



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of November 30, 2020

Present via Roll Call: Thomas Friedlander, Chair; David Henkels, Vice Chair; Bruce Porter; Richard Morse; Mark Sevier; Kenneth Holtz; Kasey Rogers (6:48PM), 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.

Minutes

The Chair tabled approval of the November 2, 2020 minutes to the next meeting.

Continued Wetland Applications:

Request for Determination Deck: 193 Peakham Road, RDA #20-18:

Chair Friedlander recognized James Lesko for his presentation of his Request to expand the existing deck within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, which was discussed previously at the November 16, 2020 meeting.

Mr. Lesko had submitted a revised plan for the deck, which was presented to the Commission Coordinator Capone stated that the footprint was the same as the one reviewed at the last meeting but the stair orientation was modified. She had no concerns with proposed work and recommended a Negative Determination be issued with no conditions.

On motion by R. Morse, seconded by M. Sevier, the Commission moved to issue a Negative Determination, 6-0. K. Rogers abstained due to her late entry to the meeting.

New Wetland Applications:

Request for Determination of Applicability: 141 Boston Post Road, RDA #20-21:

Chair Friedlander recognized Fred King, Senior Engineer and Wetland Specialist at DGT Associates, and Attorney Josh Fox, representatives for the Applicant. Mr. King presented the Request to conduct exploratory test pits to evaluate soil conditions and remove vegetation to evaluate the existing Stormwater Management Facility, pursuant to the Sudbury Wetlands Administration Bylaw.

Mr. King explained that this was the former Bosse Sports Club, now owned by Herb Chambers. They are requesting permission to conduct soil test evaluations in four locations on the property to determine groundwater elevation and soil consistency for future planning of the site. He stated they would be installing erosion sediment controls. He said the depth would be about six to seven feet deep and backfilled immediately. Erosion controls would be installed around disturbed areas.

Coordinator Capone said she had no concerns about these test pits as the site has already been highly disturbed, being a former Brownfield site. She requested erosion controls be installed as an extra precaution, but did not feel that work would negatively impact the wetlands. She recommended the Commission issue a Negative Determination.

The Chair then moved to the next item in the Request, which was stormwater basin maintenance. Mr. King stated this stormwater basin had been installed in the early 2000s for Bosse Sports, but had not been maintained. There is now dense growth of shrubs and some trees on the berm and inside the basin. Although

the area appears to be functioning properly, the Applicant wants to clean up the basin in order to get a better understanding of the integrity of the stormwater system. Mr. King explained that the area of clearing would be staked out in the field, work would be conducted by hand, and any areas bare ground encountered would be seeded with a native seed mix and covered with jutte matting if necessary. Coordinator Capone agreed that the area ought to be cleaned up, and reinforced that the work primarily was the removal phragmites which have overtaken the area, noting that the management of this area was reviewed and approved by a prior Commission and was included in a perpetual condition.

K. Holtz asked about the Operation and Maintenance Plan (O&M) for previous owners and would there be a new O&M plan for this project going forward. Mr. King confirmed that a Notice of Intent will be filed with the Commission in the near future including an O&M plan for the stormwater system. M. Sevier asked if the use of the basin would change. Mr. King stated he was not aware of the plan going forward. He had no information on plans for the site.

The Chair said he felt the project for the basin should be filed under a Notice of Intent. There was discussion about this by the Commission as to what the intent of the RDA was. Mr. King gave some detail on the clearing of the area. There was discussion about equipment being brought to the site, impacts of that and confirmation that the ground would not be disturbed. There was some discussion about conditions on RDA's. There was debate relative to the past Order of Conditions that required maintenance of the area, and whether this filing is merely continuing to uphold the original requirement to keep the area clean. The reason the RDA is being filed in the first place, was because the area had not been maintained, and the cleanup is more extensive than had it been properly maintained. So in effect, the Applicant was continuing the requirements of the past Order of Conditions, but due to the condition of the area, needed permission to do the work required for planning purposes. K. Rogers supported a Notice of Intent filing so that it could be conditioned with some substance. The Commission discussed the suggestion of a full Notice versus this Request for Determination with much input by the Commissioners. The Coordinator outlined the options for the Commission to either issue a Positive or Negative Determination.

M. Sevier moved to issue a Negative Determination of Applicability permitting the work as discussed.

Discussion continued with Josh Fox, Counsel for the Applicant, offering his perspective, which was, that if the vote were to issue a Positive Determination, it would also not allow the soil testing to be conducted. He also expressed concern that if they cannot inspect the stormwater system, any future Notice would be lacking in vital information.

R. Morse seconded the motion. By roll call vote, the Commission voted 6-1 to issue a Negative Determination. Chair Friedlander voted in opposition.

Request for Determination of Applicability: 105 Boston Post Road, RDA #20-20:

Chair Friedlander recognized Fred King, DGT Associated, for his presentation for his Request to conduct exploratory test pits to evaluate soil conditions at 105 Boston Post Road, pursuant to the Sudbury Wetlands Administration Bylaw.

