



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of February 10, 2020

Present: David Henkels, Acting Chair; Mark Sevier; Richard Morse; Charlie Russo; Kasey Rogers; Ken Holtz, Association Member and Lori Capone, Conservation Coordinator

Absent: Thomas Friedlander and Bruce Porter

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

Minutes:

On motion made by R. Morse, seconded by C. Russo, the Commission voted unanimously to approve the minutes of the January 27, 2020 meeting.

Wetland Applications:

Notice of Intent: Stearns Mill Pond, Carding Mill Pond, and Grist Mill Pond, DEP File #301-

D. Henkels reopened the Notice of Intent hearing for the proposed herbicide treatment of Grist Mill, Carding Mill, and Stearns Mill Ponds with Clearcast for the management of water chestnut, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

Jeff and Kathy Winston of the Hop Brook Protection Association (HBPA) attended tonight's meeting

Coordinator Capone reviewed the three items that were requested of the applicant at the last hearing: 1) A letter from the Water District regarding any concerns they may have with impacts to the Town wells from the use of Clearcast; 2) Provide information of the adjuvant that will be used; and 3) provide a strategy to manage milfoil. The Water Department submitted a letter that they have no concerns with Clearcast affecting groundwater quality. Cidekick will be used as the adjuvant with Clearcast whose components are primarily derivatives of botanical oils. The Hop Brook Protection Association (HBPA) has also provided information on what efforts they will employ to monitor and manage milfoil to ensure it does not become problematic following treatment of the water chestnut.

The Commission discussed negative impacts associated with permitting the chemical treatment, as well as impacts from allowing the water chestnut to proliferate. Specifically, they discussed the probability that the treatment will result in reduced oxygen in the water column, and the potential of causing a fish kill. The alternative of doing nothing, also resulting in a change in the wildlife habitat this area currently provides, this being the natural progression of man-made ponds, though accelerated by water chestnut.

Chris Simollardes, 49 Carriage Way, stated that the pond suffers from annual fish kills already from reduced oxygen, stating that something needs to be done to improve the health of the ponds, but he expressed concern with use a d'limonen, which can be toxic to aquatic systems uncertain of what concentration is used in Cidekick.

As DEP has not issued a file number for this project yet, C. Russo made a motion to continue the hearing to February 24, 2020. Seconded by M. Sevier. The motion passed unanimously.

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

D. Henkels reopened the Notice of Intent hearing for the construction of a new animal shelter building and parking lot with associated grading and drainage within the 100-foot Buffer Zone and Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

Dan Wells, Goddard Consulting, presented the proposed mitigation plan, on behalf of applicant, Steve Burt, who was also in attendance. Mr. Wells explained that the applicant is proposing to conduct manual removal of invasive plants in two areas equaling 14,550 s.f., a 2.6:1 mitigation area to offset the proposed 5,575 s.f. area of proposed new alteration to the Buffer Zone/Adjacent Upland Resource Area. Mr. Wells explained that they would like to allow the area to naturally revegetate with the condition that restoration will be achieved when 90% of the area will be revegetated with native vegetation. Invasive plants would be removed in year one. A native seed mix may be applied, as needed, following year two of invasives removal. Additional plantings could be installed if 90% native cover is not achieved after the third growing season.

The Commission discussed the effectiveness of the proposed invasive species management program and how the mitigation area will be maintained invasive free in the future. The Commission considered alternative management techniques such as maintaining the area through mowing, performing a prescribed burn, or herbicide treatment. The Commission briefly discussed proposed lighting on the site and the need to use dark sky lights, particularly near the vernal pool. The Commission decided to visit the site to review the proposed mitigation areas.

The Stormwater Management Plan and calculation are currently being reviewed through the Planning process and should be completed prior to the Commission closing this hearing.

No abutters were present to speak on this matter.

On motion by R Morse, seconded by M. Sevier, the Commission voted unanimously to continue the hearing to February 24, 2020.

Notice of Intent – 22 Buckmaster Road, DEP File #301-1277:

D. Henkels reopened the Notice of Intent hearing for the construction of a swimming pool, patio and cabana within wetland jurisdiction, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

Andy Everleigh of Environmental Pools presented the plan for an in-ground swimming pool, cabana, and patio within the buffer zone, on behalf of the homeowner, who was not in attendance. Work includes the removal of three trees, otherwise work is located within the existing lawn.

