



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of Monday, April 5, 2021

Present: Thomas R. Friedlander, Chairman; David Henkels, Vice Chairman; Kenneth Holtz; Richard Morse; Bruce Porter (7:33 PM); Kasey Rogers; Mark Sevier; Jeremy Cook, Associate Member; and Lori Capone, Conservation Coordinator

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

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 for the Sudbury Water District 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. The Chair recognized the Applicant, Vin Roy, Executive Director of the Sudbury Water District, for his update. Mr. Roy stated there had been substantial movement in solving the issue of how to manage the beavers. Members of the Commission had visited the site along with members of MA Department of Environmental Protection (DEP). A letter had been sent concurring with the threat to the public water supply from DEP, Mr. Roy said. There had been some effort in the fall to breach the dam but winter saw the beaver activity decrease. He stated Mike Callahan of Beaver Solutions would be contracted to breach the dam and remove the beavers and will be present to answer any questions.

This matter was continued to later in the evening when Mr. Callahan was available. Upon Mr. Callahan joining the meeting, the Commission conducted the following additional discussion.

Mike Callahan said they had looked for long-term options, but due to the height of the beaver dam and the requirements by the Water District for the water level, he said the only actual solution was to remove the beavers and the dam structure. He said the challenge is that the dam is located very close to a walking trail. The type of trap he suggested is an underwater trap, which would require Board of Health approval. He stated they needed a permit to breach the dam, which they would do by hand, without machinery, in order to control the flow of water downstream. Coordinator Capone said the beaver have been active in other areas of the Hop Brook and wanted to review the entire area to make sure the other homes are not impacted downstream.

There was discussion about developing a long-term plan to keep the beavers from rebuilding in this area, which Mr. Roy agreed to develop. Mr. Callahan said the depth of the water was not sufficient to place any beaver deceiver type of equipment. K. Rogers asked about the trap options, which Mr. Callahan discussed. They still needed to be permitted by the Board of Health. Coordinator Capone recommended the Commission issue an Emergency Order to allow the dam to be breached.

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

Coordinator Capone recommended the Order be issued at the April 26th meeting to allow time for the applicant to develop a long-term management plan to prevent the dam from being rebuilt. An Emergency Order could be issued to allow for the breach of the dam in the short term.

On motion by M. Sevier, seconded by K. Holtz, an Emergency Order allowing the breach was made. The vote was 5-1 with K. Rogers voting against, and B. Porter being absent. The Emergency Order was issued.

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, continued from March 22, 2021.

Mr. Salvucci from Woodard & Curran updated the Commission on the status of the Application on behalf of the DPW Director, who could not be present. He had forwarded to the Coordinator answers to some outstanding questions from the Commission as well as a supplemental information package as requested at the previous meeting. The Coordinator said the Applicant had submitted to her satisfaction answers to the questions from the last meeting and was prepared to issue the Order of Conditions for the project.

The Chair asked for comments or questions from Commissioners and the public. Hearing none, on motion by K. Holtz, seconded by R. Morse, the hearing was closed via unanimous roll call vote (6-0). Following review of the Special Conditions, D. Henkels moved to issue the Order of Conditions, seconded by R. Morse. Via unanimous roll call vote, the Order was issued approving the project (6-0).

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

Chair Friedlander opened the Notice of Intent hearing 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, continued from March 22, 2021.

Mr. Salvucci of Woodward and Curran presented the updates for this Application on behalf of the DPW Director who could not be present. He said he had provided Coordinator Capone with answers to the questions generated from the last meeting. The only substantial change was to Culvert 110, which had been of concern to an abutter. He said they had discussed the issue and rather than increase the size of the culvert to 18 inches, they have decided to replace it in-kind, with an 8-inch culvert.

The Coordinator said she was satisfied with the changes. She discussed the benefit of the larger culvert for large storm events, 8-inch pipe, stating that in a large storm event, but understood the concerns of the abutter, so agreed that the best option was the 8-inch pipe. Mr. Salvucci agreed. He said this was not a major change, rather staying with the former size pipe to alleviate resident concerns with potential flooding of their property.

The Chair opened the discussion to Commissioners and the public. With no further discussion, K. Holtz moved to close the hearing, seconded by M. Sevier. Via unanimous roll call vote, the hearing was closed (6-0). After review of the Special Conditions, R. Morse moved to issue the Order of Conditions, seconded by M. Sevier. Via unanimous roll call vote, the decision was unanimous to approve the project (6-0).

