



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of September 15, 2020

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair; Bruce Porter; Richard Morse; Mark Sevier; Kenneth Holtz, Kasey Rogers; Jeremy Cook, Associate Member, and Lori Capone, Conservation Coordinator

Chair Friedlander opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw at 6:45 PM. He welcomed Ken Holtz as the new full time Commissioner replacing Charlie Russo.

Minutes:

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to approve the minutes of August 13, 2020.

Continued Wetland Applications:

Amended Order of Resource Area Delineation – Bruce Freeman Rail Trail, DEP File #301-1193:

Chair Friedlander opened the continued hearing for an Amendment to the Order of Resource Area Delineation filing to clarify jurisdictional wetland resource areas subject to the Wetlands Protection Act versus the Sudbury Wetland Administration Bylaw, to classify streams as intermittent or perennial, and to enter into the record the status of vernal pools along the Mass DOT Right of Way, continued from July 13, 2020.

The Chair introduced David Burke, Peer Reviewer for the Commission, to share his findings. The Coordinator informed the Commission that the scope of review been decreased to the area of the proposed boardwalk, to confirm if the area contained state and/or local wetland jurisdiction areas, as this most affected design and permitting. The vernal pool data would also be approved by this Amendment. Due to drought conditions, stream status would be evaluated during the Notice of Intent process.

Mr. Burke stated he focused on hydrology, vegetation and soils of the area, and his assessment supports the findings of the Applicant. He went into some detail of his report and stated he felt this area was not jurisdictional under the State Act.

The Chair recognized Mr. Dexter for any additional comments to which he had none. Beth Suedmeyer stated she supported the findings of Mr. Burke.

There were no public comments.

On motion by B. Porter, seconded by D. Henkels, the Commission voted 6-0, by roll call vote, to close the hearing. On motion by D. Henkels, seconded by K. Rogers, the Commission voted 6-0 to issuing an Amended Order of Resource Area Delineation. K. Holtz abstained from both votes as he was not a Commissioner for the prior hearing.

New Wetland Applications:

Notice of Intent: 18 Wolbach Road, DEP File #301-1304:

Chair Friedlander opened the Notice of Intent hearing to conduct invasive species management within jurisdictional areas pursuant to the Wetlands Protection Act and the Sudbury Wetland Administration Bylaw.

Laura Mattei, Director of Stewardship for Sudbury Valley Trustees, introduced her project and showed a map of the wet meadow and treatment areas. She stated over time invasive species, primarily buckthorn and bittersweet, are encroaching into the meadow, impacting plant diversity. She stated that they have tried to manage the invasives through manual pulls and through annual/biannual mowing of the meadow. This has not been successful so they are seeking permission to manage these invasives through herbicide treatment. Ms. Mattei discussed the research SVT has been conducting on use of glyphosate and triclopyr.

The Chair asked for comments by the Coordinator. She stated that SVT has develop a strategic plan for management of these invasives. She was comfortable with targeted herbicide use given the alternative of loss in biodiversity in the ecologically significant wet meadow. She stated the project's herbicide applicator, who developed the plan for this project, is a leader in invasives species management and is very careful with the application of herbicides.

D. Henkels asked Ms. Mattei what time of year this would happen. She stated it would be in the winter, which they had done before successfully. K. Holtz asked about hand pulling. Ms. Mattei stated the area is too large and the root system is too extensive for hand pulling. K. Holtz asked about how many applications will occur over the course of the Order and how will the success be monitored, to which Ms. Mattei responded that the first application is in the winter with follow up spot treatment later in the year. Subsequent years would have one treatment per year. Annual progress reports will be provided to the Commission.

There were no public comments.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to close the hearing. After review of the special conditions, M. Sevier moved to issue an Order of Conditions approving the project. Seconded by R. Morse. All so voted unanimously, via roll call vote.

Amendment to Order of Conditions: 39 Griscom Road, DEP File #301-1256:

Chair Friedlander opened the hearing to Amend the Order of Conditions to allow the use of an organic herbicide to treat invasive species, pursuant to the Wetlands Protection Act and the Sudbury Wetland Administration Bylaw.

Applicant, Stephen Garanin, presented his request. Mr. Garanin stated that he has had the invasive species manually removed as required by the Order of Conditions, which has worked well for the buckthorn but not for bittersweet. His invasive species management consultant has suggested use of an organic herbicide comprised primarily of clove and cinnamon oils. He stated he had included the study of the herbicide in the Amendment Request. Mr. Garanin requested permission to use the product, only if proven effective to manage bittersweet.

Showing photos of the restoration are, the Coordinator stated the applicant has put a lot of effort into manually removing the invasives and installed the required mitigation plantings. Long-term management of the area is challenged by bittersweet, which many properties have, including the adjacent property. The Coordinator expressed interest in using this site as a pilot project to see if this was an effective organic

alternative the synthetic herbicides. The organic herbicide would be applied by a licensed herbicide applicator who specializes in invasive species management.

