



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of August 24, 2020

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair; Bruce Porter; Richard Morse; Mark Sevier; Charlie Russo; Kasey Rogers; and Lori Capone, Conservation Coordinator. Ken Holtz, Associate Member was absent

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

Continued Wetland Applications:

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 and patio within wetlands jurisdiction pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw, continued from March 9, 2020.

Mike Nowicki, and Bruce McDowell, of the McDowell Company, presented plan revisions on behalf of the applicant Danforth Sullivan, who was also present. Mr. Nowicki explained that they have reoriented and reduced the size of the pool and hardscape by 724 s.f., 2,910 s.f. of lawn adjacent to the resource area will be removed, seeded with a native seed mix and planted with clethra and allowed to naturalize to improve the habitat. Markers will be installed to permanently demarcate the edge of lawn. They also proposed to install an underground infiltration system to capture runoff from the pool area, as well as, the existing house. Mr. Nowicki stated he had walked the site with Coordinator Capone who also requested the removal of a few invasive plants: buckthorn, burning bush and garlic mustard. Coordinator Capone stated that these project changes address the concerns raised by the Commission at the last meeting and recommended the issuance of an Order of Conditions.

D. Henkels stated that he felt the proposal improves the functions and values of the resource area over existing conditions and asked what type of pool it was and whether herbicides would be needed for the invasive species removal. The Applicant responded that it will be a saline pool with a carbon filter, which does not require backwashing, and the invasive plants are small and will be removed by hand.

There was no public comments.

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

New Wetland Applications:

Notice of Intent: 11 Barbara Road, DEP #301-1303:

Chair Friedlander opened the Notice of Intent hearing to conduct invasive species management within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

William Cole, applicant, presented his proposal to manually remove and spot treat stumps of large buckthorn, bittersweet and Japanese knotweed located along the road front. Andrew Whittaker of Green Abundance by Design, who will be conducting the removal, was also present. Mr. Whittaker explained

that he will manually remove any plants that he can without causing a lot of ground disturbance, but recommended spot treatment for larger stumps. Once the invasives are under control, the area will be reseeded to suppress the invasives from reestablishing

The Coordinator described on site resource areas, an isolated wetland and an intermittent stream, and shared pictures of the areas to be treated. She stated the Applicant had previously been given permission to try to eradicate the invasives manually, but this has been unsuccessful. She worked with the applicant to minimize use of herbicides, but recommends spot treated be permitted due to the size of the plants. The proposed list of plantings for mitigation were acceptable. Mr. Cole stated he would like to install native shrubs also, once the invasives are under control. The Coordinator felt the removal of the invasives and replanting of higher value species, would benefit the resource areas. The work would be conducted by a licensed herbicide applicator. Mr. Whittaker stated that he uses a very targeted foam application which is most effective during the fall season.

R. Morse asked about where the cutting/treatment would occur, and how wide the area was, to which the Applicant answered 15 feet wide swath along Barbara and Ronald Roads and behind the house. R. Morse asked about the work area extending across the intermittent stream. The Coordinator stated there was only one plant in that location. C. Russo asked how far the invasives extend into the habitat. The applicant stated they do go in, but not that far. C. Russo questioned whether not dealing with the invasives in the forest was an opportunity lost. The Coordinator recommend the applicant be permitted to manually remove additional plants in the forest interior.

B. Porter asked whether drought conditions would impact herbicide effectiveness. Mr. Whittaker stated that if the plants are stressed, they will not take up the herbicide but he felt there was enough moisture for the treatment to be conducted this fall.

There was no public comments.

On motion by D. Henkels, second R. Morse, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by B. Porter, second by M. Sevier, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions approving the project.

Notice of Intent: 35 Taintor Drive, DEP #301-1302:

Chair Friedlander opened the Notice of Intent hearing for the construction of a sport court within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw.

Applicants, Adam and Jennifer Stone, presented their plan, showing the project area in relation to the wetland boundary. They stated that they will install native plants between the court and the wetlands, which is currently lawn, and install an infiltration trench for runoff from the court. There will be no lighting installed.

The Chair asked about the extent of the mitigation area, to which the Applicant stated they were open to recommendations set forth by the Commission. Coordinator Capone stated the wetland line has changed significantly since the site was developed, due to drainage from the subdivision. The proximity of the project to the wetlands is about 20 feet, which is the drainage area that was created when the subdivision was constructed. A berm was created between the lawn and drainage area of lawn when the site was developed. She felt the creation of this Sport Court would not negatively affect the resource area with adequate mitigation, which she recommended should be a 1:1 ratio. The Chair stated he felt it was appropriate for the Applicant to work with the Coordinator to ensure adequate mitigation is provided.

K. Rogers asked about what the surface was, to which the applicant responded was plastic tile on concrete underlain with crushed stone.

There was no public comments.

D. Henkels moved to close the hearing, seconded by M. Sevier and by roll call vote, it was unanimously voted to be closed the hearing. On motion by D. Henkels, seconded by K. Rogers, after discussion on Special Conditions, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions approving the project.