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, continued from March 22, 2021.

Mr. Darrin Stairs, Woodard & Curran, presented on behalf of Dan Nason, DPW Director. He said they had updated the seed mixes, erosion controls and recalculated the impacts to the Bordering Land Subject to Flooding (BLSF). He said they had reduced the impacts within the BLSF by 414 square feet. Coordinator Capone said there were no concerns relative to this application. There were no further comments from either the Commission or the public.

On motion by R. Morse, seconded by D. Henkels, via unanimous roll call vote, the hearing was closed (6-0). On motion by D. Henkels to issue the Order of the Conditions approving the project, seconded by K. Rogers, via unanimous roll call vote, the Order was issued (6-0).

Notice of Intent: 26 Musket Lane, DEP #301-1334:

Chair Friedlander opened the Notice of Intent hearing for tree removal and associated landscape improvements within the 100-foot Buffer Zone, Adjacent Upland Resource Area, and Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetland Administration Bylaw. The Chair recognized the Applicant, Christopher Storm, for the presentation.

Mr. Storm introduced himself and Dan Cathcart, his tree specialist, to answer specific questions relative to the proposed removal. Mr. Storm detailed the request to remove 11 trees in total. He provided photos of the trees to be removed. He stated two trees would be cut high and left as snags, leaving a 12-foot stump, with the others that would be ground below grade.

Coordinator Capone explained all trees were in the outer Riparian Zone. The inner Riparian Zone would remain intact, which meets the requirements of the Act. She added Mr. Storm had a mitigation plan, which he presented, which included replanting the areas closest to the wetland with native species as well as manual removal of invasive species located on site. Coordinator Capone asked for a sketch of where the plantings would go but stated she was comfortable with closing the hearing.

With no additional questions from the Commission or the public, on motion by K. Rogers, seconded by B. Porter, the hearing was closed via unanimous roll call vote. On motion by D. Henkels, seconded by K. Holtz, via unanimous roll call vote, the Order was issued approving the project.

Request for Determination of Applicability: 20 Revere Street, RDA #21-2:

Chair Friedlander welcomed Ted Doucette of Doucette Engineering, on behalf of James and Mary Krumsiek, to present the Request for Determination of Applicability to remove and replace a failed septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. D. Henkels recused himself as a friend of the Applicant.

Mr. Doucette presented the plan for a new septic system as the current one was in failure, requiring bi-weekly pumping. He gave the details, stating there were no changes in the size of the system or alteration of resource areas. Mr. Doucette stated the Board of Health has approved this design. Coordinator Capone recommended the Commission issue a Negative Determination, approving the project.

On motion by K. Holtz, seconded by B. Porter, the Commission voted unanimously, via roll call vote, to issue a Negative Determination of Applicability.

Abbreviated Notice of Intent: 27 Sawmill Lane, DEP #301-1335:

Chair Friedlander opened the Abbreviated Notice of Intent hearing for tree removal within the 100-foot Buffer Zone and Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and the Sudbury

Wetlands Administration Bylaw. The Chair recognized Matt Whitfield and his wife Rebecca for the presentation.

Their proposal included graphics and photos of the area for the tree removal. He said a Certified Arborist had recommended these trees for removal based of safety for the house. He showed several trees that had recently fallen. He discussed mitigation via removal of invasive species and shrub plantings. Coordinator Capone said the tree removal was about 50 feet from the Bordering Vegetated Wetland. She said there was no negative impact to the resource area provided the invasive species under these trees were removed and native plantings were installed to fill this void. The Coordinator noted that these trees were within a proposed Conservation Restriction, which she would work with the landowners to complete.

The Commission asked about leaving any of the trees as a snag. The Applicant stated there were other snags, and he would rather not leave a snag. There was further discussion about the requirements in the Conservation Restriction to restrict any further activity.

With no further questions or input from the public, B. Porter moved, seconded by K. Holtz, to close the hearing. Via unanimous roll call vote, the hearing was closed. On motion by K. Holtz, seconded by R. Morse, via unanimous roll call vote, the Order was issued approving the project.

