



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of June 15, 2020

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

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

Minutes

On motion by D. Henkels, seconded by R. Morse, the Commission unanimously approved, by roll call vote, the minutes of June 1, 2020.

Wetland Applications:

Notice of Intent: 586 Peakham Road, DEP #301-1290

Chair Friedlander opened the Notice of Intent hearing for John Bond, 586 Peakham Road for the after-the-fact replacement of a failed septic system within the 100-foot buffer zone and 200-foot Riverfront Area pursuant to the Wetlands Protection Act and the Sudbury Wetland Administration Bylaw.

Michael Sullivan of Sullivan and Connors presented the plan for the replacement septic system on behalf of the applicant, who was not in attendance. Mr. Sullivan explained that the system was installed under an Emergency Certification as the system was in failure and breaking raw sewage out on the ground causing a health issue. The proposed retaining wall was not installed, and instead, the slope was graded out. This change did not increase the area of disturbance shown on the plan. All work has been completed and the site just needs to be stabilized. Erosion controls are in place and remain functional until the site is stable.

There were no abutters present to speak on this application.

On motion by K. Rogers, seconded by D. Henkels, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions approving the work.

Abbreviated Notice of Resource Area Delineation: 999 Concord Road, DEP #301-1289:

Chair Friedlander opened the Abbreviated Notice of Resource Area Delineation to confirm the bordering vegetated wetland and vernal pool delineations for 999 Concord Road, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Dan Wells of Goddard Consulting attending tonight's meeting on behalf of the applicant, who was not in attendance. Mr. Wells explained that the proposed delineation is similar to the one approved for this property in 2016, which was peer reviewed by Dave Burke of Wetland Resource Specialist. There were a few modifications to the boundary, which Dan explained were mainly due to the time of year in which the original delineation was conducted. The only significant change from the 2016 delineation was a previously unidentified stream emanating from a presumed vernal pool.

No abutters were present to speak on this application.

R. Morse made of motion to close the hearing. M. Sevier seconded the motion.

C. Russo asked to discuss the status of the newly identified stream as to whether it is perennial or intermittent.

Dave Burke, Wetland Resource Specialist, was in attendance regarding another matter, said he knows the area in question and said there is evidence of a channel, covered in sphagnum moss, but he has witnessed it with no flow. Mr. Burke felt it was highly unlikely to qualify as a perennial stream under the Bylaw.

Pursuant to the motion on the floor, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue an Order of Resource Area Delineation, approving the wetland delineation.

Request for Determination of Applicability: 35 Guzzle Brook:

Janisse Quinones presented her Request to remove one storm damages tree from the 100-foot buffer zone to Guzzle Brook pursuant to the Wetlands Protection Act and the local Wetlands Bylaw.

Ms. Quinones explained that the top of the tree fell in a recent windstorm. She is requesting permission to remove the fall section and cut down the rest of the tree as it is infested with termites.

On motion nu R. Morse, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to issue a Negative Determination of Applicability approving the work as described.

Notice of Intent: 33 Maynard Road, DEP File #301-1295:

Chair Friedlander opened the Notice of Intent hearing for the after-the-fact filing for tree removal and mitigation plantings in the 100-foot buffer zone to bordering vegetated wetlands, pursuant to the State Act and local Wetland Bylaw.

David Burke, Wetland Resource Specialist, presented the project to the Commission, on behalf of the applicant. Mr. Burke thanked the Commission for issuing the Emergency Certification to allow the tree removal following the damage that resulted from a recent windstorm. Thirteen white pine trees located in close proximity to the dwelling were removed. The site is about 1-acre and remains about 50% forested. To mitigate for the trees removal, the applicant is willing to plant 24 native shrubs between the pool fence and the wetland area.

On motion by C. Russo, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to continue the hearing to June 29, 2020, to allow time for DEP to issue a file number.