Mr. King stated this was for similar test pits as discussed in the prior Request, at an adjacent property that the Applicant had purchased. The Coordinator stated this area is a highly disturbed area; with pavement went right up to the edge of the test pits. She recommended the Commission issue a Negative Determination approving work as proposed. There were no questions from the Commission.

On motion by M. Sevier, seconded by K. Rogers, the Commission voted unanimously, by roll call vote, to issue a Negative Determination of Applicability.

Notice of Intent: End of Saxony Drive, Parcel H07-0600, DEP #301-:

Chair Friedlander opened the Notice of Intent hearing to remove a beaver dam within Hop Brook pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

The Chair introduced Vin Roy, Executive Director for the Sudbury Water District. Mr. Roy explained that the District was seeking permission to remove a beaver dam on Water District property which is causing water levels to rise in the area of drinking wells in the area (#'s 3, 8 & 10). He said initially they wanted to remove the dam, but had decided on requesting only that they breach the dam to bring the water levels down and prompt beaver to fix the dam so they could be trapped and removed. His concern is that the muskrat and beaver activity in the area of public water supply can have an impact on public health. The responsibility of the Water District is to ensure they do what is required to avoid any negative occur within the public water supply.

Coordinator Capone expressed concern with unintentional loss of wildlife from lowering the water level at this time of year. She understood the concern to public health, but did not see any immediate risk. She noted that as this was prime habitat, another beaver family would move into the area in the spring and recommended use of a Beaver Deceiver for long-term management. Mr. Roy said the trapper had wanted to set a trap for the beaver at the dam, but after some consideration, they decided against this. The trapper said there was no sign of beaver activity at that location, however, he said the trapper had noticed substantial muskrat activity that also affects the public water supply.

There was discussion about the depth of the wells and groundwater impact to the water supply. Robert Sheldon, a Water District Commissioner and resident at 60 Saxony Drive, said that if surface water gets too close to the well, there is direct impact on the water. This can lead to very onerous requirements to eradicate any potential threats to the wells, including a filtration requirement. Removing the beaver and muskrat, prevents risk to the water supply. There have been past problems with beavers in Water District areas affecting water quality Mr. Sheldon stated. He said the well field in this area is vital to water supply in Sudbury and to loose these wells is untenable. He said the Water District wanted the water to remain as pristine as possible, which may not hold if the beaver and muskrat activity continued to threaten the area. K. Holtz asked about the actual level of water preferred, and whether the beaver and muskrat would be trapped. Mr. Roy stated their preference was to restore the area to its original state, which is about 3 feet lower than existing conditions.

The Chair stated the hearing would need to be continued, as there was no DEP number for the project. He suggested continuing the hearing until December 14, which would allow Mr. Roy to consult with the Water District Commissioners and with Beaver Solutions. K. Holtz persisted in his inquiry to trap critters. Mr. Roy stated the Beavers would be trapped at this point. Coordinator Capone suggested the Commission conduct a site visit. The Water District concurred a site visit would be beneficial.

On motion by B. Porter, seconded by K. Holtz, the Commission voted unanimously, by roll call vote, to continue the hearing until December 14, 2020.

Certificate of Compliance:

Beckett - 86 Kato Drive: DEP #301-1018:

Chair Friedlander stated that this Order was for the construction of a single family house. The Order included a Conservation Restriction and a Deed Restriction on the extent of grass and welcomed Mr. Perry Beckett to present his Request.

Coordinator Capone stated that the Conservation Restriction has been completed and recorded but the Deed Restriction was not executed. The Deed Restriction limits the extent of grass in perpetuity but closely matching the Conservation Restriction which prevent further alteration of the land, and the applicant wanted to see if the Commission would eliminate the need for the Deed Restriction. The CR

limits still needed to be bounded in the field, before a Certificate can be issued, but as a Closing is eminent, that applicant needed to know whether a Deed Restriction needed to be drafted and recorded.

There was discussion of the CR and Deed Restriction overlapping, making it somewhat redundant. Mr. Beckett explained that some grading extended into the CR, approved by the prior Coordinator, but the slopes were stabilized with boulders to minimize future disturbance within the CR. The remainder of the site was constructed in compliance with the approved plan.

The Chair stated there was consensus to allow the CR to stand without the Deed Restriction and that the CoC would be issued at the following meeting, once the CR is bounded.

Issue Orders of Conditions:

Notice of Intent: 36 Wright Road, DEP #301-1315:

This hearing had been closed on November 16th, awaiting a DEP number which has since been received. After review of the Special Conditions which included a requirement that all plantings be installed by June 1, 2021, on motion by K. Holtz, seconded by, D. Henkels, the Commission voted unanimously, by roll call vote, to issue the Order of Conditions.

Notice of Intent: 199 Goodman Hill Road, DEP #. This item was tabled to the following meeting as no DEP number was yet issued.

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