Notice of Intent: 105 Boston Post Road, DEP #301-1336:

Chair Friedlander opened the Notice of Intent hearing to renovate the existing vehicle service building and construct a parking lot with associated stormwater management system within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. The Chair recognized the Applicant for the presentation.

On behalf of Herb Chambers, Maggie Laracy of Crocker Design Group introduced herself and her co-consultants, Gabe Crocker of Crocker Design Group, Fred King of DGT Associates, and Attorney Josh Fox. She explained that this site was a former MassDOT site. She highlighted the jurisdictional areas of the project. They are proposing to regrade the site, reducing the impervious surface by 23% and increase the vegetative buffer between the inventory lot and the resource area. The building would be used for servicing and washing cars. She outlined the drainage system, highlighting the location and types of drainage solutions proposed. She stated this project meets all the Stormwater standards. She outlined the parking lot landscaping, and proposed vegetation. She noted the fence currently in place would likely remain.

Coordinator Capone stated the area is already highly degraded. The proposed project improves existing conditions by removing asphalt and replacing it with porous pavement, implementing stormwater management, and improving the quality of the Buffer Zone with native plantings. She stated the Natural Heritage Program had yet to complete its assessment of the project. She stated the Planning Board was meeting with the Applicant for Stormwater and Site Plan reviews. She said the wetland resource area is primarily Phragmites recommending an invasive species management plan be developed for Phragmites and bittersweet within the planting area. She was requesting a more detailed Operation and Management Plan, including deicing products, herbicide/pesticide use, include signage for contractors during the winter months delineating the porous pavement. She also asked for a list of contaminants that may be in the facility.

Fred King, DGT Associates, detailed the requirements for the project. He said the porous pavement did not need any treatment as that section was to be used for new car storage. He said minor oil/gas leak would be absorbed by the porous pavement. He said the groundwater is very shallow at this section of the site. He agreed there were significant Phragmites in the back portion of the property. He said their plantings would help keep this at bay on their side of a fence.

Commissioners asked questions about snow removal, car washing and oil separators, and the state of the past salt sheds. The Chair suggested a site walk prior to the next hearing.

With no further discussion or comments from the public, K. Holtz made of motion to continue the hearing to April 26, 2021, seconded by D. Henkels. The vote was unanimous, via roll call vote, to continue the hearing to April 26.

Conservation Restriction:

Jo-Ann Howe, 38 Birchwood Avenue: CR #121, 0.33 acres:

Coordinator Capone explained that this CR was required under DEP #301-814 from 2003 for the construction of a single family house on 0.33 acres of this 0.57-acre lot. It is located at the corner of Birchwood Avenue and Lake Shore Drive, just south of the Assabet River National Wildlife Refuge and Willis Pond and contains Adjacent Upland Resource Area to two vernal pools. She has worked with the landowner to complete the CR and the require Baseline Documentation Report. This has been reviewed by Town Counsel and EOEEA and is ready for the Commission to vote to accept this CR.

On motion by K. Rogers, seconded by D. Henkels, the Commission voted unanimously, by roll call vote, to accept the Conservation Restriction at 38 Birchwood Avenue.

Administrative Approval

Porter: 42 Surrey Lane: Removal of hazard trees:

B. Porter recused himself from acting on this request, as he is the Applicant. Mr. Porter presented the plan for the tree removal. He stated the trees have been reviewed by an arborist and were found to be in poor health and/or in danger of falling on the house or driveway. Several trees had a fungus, which through treatment, had not responded. He requested the removal of these trees also, if they could not be saved.

The Chair stated there were four trees to be removed immediately, due to the danger. The Coordinator described the location of these trees in relation to the wetlands. She said the trees were away from the resource area, in an area of lawn, and were in poor health, supportive of the request for removal with native plantings installed in their place.

The Chair then asked if Commissioners objected to the possible removal of the other trees. K. Holtz asked about replacing the trees. The Applicant said the plan was to add some dogwood trees as replacement.

M. Sevier moved to allow the trees in the front of his home that are either dead, dying or in danger of falling on the house to be removed. K. Holtz suggested a more general motion to support such requests as Administrative Approvals, while keeping the Commission apprised of the situation and moved this motion be accepted rather than the previous one. The motion was seconded by M. Sevier. Via roll call vote, the motion was accepted.

On motion by D. Henkels, second by R. Morse, the Commission voted unanimously, via roll call vote, to adjourn the meeting at 8:56 PM.