K. Rogers asked about the application process. Mr. Garanin said it would be a targeted application using a backpack sprayer. K. Holtz asked about the third treatment discussed in the study and asked how the Commission would monitor this. Mr. Garanin said that the Order requires annual reports from the Environmental Monitor. If it is found to be effective, he would request permission to apply a third treatment. D. Henkels asked about the expiring of the Order to which the Coordinator stated the Applicant would need to request an Extension. This particular request was for two applications, and if a third treatment is recommended, it could be evaluated during the Extension Request process. M. Sevier questioned the practicality of successful mitigation, if the neighbor was not maintaining their property for invasives. Mr. Garanin responded that he has put a lot of money into the restoration and is committed to ensure it is successful.

L. Mattei, Director of Stewardship for Sudbury Valley Trustees, said invasive species management is a perpetual responsibility. There were no other public comments.

On motion from R. Morse, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by M. Sevier, seconded by K. Rogers, the Commission voted unanimously, by roll call vote, to issue an Amended Order of Conditions.

Notice of Intent: 34 Barton Drive, DEP #301-1308:

Chair Friedlander opened the Notice of Intent hearing to demolish and reconstruct a single family house with associated driveway, grading, and utilities, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Applicant, Marcel Maillet, and John Savello, of Savello and Associates, attended the hearing. Mr. Savello presented the project plans, which maintains the existing footprint of the house within the buffer zone, but proposes 3,300 s.f. of disturbance to the buffer zone in the rear of the house, in order to have a yard. He stated the entire lot has been overgrown so it was difficult to quantify the area of existing disturbance. A few trees will have to be removed due to their distance from the house. He stated nothing from the top of the slope, down to Stearns Mill Pond, would be disturbed. Coordinator Capone questioned whether the Commission would be comfortable with the conversion of Adjacent Upland Resource Area (AURA) to lawn, but concurred that the project maintained a significant undisturbed buffer to Stearns Mill Pond to prevent any negative impact to the resource area. She stated that mitigation should be required to offset alteration to AURA. She said there was small buckthorn plants scattered throughout the buffer zone that could be removed. The planting of new shrubs to increase diversity of the understory could also be provided for mitigation. The Coordinator also suggested a Deed or Conservation Restriction to prevent alteration to the remainder of the lot, in perpetuity. The Commission discussed a site visit. Mr. Savello stated they were open to a site visit and would delineate the lawn area prior to the visit. Mr. Savello stated that they are looking at septic improvements to count towards mitigation as well.

With no public comments, B. Porter made a motion to continue the hearing to October 19, 2020. Seconded by R. Morse, the Commission voted unanimously, by roll call vote.

Notice of Intent: 24 Evergreen Road, DEP File #301-1305:

Chair Friedlander opened the Notice of Intent hearing to construct an addition and deck within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Karen Skinner Catrone, wetland consultant for the applicant, presented the project on behalf of the applicant, Ashley Collins. Ms. Catrone explained on-site resource areas, noting no work would take place within the floodplain and all work is outside the 100-foot inner riparian zone. She stated the homeowners have been removing the invasives, and intend on continuing the effort. The Coordinator stated the project complied with the regulations of the Wetland Protection Act and said that continued invasive removal would suffice as mitigation but requested an area of lawn clippings to be removed.

With no further questions from the Commission or the public, D. Henkels made a motion to close the hearing. Seconded by M. Sevier, the Commission so voted unanimously, via roll call vote. After review of the special conditions, R. Morse moved to issue the Order of Conditions approving the project, seconded by D. Henkels, by unanimous roll call vote the Commission so voted.

A five-minute break was taken.

Notice of Intent: 137 Mossman Road, SWAB #-091520:

Chair Friedlander opened the Notice of Intent hearing to construct a new single-family house within the 100-foot Buffer Zone and Adjacent Upland Resource Area pursuant to the Sudbury Wetlands Administration Bylaw.

Recognizing Vito Colonna, Sullivan Connors and Associates, and Dan Wells, Goddard Consulting, attended on behalf of the Applicant, the Chair stated this application is being reviewed under the local Bylaw only, as the Order of Conditions had already been issued under the State Act, via a DEP Superseding Order of Conditions.

Mr. Wells began with an overview of the property. He illustrated the site plan and reviewed the project history. He illustrated the resource areas and area to be altered. He stated there are 81 trees within the AURA, 13 trees would be removed. He pointed out the invasives on the property as well. The features added to the plan include the incorporation of a boulder and retaining wall, which will permanently delineate a no disturb zone on the property. Infiltration measures were added for both the roof and driveway runoff. A FAST system is proposed for the septic system. He then introduced the habitat restoration plan, which included the manual removal of 8,200 s.f. of invasive and non-native species and planting of shade tolerant shrubs and fern plantings. Logs would be scattered throughout the vernal pool habitat to improve cover for vernal pool species.

