there were any additional comments for inclusion in the comment letter to MEPA regarding the proposed housing development on the town line. There were no additional comments.

Tree Removal: 31 August Road:

Coordinator Capone informed the Commission that the landowner at 31 August Road has requested permission to remove two trees, and prune a third tree, in the 100-foot Buffer Zone, 200-foot Riverfront Area, and within the floodplain. An arborist has evaluated these trees and found that the trees posed a safety risk to the house. The trees would be removed with a crane positioned on the driveway and the stumps would remain. Coordinator Capone agreed that these trees could not be pruned to eliminate the safety concern and that their removal would not negatively impact the resource area.

On motion by D. Henkels and seconded by K. Rogers, the Commission voted to permit this tree removal.

Lincoln Meadow: Blue-spotted Salamander Research:

Coordinator Capone reported that she has been contacted by a Conservation Scientist for the Natural Heritage and Endangered Species Program (NHESP) who is requesting permission to evaluate DNA from populations of Blue-spotted salamander in a vernal pool at Lincoln Meadows. The project will evaluate the population variation between genetically “pure” and hybrid salamanders and investigate whether habitat use is a potential explanation for variations in populations.

Work consists of collecting salamanders via aquatic funnel-trapping during breeding migrations. Each blue-spotted salamander would be processed for body metrics and a single toe clipped to obtain DNA. Each processed blue-spotted salamander would then be released back to the wetland at its point of capture.

K. Rogers expressed concern with the salamander’s ability to survive in the traps for two days. Coordinator Capone agreed to follow up with NHESP to ensure work does not result in any unintended mortality. The Commission was in full support of this research project.

Town Report:

Coordinator Capone explained that the Town Report is due at the end of January and asked the Commissioners to send any information that they would like included in this year’s report.

Special Town Meeting:

Coordinator Capone advised the Commission that Special Town Meeting is this Thursday.

On motion by M. Sevier, seconded by D. Henkels, the Commission voted unanimously to adjourn the meeting at 7:43 PM.