



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of Monday, March 22, 2021

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

Chair Friedlander opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw at 6:45 PM, via roll call vote.

Minutes

On motion by D. Henkels, seconded by R. Morse, the minutes of January 28, 2021 were approved (6-0). K. Rogers abstained.

Minor Modification:

24 Evergreen Road: DEP #301-1305:

Seeking approval of plan modifications to enclose 135 s.f. of the approved deck, add 175 s.f. of deck and construct a 224 s.f. front porch within the Buffer Zone and outer Riparian Zone.

The Chair recognized the homeowner, Ashley Collins Crawford, to present her request. She stated they were asking to modify their original plan slightly to allow for additional deck space and construct a front porch. All work is in existing landscape areas. Coordinator Capone said she is asking for three trees to also be removed which have been determined to be dangerous to the home. The applicant will plant three native trees to replace these. They were assessed by Lynch Landscaping and have had recent storm damage and/or are in the wires. Coordinator Capone said the deck expansion would be an exempt activity according to the Act and Bylaw. She said the front porch is far from the resource area, on the opposite side of the house as the wetland and the total alteration to the Riverfront Area is below allowable thresholds. She said the modifications are in keeping with the Order, so she felt no additional application or mitigation was warranted.

On motion by R. Morse, seconded by B. Porter, the modification to the Order of Conditions was unanimously accepted via roll call vote.

Continued Wetland Applications:

Notice of Intent: Sudbury Water District, End of Saxony Drive, Parcel H07-0600, DEP #301-1317:

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, last continued from January 11, 2021.

Coordinator Capone stated there was a request by the Water District to continue the hearing until April 5. On motion by D. Henkels, seconded by K. Holtz, the Commission voted unanimously, via roll call vote, to continue the hearing to April 5, 2021.

Notice of Intent: 35 Tavern Circle, DEP #301-1329:

Chair Friedlander opened the Notice of Intent hearing to construct a patio and fire pit and implement landscape improvements within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, continued from February 22, 2021.

The Chair stated that this application was waiting for a DEP number in order to vote on issuing an Order. On motion by D. Henkels, seconded by M. Sevier, via unanimous roll call vote, the hearing was closed. The Coordinator reviewed the Special Conditions. On motion by D. Henkels, seconded by K. Rogers, the Commission voted unanimously, via roll call vote, to issue the Order of Conditions approving the project.

New Wetland Applications:

Notice of Intent: Sudbury Public Works, Old Framingham Road, DEP #301-1326:

Chair Friedlander opened the Notice of Intent hearing for the replacement of an existing culvert, construction of a sidewalk, and road realignment, within the 100-foot Buffer Zone, Riverfront Area, and Land Under Waterways pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

The Chair recognized Dan Nason, DPW Director, for his presentation. He introduced Scott Salvucci of Woodard and Curran, the consultants on this project. Scott Salvucci, Project Manager, said the intention was to connect two old sidewalks on Old Framingham Road and Nobscot Road, and to reconfigure the intersection, presenting the plan to the Commission. He gave a detailed report on the proposed culvert replacement. He stated the roadway realignment would reduce the impervious surface area. The installation of a sidewalk for public access and general improvement of the entire scope of the project would be an overall benefit to this area. There would be some vegetation removal during the project, but no large trees.

The Coordinator provided her recommendations, adding some minor clarifications that was needed on the plans.

The Commission had questions relative to stream crossing standards, soil testing requirements, excavation extent, timing, and impacts to the wetland. The Applicant addressed these questions to the satisfaction of the Commission. Director Nason stated this project does not yet have funding, so the project will not be scheduled until either later in the year or the following year. K. Holtz asked about maintenance, to which the Director stated this was a part of the Town's regular Operation and Management Program.

The Chair opened the hearing to the public. Clair and Jeff Stearn, 32 Old Framingham Road, asked how long the project was going to take. Mr. Salvucci said his guess was two or three months depending on the contractor.

On motion from R. Morse, seconded by M. Sevier, the Commission voted unanimously, via roll call vote, to continue the hearing to April 5, 2021.

Notice of Intent: Sudbury Public Works, Old Sudbury Road, DEP #301-1327:

Chair Friedlander opened the Notice of Intent for the replacement of two culverts within Bank, Bordering Land Subject to Flooding, and Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

The Chair recognized the Applicant for the presentation. Public Works Director Nason stated the same team would be presenting this project as well. Mr. Salvucci was recognized for the presentation. He said this project is to replace two culverts (#110 and 149) on Old Sudbury Road that were found to be structurally deficient. He described both locations and the proposed plans for both.

