



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of Monday, April 26, 2021

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair; Bruce Porter; Mark Sevier; Richard Morse; Ken 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 Administration Bylaw at 6:45 PM, via roll call vote.

Minutes

On motion by D. Henkels, seconded by K. Holtz, the Commission voted unanimously, via roll call vote, to approve the minutes of February 3, 2021.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to approved the minutes of February 22, 2021.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to approved the minutes of March 8, 2021.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to approved the minutes of March 22, 2021.

Wetland Applications:

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

Chair Friedlander explained that this hearing to remove a beaver dam within Hop Brook was closed at the April 5, 2021 Meeting. Coordinator Capone stated the Commission had received the long-term management plan which includes weekly inspection to prevent the dam from being reestablished.

On motion by B. Porter, seconded by D. Henkels, to issue the Order of Conditions, the vote, passed 6-1 via roll call vote. (K. Rogers against)

Continued Wetland Applications:

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

Chair Friedlander opened the Notice of Intent hearing, continued from April 5, 2021, to renovate the existing vehicle service building and construct a parking lot with associated stormwater management system, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Present for Herb Chambers were Gabe Crocker of Crocker Design Group LLC and Fred King of DGT Associates. The Chair stated the Applicant had requested a continuance until June 7 to allow the drainage review through the Planning Board. Coordinator Capone stated the Commission should decide whether they are comfortable with the porous pavement in the Buffer Zone to provide comments to the Planning Board to be completed. The Commission determined that they were comfortable with the porous pavement if only new cars are parked in this area. The Commission discussed including a special condition to this affect.

With no further comments from Commissioners or the public, on motion by B. Porter, seconded by K. Rogers, the hearing was continued to June 7, via unanimous roll call vote.

Request for Determination of Applicability: 4 Revere Road, RDA 21-3:

Chair Friedlander recognized Mike DiModica of DiModica Brothers to present the Request to replace a failed subsurface sewage disposal system within the 100-foot Buffer Zone and the 200-foot Riverfront Area, on behalf of the Applicant, who was not present. Mr. DiModica presented the plan which has been reviewed and approved by the Health Department. Whereas the system is proposed within existing lawn, there is no change in alteration to resource areas. Coordinator Capone questioned why the system was maintaining only a three-foot offset to groundwater. Mr. DiModica said the separation was adequate given the perk rate of the soils.

There were no further comments from the Commission. K. Holtz moved to issue a Negative Determination of Applicability, seconded by B. Porter, the vote was unanimous in favor via roll call vote.

Notice of Intent: 32 Demarco Drive, DEP #301-1337:

Chair Friedlander opened the Notice of Intent hearing for tree removal within the 100-foot Buffer Zone. Stanislav Prikhodko introduced the project to remove seven trees, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. An Arborist had submitted a letter stating the trees needed to be removed as they present safety hazards to the property. He reviewed the trees to be removed and the proposed mitigation plantings that would be incorporated into the site to replace trees removed. Coordinator Capone stated she felt the request was reasonable and adequate mitigation is provided.

With no further questions or comments from the Commission or public, on motion by B. Porter, seconded by R. Morse, the hearing was closed via unanimous roll call vote. On motion by D. Henkels, seconded by K. Holtz, the Order was issued via unanimous roll call vote.

Notice of Intent: 86 Kato Drive, DEP #301-1338:

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

Emily Hwang introduced the project. Coordinator Capone stated the Commission that approved paving the driveway when the house was under construction, but that work was not completed. She stated a drainage swale was requested along the driveway but she did not see that one was needed as the area was flat and the area of pavement was small. The driveway is located 50-feet from wetlands. K. