



**SUDBURY CONSERVATION COMMISSION**  
**Meeting Minutes of May 5, 2020**

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair; Bruce Porter; Richard Morse; Mark Sevier; Kasey Rogers (6:36 PM); Ken Holtz, Association Member and Lori Capone, Conservation Coordinator

Absent: Charlie Russo

T. Friedlander opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw at 6:30 PM.

**Wetland Applications:**

**Request for Determination of Applicability: 14 Firecut Lane:**

Debbie Dineen, homeowner, and Mike DiModica, of DiModica Construction, attended tonight's meeting to present their Request for Determination of Applicability for the replacement of the septic system at 14 Firecut Lane. The system is proposed in the outer riparian zone. The leach field is proposed as far as possible from the resource area and about 45 feet further than existing conditions. Access to the work area will be along the southern lot line. Disturbed areas will be loamed and seeded following construction.

Coordinator Capone requested that silt sacs be installed in the downgradient catch basin to contain any erosion that may enter the roadway due to the steepness of the access. The applicant was amenable.

No abutters were present to speak on this matter.

On motion made by R. Morse, seconded by D. Henkels, the Commission voted unanimously, by roll call vote, to issue a Negative Determination of Applicability approving the project as designed. Vote carried 5-0 (K. Rogers was not present for this vote.)

**Extension Request:**

**Lots 4 and 5 Fairbank Road, DEP #301-1149:**

Beth and Kevin Cosgrove of Greenspire, Inc attended tonight's meeting to request a one-year Extension to the Order of Conditions for construction of a single family house. Ms. Cosgrove explained that they have received a lot of interest in the property but activity has slowed due to COVID.

Coordinator Capone explained that the required Conservation Restriction has been recorded, the lot has been cleared and erosion controls are in place. There is no change to the proposed approved plan and recommended that the Commission issue the requested Extension.

On motion by D. Henkels, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to issue a one-year Extension to this Order of Conditions.

**321 Old Lancaster Road, DEP #301-1208:**

Chris Morley of 321 Old Lancaster Road attended tonight's meeting to request a one-year Extension of the Order of Conditions to complete the construction of a retaining wall and install plantings downgradient of the retaining wall following construction.

Coordinator Capone explained that the project scope has not changed, the mitigation plantings have been installed, and recommended the Commission issue the requested Extension.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue a one-year Extension to this Order of Conditions.

#### **Certificate of Compliance:**

##### **27 Hopestill Brown Road, DEP #301-467:**

Coordinator Capone explained that this is an outstanding Order from 1995 for the construction of an addition. The project was constructed in accordance with the approved plans and Order of Conditions and recommended the Commission issue a Certificate of Compliance to close out this project.

On motion by B. Porter, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to issue a Certificate of Compliance for this Order.

##### **30 Meadow Drive: DEP #301-1098:**

Mellissa Stolper presented her request for a Certificate of Compliance for the construction of an addition and deck.

Coordinator Capone explained that this Order, from 2013 was for construction over an existing lawn area and the expansion of lawn within the outer Riverfront Area. The project was constructed per plan and mitigation in the form of invasive species removal and removal of lawn has been provided and recommended the Commission issue a Certificate of Compliance to close out this project.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue a Certificate of Compliance for this Order.

#### **Order of Conditions Modification:**

##### **555 Dutton Road, DEP File 301-1270:**

Silvia Nersessian, landowner, requested the Commission modify the time requirement set forth in the Order of Conditions to complete their Phase II plantings. Phase I, the installation of 5 hemlock trees, was completed last fall as required, but due to COVID and the financial impacts this has had, Ms. Nersessian requested the Commission provide her until June 1, 2021 to complete the remainder of the plantings.

Coordinator Capone explained that the trees were the most important plantings to have in place to mitigate for those that were removed without permission, but felt that this was a reasonable request and recommended the Commission provide this relief given the current COVID situation.

On motion by R. Morse, seconded by K. Rogers, the Commission voted unanimously, by roll call vote, to extend the time requirement for the installation of plantings associated with Phase II, to June 1, 2021.

#### **Emergency Certification:**

##### **John Bond, 586 Peakham Road:**

Coordinator Capone explained that the Board of Health has been working with the landowner at 586 Peakham Road to replace the existing failed septic system. The system was located about 50 feet from wetlands and was causing significant breakout of septic onto the ground. The system will be replaced in the same location approved by the Commission in a 2006 filing. Given the health issue this breakout is causing, the Board of Health deemed the current situation a hazard to health and safety which allows the

Commission to issue an Emergency Certification to allow work to proceed. An after the fact Notice of Intent will be filed for this project. Coordinator Capone requested the Commission ratify the Emergency Certification issue to allow the work to proceed.

On motion by M. Sevier, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to ratify the Emergency Certification.

#### **Other Business:**

##### **Assabet River National Wildlife Refuge Hunting Plan:**

The Commission discussed submitting a comment letter on the draft hunting plan which expands the hunting of big game (Black Bear, Coyote, and Fox) and migratory birds. Comments have been received by C. Russo and D. Henkels. Coordinator Capone requested the Commissioners send additional comments to her to prepare a draft letter for discussion at the May 18<sup>th</sup> meeting.

##### **Commission Charge:**

The Commission discussed the proposed language for the Commission's charge, discussed at the last meeting and alternative language drafted by the Coordinator. After some discussion, the Commission requested the Coordinator combine the two proposed charges and placed on the next Agenda for consideration.

##### **Land Stewardship Flash Vote:**

The Commission discussed and finalized the questions for their Flash Vote regarding use and needed improvements to Town Conservation Lands. Ken Holtz updated the questions based on tonight's discussion. Coordinator Capone will develop a map to be included with the Flash Vote that identifies the location of the Conservation Lands and will work with Leila Frank on final format and publishing the Flash Vote.

##### **Violation Update:**

Coordinator Capone informed the Commission that there were two tree clearing violations that occurred at the end of last week: one at 22 Raymond Road, and a second at 32 Emerson Way. Both landowners were unaware that this work required review by the Commission and are working to resolve these violations.

On motion by M. Sevier, seconded by K. Rogers, the Commission voted unanimously, by roll call vote, to adjourn the meeting at 7:23 PM.