Coordinator Capone had provided comments to the applicant, which they are working on addressing and asked how these culverts were proposed to be constructed under wet conditions. Mr. Salvucci displayed the plan for the construction within the area explaining there were different requirements for both areas. The amount of excavation depends on the depth of the water, and what other utilities might be in the way. There was discussion about erosion controls, the location of the dewatering bag, both which would be addressed

at the next hearing date. Coordinator Capone asked about a tree to be removed along with the stump. Mr. Salvucci said he had plans to remove one tree at the #149 location, and did not believe any additional trees would be removed at the #110 location. Coordinator Capone felt that mitigation would not be needed to offset project impacts.

The Chair recognized James Francis of 230 Old Sudbury Road, who expressed concerns that the enlargement of culvert #110 would increase flooding on his property. He also asked if the culvert could be positioned so that the water did not flow directly into their yard. Mr. Salvucci explained the reasoning for the size of the culvert. He did not recommend realigning a flow path for a culvert due to potential impact on the wetland. Director Nason concurred with this assessment. Mr. Salvucci stated their work would remain only in the right-of-way. There was discussion about finding a solution for the homeowner. The homeowner recognized the issues, but encouraged the Commission and consultant to try to find some longer-term solution. Director Nason said he would check with his engineers to try to discover some alternative solutions.

K. Holtz asked if this project extended to private property, and the size of the pipe being replaced. He asked if two smaller culverts versus upsizing the existing culvert would provide better flow while alleviating the abutters concern. Mr. Salvucci did not advise that approach. K. Holtz asked about removing the existing downed tree at culvert #149.

With no additional discussion, the Chair stated that this hearing would need to be continued to April 5, 2021 for plan modifications. On motion by R. Morse, seconded by K. Rogers, the Commission voted unanimously, via roll call vote, to continue the Hearing to April 5, 2021.

Notice of Intent: Sudbury Public Works, Marlboro Road, DEP #301-1328:

Chair Friedlander opened the Notice of Intent Hearing for the replacement of a failed culvert that conveys Pantry Brook under Marlboro Road pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

The Chair once again recognized DPW Director Dan Nason for the presentation. He stated this project was more challenging and introduced Darren Stairs of Woodard of Curran to present the project to the Commission. Director Nason said this site contains steep slopes and there had been a previous failure at that location, where the attempts to stabilize had been successful for the short term.

Mr. Stairs began the presentation by orienting the Commission to the project with mapping and slides of the previous failing culvert and temporary fix. This culvert conveys Pantry Brook and was designed to meet Stream Crossing Standard to the maximum extent practicable.

Art Allen, EcoTech discussed the wetland resource areas on site including a perennial stream. He stated there were multiple challenges to this project due to the complexity of location, utilities, roadway protection. Mr. Stairs detailed the options for repairing this area. Coordinator Capone had reviewed minor comments, which she had submitted to the Applicant. Director Nason stated the cause of the failure was due to inadequate drainage control which eroded the shoulder of the road and retaining wall on the downgradient side.

With no additional discussion and no public comments, M. Sevier moved to continue the hearing to April 5, 2021. Seconded by K. Holtz. The Commission so voted unanimously.

There was a short recess.

Notice of Intent: 200 Horse Pond Road, DEP #301-1332:

Chair Friedlander opened the Notice of Intent hearing to resurface a driveway and remove sheds within the Riverfront Area pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

The Chair recognized the Applicant for their presentation. Vito Colonna of Sullivan, Connors and Assoc. presented for the Applicant. He stated they wanted to remove the current paved driveway and replace it with a crushed shell driveway. They also wished to remove old sheds and seed the area with grass. Work was located in the outer riverfront area. Coordinator Capone stated this was an improvement to the riverfront area with a reduction in impervious surfaces. She did not see a need for additional mitigation.

There were questions from the Commission relative to location of previous home, and reason for crushed shells as the driveway feature rather than crushed stone. Mr. Colonna stated this was a personal preference of the Applicant.

With no further discussion or public comments, on motion by M. Sevier, seconded by K. Holtz, the hearing was closed via unanimous roll call vote.