The Commission discussed dewatering activities, both during and after construction, as well as how the hydrostatic release valve works in relation to period of high groundwater. Mr. Everleigh discussed the need to identify the location of the leach field to ensure a 20-foot offset is maintained and confirmed that if the leach field is found to be closer to the construction area, the pool dimensions would be reduced to maintain the proposed offset to the wetland resource area. Mr. Everleigh confirmed that pool would use a UV cartridge filter. Since the first 18 inches of pool water would need to be drained at the end of the season, Mr. Everleigh will confirm how this will be accomplished without discharging chemically treated water into the wetland.

The Commission discussed modifications to the plan that would reduce the project footprint and requested mitigation to offset project impacts. The proposed footprint is approximately 2,200 s.f..

Coordinator Capone noted that there is a brush pile in the northeast corner of the property that should be removed and suggested focusing replanting in that area, which is also where the tree is proposed to be removed. The Commission requested the applicant develop a mitigation plan to offset project impacts at a 3:1 ratio. R. Morse raised concern that adequate mitigation would be able to be provided to offset wetland impacts. The applicant requested a continuance to the next meeting to discuss plan modifications with his client.

No abutters were present to speak on this matter.

On motion by K. Rogers, seconded by R. Morse, the Commission voted unanimously to continue the hearing to February 24, 2020.

Request for Determination of Applicability - 108 Old Lancaster Road:

Homeowner, Eric Henderson, attended tonight's meeting to request permission to remove storm damaged trees that pose a safety concern, as well as manually remove bittersweet in this same area, which is located in the buffer zone at the edge of the existing lawn. Mr. Henderson also requested permission to replant this area with plants from the Commission's native plant list to help outcompete the bittersweet, but no plan or list of plants has been developed yet. Coordinator Capone suggested a special condition be included that permits plantings, following review by the Coordinator.

On motion by C. Russo, seconded by R. Morse, the Commission voted unanimously to issue a Negative Determination of Applicability permitting the work as discussed.

Request for Determination of Applicability – 35 Lincoln Lane:

Landowner, Krisanne Bursik, attended tonight's meeting to request permission to demolish the existing house at 35 Lincoln Lane. Ms. Bursik explained that she lives next door and recently purchased the property. The existing house is in disrepair and she has received permission from the Historical Commission for its demolition. Ms. Bursik also requested permission to replace the existing wire fence that runs along the lot line with a split rail fence.

The Commission discussed what the site would be seeded with. Ms. Bursik responded that she ultimately would like to install native plantings, like she has at her adjacent property, but hasn't developed a planting plan. The Commission discussed stabilizing disturbed areas with a native seed mix and allowing native plantings be installed once reviewed by the Coordinator.

On motion by R. Morse, seconded by K. Rogers, the Commission voted unanimously to issue a Negative Determination of Applicability permitting the project as discussed.

Notice of Intent – 100 Thunder Road, DEP File 301-12:**

D. Henkels opened the Notice of Intent hearing for tree removal and expansion of lawn within the 100-foot Buffer Zone and Adjacent Upland Resource Area at 100 Thunder Road, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

Homeowners, Robert and Cara Luther, presented their proposal to the Commission to remove 11 trees within jurisdiction. The arborist report has been received detailing the health of these trees. They would like to expand the yard by 10 feet and replant rhododendron along the yard border. Coordinator Capone questioned the need to remove three trees that did not seem to pose a safety hazard. Mr. Luther agreed to keep the trees but requested permission to prune damaged branches. The Luthers would also like to remove the bittersweet and burning bush in the area of tree removal and manage poison ivy at the edge of lawn. Coordinator Capone recommended the Luther's incorporate native plantings, including groundcover to help inhibit growth of the invasives and poison ivy.

The Commission discussed the expansion of lawn. Mrs. Luther explained that they are not proposing to plant more lawn, as lawn does not grow very well in this area, but they do intend to use the cleared space as yard. They would like to remove roots that pose a tripping hazard in this area.

There were no abutters present to speak on this application.

As DEP has not issued a file number for this project, the applicant agreed to continue the hearing and the landowners will work on developing some mitigation to offset the tree removal.

On motion by M. Sevier, seconded by C. Russo, the Commission voted to continue the meeting to February 24, 2020.

Notice of Intent – Memorial Forest, DEP File #301-12:**

D. Henkels opened the hearing to conduct a prescribed burn, to restore Pitch Pine - Scrub Oak Barrens in the Memorial Forest, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

Laura Mattei, Director of Stewardship at Sudbury Valley Trustees (SVT), attended tonight's meeting to present a Notice of Intent, on behalf of Sudbury Valley Trustees, to expand the prescribed burn area in the Memorial Forest into wetland resource areas including bordering vegetated wetland, buffer zone, adjacent upland resource area, and the 200-foot Riverfront Area to Cranberry Brook and Hop Brook.