Coordinator Capone provided the Commission background on prior Orders, both issued and denied, for this site. The Coordinator went through the reasons for denial of the last Order in 2017. She stated that there have been improvements to the plan in response to concerns raised by the Commission. She recommended the Commissioners visit the site, as some have not yet seen the site, and the lot is now staked out. She questioned the Applicant about plans for permanent protection of the remainder of the lot. D. Wells stated that there currently was no proposal to place a Deed Restriction or Conservation Restriction. Mr. Colona stated a Deed Restriction is probably a better process that they could consider.

The Chair opened the discussion for comments by the public. He recognized Ann and Dave Pace, 4 Silver Hill Road, had noted their property was very wet. They installed a drainage improvements and are concerned about the negative impacts to their property relative to tree removal and additional water. Mr. Colona stated the design was created to ensure water does not run off to abutting properties.

The Chair then recognized, Jeff Ganz, 16 Silver Hill Road, who also had concerns regarding any increase in runoff from the proposed development. He also expressed concern about the trees failing and asked if

anything could be done to improve the health of trees that will remain. He appreciated the proposed stone border and supported a permanent restriction on the remainder of the land.

Coordinator Capone stated that stormwater elements have been incorporated into the plan which will need to be reviewed by Planning under the Stormwater Bylaw, which Mr. Colona concurred. Mr. Colona stated they could look at the stream that leaves the site, but felt the project would not affect this drainage area. The Coordinator asked for feedback from Planning prior to issuing an approval. There was further discussion about drainage, infiltration, and grading. Mr. Wells did not believe the tree removal would negatively affect the site. Mr. Ganz requested the invasive species removal and plantings be conducted in a manner that does not compromise existing trees. D. Wells stated he felt the area is healthy and the trees could benefit from the removal of the invasive species.

A site walk will be arranged before the next hearing on October 19. The abutters could possibly be invited on to the property if the property owner agreed.

On motion by B. Porter, seconded by K. Rogers, the Commission voted unanimously to continue the hearing until October 19, 2020, via roll call vote.

Certificates of Compliance:

Avalon, DEP #301-1190 – The Coordinator affirmed that she and David Burke, who was the Environmental Monitor for the project, had visited the site and had some minor concerns that still needed to be addressed. She recommended waiting for those few items to be completed before issuing the Certificate of Compliance. The representative to the project agreed to the conditions.

133 Goodman's Hill Road, DEP File #301-1235 - Coordinator Capone stated this was Order was for a septic system that has been completed and recommended the Commission issue a Certificate of Compliance.

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

46 Washington Drive, DEP File #301-1286 - Coordinator Capone stated that this Order was for minor renovations to an existing house which required tree removal from the riverfront area. Mitigation was provided by leaving three of the trees as large snags and planting two new trees and eight shrubs. She recommended the Commission issue a Certificate of Compliance for the site.

On motion by D. Henkels, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to issue a Certificate of Compliance.

5 Southwest Circle, DEP File #301-385 - The Coordinator stated there was subsequent Certificate of Compliance issued for the same project, but with added mitigation associated with a violation. This older Order remains on the Deed and Coordinator Capone recommended the Commission issue this Certificate of Compliance to remove the lien on the property.

On motion by D. Henkels, seconded by M. Sevier, through unanimous roll call vote, the Certificate of Compliance was issued.

Other Business:

Commission Reorganization - The Chair opened the floor to nominations for the Chairmanship. He stated he was willing to continue. D. Henkels also stated his interest in serving as Chair. Both stated their reasons for their interest and via roll call vote, Mr. Friedlander was re-elected as the Chair.

Proposed Gift of Land: Parcel L09-0217 - The Coordinator stated that a resident offered a parcel at the corner of Alta and Clifford Road, it is wet, and assessed at \$500.00. It abuts other Town and Water District owned lands. The Chair asked about the value to the Town.

The Commission via motion from R. Morse, seconded by D. Henkels, voted to indicate further interest in the property, and to see if the Town Engineer can mark out the lot so we can inspect the land. A roll call vote was unanimous.

Recognition of work conducted under Bow Hunting Program – The Chair recognized the recreational improvements that have been undertaken by the Bow Hunting Program. Coordinator Capone acknowledged the individual contributions of participants including Mike Lynch who did substantial work on many of our trails and conservation lands. Many hunters have contributed to the upkeep and eradication efforts of invasive species, including Randy Shea, Ed Mullen, Josh Lieberman, Brett Valerio, and Dan Wolff. And recognized, Scott Brady, Art and George Connors and Austin Smith for fixing the fence along Ford’s Folly. Chair Friedlander suggested installing signs recognizing this effort. The Commission issued gratitude for their assistance and agreed that recognition should be provided in the form of signs and through the Town Manager’s newsletter.

CPC Project Ideas - The Chair opened discussion about using CPC funding. The Coordinator stated Town Counsel indicated that CPA funds could not be used to GIS Town trail and create a map. The Chair encouraged ideas be forwarded to the Coordinator.

There was discussion about future meetings and some changes to meeting dates.

On motion by M. Sevier, seconded by R. Morse, the Commissioner voted unanimously, by roll call vote, to adjourn the meeting at 9:47pm.