Notice of Intent: 25 Briant Drive, DEP #301-1301:

Chair Friedlander opened the Notice of Intent hearing to expand the existing deck within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Kyle Cormier, Oxbow Associates, presented the project to the Commission on behalf of the applicant, Gerardo Hernandez Omana, who was also present. Mr. Cormier explained that the applicant is requesting permission to extend the existing deck on the south side of the house, with 2-inches of crushed stone under the deck. Coordinator Capone stated the deck poses no negative impact as the existing area is lawn and will be no closer to the resource area than the existing house. No trees would be removed. R. Morse asked if the deck would be permeable, to which the applicant responded that it would. M. Sevier asked about footings, to which the applicant responded that it would be constructed on concrete footings.

There was no public comments.

On motion by D. Henkels, seconded by R. Morse, the Commissioner unanimously voted, by roll call vote, to close the hearing. After review of the Special Conditions, on motion by M. Sevier, seconded by B. Porter, the Commission voted unanimously, by roll call, to issue an Order of Conditions approving the project.

Notice of Intent: 133 Goodman Hill Road, DEP #301-1306:

Chair Friedlander opened the Notice of Intent hearing for the after-the-fact deck expansion and invasive species removal within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Michael White, Elite Installations, presented the project with some background. He maintained there had been a miscommunication and wanted to comply with the rules. The original deck was about 100 s.f. and turned it into a 14 x 23 deck. The proposal for mitigation was to remove 225 sf of pachysandra and glossy buckthorn, to be replaced with native seed and shrubs (arrowwood, aronia, and witch hazel). Coordinator Capone showed a rendering of the property which had an intermittent stream that ran under the driveway. The deck was built on helical piers on already disturbed area. There was no negative impact on the resource area. She recommended the mitigation due to the after-the-fact nature of the application.

D. Henkels questioned the applicant as to how this occurred. He claimed there was a miscommunication between the Building Dept. and his company. Coordinator Capone stated that the Building Department made many attempts to contact the applicant about the need to obtain conservation approval.

The Coordinator stated the project was still waiting for a DEP number: the Commission could either continue the hearing or close and issue the Order pending the DEP number.

There was no public comments.

On motion by M. Sevier, seconded D. Henkels, the Commission voted unanimously, by roll call, to close the hearing. On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, by roll call, to issue an Order of Conditions, pending receipt of a DEP number.

Notice of Intent: 199 Goodman's Hill Road, DEP #301- : Jarrett Rennie, Applicant.

Chair Friedlander opened the Notice of Intent hearing for after-the-fact vegetation removal and restoration within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetland Administration Bylaw.

Applicant, Jarrett Rennie presented some photos and indicated the areas of buffer zone infraction. He said he measured 100 feet from the skunk cabbage and thought he was out of jurisdiction. He stated they had removed around 8 medium sized trees within the buffer zone. His plan was to plant arborvitae, fern, and blueberry bushes to restore disturbed buffer zone, but would like permission to convert a portion of the buffer to lawn, with a stone border to demarcate the edge of disturbance.

Coordinator Capone believed this was an honest mistake by the homeowner. She stated the applicant proposes to restore 4,500 s.f. of disturbed buffer zone. She recommended a type of seed mix that did not require significant maintenance be used for the lawn, if permitted. She stated the applicant was willing to remove the bittersweet on the western border of the property. K. Rogers asked if there was any erosion control currently. The applicant said the lot was very flat and the Coordinator concurred. R. Morse asked if the Commission wanted to allow use of the buffer zone for lawn. The Coordinator stated the Commission could require the applicant revegetate the entire 100-foot buffer zone. There was discussion about whether the Commission should require additional mitigation, or conditions. The Coordinator indicated, had the request been made through the proper permit process, prior to the action, there would may have been less area allowed to be cleared. The Chair suggested the applicant work with the Coordinator to better define mitigation.

Due to the time of year, the Commission discussed having the applicant seed the area now, to stabilize the area through issuance of an Enforcement Order. After some discussion, the Commission decided to conduct a site visit.

There was no public comments.

R. Morse moved to continue the hearing to September 24, 2020, seconded by B. Porter. By roll call vote the Commission so voted unanimously.

Other Business:

Potential projects for 2021 CPC funding: Chair Friedlander discussed requesting CPA funds to GPS town trails and develop of trail map. Coordinator Capone stated she was waiting to hear from Town Counsel on whether this type of project was eligible for use of CPA funds. The Commission was amenable to the idea. The Chair then asked for any Commissioner who had other ideas for CPC funds, forward them to the Coordinator. C. Russo suggested developing a community garden at Broadacres.

The Chair then wished C. Russo the best, as he moved forward on to the Select Board.

C. Russo moved to adjourn the meeting, seconded by R. Morse, the Commission voted unanimously, by roll call, to adjourn the meeting. The meeting adjourned at 8:25 PM.