D. Henkels requested the Commission review their tree removal regulation for discussion at t future meeting.

Notice of Intent: 82 Philips Road, DEP #301-1292:

Chair Friedlander opened the Notice of Intent hearing for 82 Philips Road for the installation of a swimming pool with associated patio, fence, utilities, and landscaping within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. This matter was continued from the June 1, 2020 meeting to formalize a plan showing all elements of this project.

Quincy and Michelle Vale presented their revised PowerPoint presentation and plan. There was discussion regarding ensuring the fence is installed at the edge of lawn, in front of the existing trees and not at the wetland edge, as the plan shows. A distance from the existing house was provided on the plan to quantify the extent of fence and it was decided that Coordinator Capone would confirm the proper location of the fence during the preconstruction meeting, prior to installation. The Commission also asked about mitigation, which will be in the form of 30-40 native shrub plantings between the fence and the wetland boundary, chosen from the Commission's native plant list.

No abutters were present to speak on this application.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to close the hearing.

As a result of additional questions regarding the filter, C. Russo made a motion to reopen the hearing. D. Henkels seconded. The Commission voted unanimously, by roll call vote, to reopen the hearing.

Mr. Vale explained that the pool would be a salt water pool with cartridge filter, which does not require backwashing. The Commission requested an additional special condition be included regarding where and how to discharge any pool water when necessary. The Commission also discussed any potential impact from discharging salt water.

On motion by K. Rogers, seconded by C. Russo, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by C. Russo, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions as discussed.

Notice of Intent: Massachusetts Bay Transportation Authority Right-of Way, DEP File #301-1287:

Chair Friedlander opened the Notice of Intent hearing for the installation of a new 115kV underground electrical transmission line and the construction of a portion of the Mass Central Rail Trail, from the existing Sudbury Substation to the Hudson town line, along the inactive Massachusetts Bay Transportation Authority Right-of-Way, in Sudbury, MA, under the State Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

The applicant requested a continuance to July 8, 2020. A revised submittal is expected June 24, 2020.

B. Porter made a motion to continue the hearing to July 8, 2020. D. Henkels seconded by. Motion passed 6-0, by roll call vote. (K. Rogers recused.)

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

Chair Friedlander opened the Notice of Intent hearing for the Installation of an in-ground swimming pool, shed and patio within wetlands jurisdiction pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

The applicant requested a continuance to finalize the plan.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously to continue the hearing to June 29, 2020.

Notice of Intent: Morse Road Drainage Improvement Project, DEP File #301-1291:

Chair Friedlander said this hearing was closed at the June 1, 2020 meeting.

On motion by R. Morse, seconded by C. Russo, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions approving the project.

Notice of Intent: 24 Thornberry Lane, DEP File #301-1294:

Chair Friedlander said this hearing for the installation of a pool was closed at the June 1, 2020 meeting.

The Commission requested an additional condition be included concerning where and how to discharge any pool water.

On motion by M. Sevier, seconded by C. Russo, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions approving the project.

Emergency Certification – 41/35 Lincoln Lane:

Coordinator Capone explained that the well at 41 Lincoln Lane has failed and an Emergency Certification was issued for the installation of the new well. Existing well was located at the edge of the Sudbury River. Recently this owner purchased 35 Lincoln Lane, which is a more suitable location for the well. The owner has worked with Conservation and the Board of Health to site the well, which is 80 feet away from the river, in an existing disturbed area. The connection would require the removal of one dead tree and would be sited within the Conservation Restriction (CR) land that surrounds the property at 41 Lincoln Lane. The CR allows for the installation and maintenance of a well. Coordinator Capone requested the Commission vote to ratify the Emergency Certification.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to ratify the Emergency Certification.

Other Business:

Brimstone Lane Warrant Article Revision:

Coordinator Capone presented a plan showing the approximate land exchange proposed under Article 39 for Town Meeting. She will continue to work with Attorney Fox to obtain the plan and required information to finalize this Warrant Article to be presented to the Commission at a future meeting.

Coordinator Capone requested the Commission review and provide comments on the draft grant proposal for a two-year water quality monitoring program for Hop Brook.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to adjourn the meeting at 7:47 PM.