Ms. Mattei reintroduced the Prescribed Burn Plan that was presented at the January 27, 2020 Commission meeting; a management technique being employed to restore Pitch Pine-Scrub Oak Barren Habitat in Memorial Forest. Since the last meeting, Coordinator Capone and R. Morse attend a site walk with representatives from the City of Marlborough, US Fish and Wildlife, and the contractor that will be conducting the burn. Ms. Mattei explained that the project has been approved by the Natural Heritage and Endangered Species Program but requires coordination with them to conduct turtle sweeps prior to the burn.

Coordinator Capone noted that they had not walked the area proposed to be burned within the bordering vegetated wetland and requested time to go back out to this area. K. Rogers asked if there was any mortality experienced from the last burn. Ms. Mattei responded that none have been noted. SVT does conduct sweeps of the area prior to the burn to move animals out of the area. Any animals that can burrow deeper than one foot below ground are also likely to survive the burn. SVT walks all burn area until the first significant rain event following the burn, and did not see any dead animals.

There were no abutters present to speak on this project.

As DEP has not issued a project number yet, on motion by R. Morse, seconded by M. Sevier, the Commission voted unanimously to continue the hearing to February 24, 2020.

Certificate of Compliance:

Highcrest at Meadow Walk: Farmstead Lane, DEP File #301-1213:

Coordinator Capone explained that she reviewed the site with Dave Burke, Environmental Monitor for the project, and there are still significant areas within jurisdiction that have not been stabilized. It is not recommended that a Certificate of Compliance be issued until the site is stable.

Other Business:

5 Lakeshore Drive - After the fact tree removal:

Coordinator Capone explained that she noticed trees being removed at 5 Lakeshore Drive while conducting a site visit at the neighborhood residence. All the trees were down at the time of inspection. Coordinator Capone contacted the tree service who indicating that they had received approval from the prior Conservation Coordinator to remove these trees. Upon checking with Coordinator Dineen, these trees had not been permitted to be removed and Coordinator Capone has requested a Notice of Intent be filed for this work.

2020 Mass Open Space Conference:

Coordinator Capone informed the Commission of the Open Space Conference that will be held on April 25th at the Greenfield Community College.

Living With Coyote Talk:

Coordinator Capone informed the Commission that Pat Huckery of US Fish and Wildlife will lead a discussion regarding preventing and resolving conflicts between humans and coyote at 7:00 PM on February 12 at the Willard School in Concord, MA, if anyone wanted to attend.

Eversource 2020 Vegetation Management Plan:

Coordinator Capone informed the Commission that Eversource will be conducting vegetation removal in accordance with their Vegetation Management Plan along a 2,000 linear foot section near the Wayland Town line, in 2020. Work entails cutting, pruning, and selective removal of hazard trees. No herbicides will be used.

Davis Meadow Restoration Project:

Coordinator Capone updated the Commission of the pollinator meadow project underway at David Field. This project was scoped to manually remove a few invasive plants and replant the meadow with native species to create a viable pollinator meadow. Work commenced in July 2019. It was determined that the meadow contained a much more robust population of invasive species, primarily mugwort and bittersweet, than originally thought. In an effort to bring these species under control, solarization was implemented on large areas of bittersweet and other large areas of undesirables. This was found to be moderately effective. The contractor has recommended not to commence incorporating new plantings until the invasives are practically eradicated, as they will quickly overtake new plantings. The contract was for \$18,500, of which \$5,676 remains. The contractor is seeking permission to modify the program to allow a cut and dab herbicide treatment on remaining bittersweet to bring it under control and install plantings, to stay within the monetary limits of the contract. The alternative would be to attempt solarization again for the entire next season and see what remains in the fall. The contractor is concerned that even if the solarization is 100% effective on the bittersweet vines, the bittersweet seed remains viable for nine years to sprout once exposed to sunlight. If the Commission will entertain limited herbicide use via cut and dab methodology, the contractor feels as though the project can be accomplished within the existing budget. This area is located approximately 85 feet from wetlands. The Commission took this under consideration and will make a determination at the next meeting.

168 Horse Pond Road – DEP File #301-1178:

Coordinator Capone informed the Commission that a proposed restoration plan has been submitted and will be presented to the Commission at the next meeting.

On motion by C. Russo, seconded by K. Rogers, the Commission voted unanimously, by roll call vote, to adjourn the meeting at 9:17 PM.