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

Notice of Intent: 46 Union Avenue, DEP #301-1330:

Chair Friedlander opened the Notice of Intent hearing for the construction of a workshop building, with associated grading and stormwater management facilities within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

The Chair recognized the Applicant, Michael Precourt. Mr. Precourt stated the business needed to increase the existing structures. He said the parcel they chose, fits the needs for their purposes. He said this was primarily to be used as a machine shop. He stated it was in the process of going through site plan with the Planning Board. Mr. Fred King, DGT Associates, presented the plan to the Commission, showing a map that delineated the jurisdictional locations on the property. Mr. Precourt stated the building is located outside the buffer zone but the reason for the Notice of Intent was that there most likely would be construction activities within jurisdiction. Coordinator Capone said there was grading that extended to the buffer zone. There would also be machinery and stockpiling occurring in the buffer zone, but the buffer zone was already highly altered. She said she saw no need of mitigation but if the Commission wanted mitigation, there was a pocket of phragmites that could be removed.

The Chair opened the discussion to the Commission. M. Sevier asked if there was a water connection. Mr. Precourt said they have a water recycling process in their buildings in order to keep the water from leaving the building. K. Rogers asked where the slurry went. Mr. Precourt explained how the process works. The Chair then open the hearing to public comments. There were none.

K. Holtz moved to close the hearing, seconded by K. Rogers, and via roll call vote, the hearing was closed. Coordinator Capone detailed the Special Conditions for the project and on motion by D. Henkels to issue the Order approving the project, seconded by K. Holtz, the decision was unanimous via roll call vote.

Notice of Intent: 26 DeMarco, DEP #301-1331:

Chair Friedlander opened the Notice of Intent hearing for the construction of a garage with associated driveway, grading and tree removal within the Buffer Zone under the Wetlands Protection Act and Riverfront Area under the Sudbury Wetlands Administration Bylaw.

The Chair recognized the Applicant, Thomas Kelly, for his presentation. Nathaniel Cataldo from Stamski and McNary made the presentation on behalf of the Kelly's. He highlighted the wetlands on the property and then detailed the project proposal for a garage and adding a driveway to meet the current driveway. He also detailed the mitigation plan, which he stated would provide be a 2:1 ratio of restoration to offset new impervious surfaces. Coordinator Capone said that the lot was developed prior to the bylaw having been enacted. She said she had discussed with the applicant improving the mitigation plan, which included planting five native trees and twenty-five native shrubs in addition to the proposed removal of invasive species and seeding with native seed mix. She stated she had no additional concerns.

The Chair opened the discussion to comments by the Commission. R. Morse said he had visited the lot. He did have some concerns about the grading and questioned whether there had been alternative options for the placement of the garage. Mr. Cataldo stated the turning radius was the reason for this placement. K. Rogers asked about a walkway from the garage. Mr. Cataldo said there was no plan for that. The homeowner stated there were many reasons for choosing this location. There was discussion about the grading and slope to the wetlands. There was discussion about establishing a no disturbance zone in which the applicant agreed to permanently demarcate the mitigation area to prevent future alterations.

With no further discussion or input from the public, on motion by D. Henkels to close the hearing, seconded by B. Porter, via unanimous roll call vote, the hearing was closed. After review of the Special Conditions, on motion by D. Henkels to issue Order of Conditions approving the project, seconded by B. Porter, via roll call vote the decision was unanimous.

Notice of Intent: 14 Firecut Lane, DEP #301-1333:

Chair Friedlander opened the Notice of Intent hearing for tree removal and pruning within the Buffer Zone pursuant to the Wetlands Protection Act and with the Riverfront Area under the Sudbury Wetlands Administration Bylaw. The Chair recognized Andrew Stephens, the Applicant, for his presentation. Mr. Stephens stated there was a tree in the yard that was in danger of falling on the garage. It was in poor condition with a significant fissure down the middle of the tree. He stated there were two other trees they would like to prune or take down.

The Coordinator concurred with the condition of the large tree, stating it was extremely large and damaged. She said the other two pines could be removed as their proximity to the garage could cause deterioration of the foundation. She discussed mitigation with the applicant who agreed to manually manage bittersweet on site to prevent it from damaging trees on site. The Commission did not have other comments.

K. Rogers moved to close the hearing, seconded by D. Henkels, via roll call vote, the Hearing was closed. Following review of the Special Conditions, on motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to issue the Order of Conditions approving the project.

Certificate of Compliance:

30 Station Road, Michael Precourt, DEP #301-631: Drainage improvement project. The Chair asked if there were any outstanding issues, to which the Coordinator stated the Conservation Restriction had been finalized as the last part of this Order.

On motion by B. Porter, seconded by D. Henkels, the Certificate of Compliance was issued via unanimous roll call vote.

Other Business:

The Chair advised the Commission of the revised Code of Conduct for Sudbury Town Committees Appointed by Select Board document that was sent out last week.

On motion by B. Porter, seconded by D. Henkels the Commission voted unanimously, via roll call, to adjourn the meeting at 9:26 PM.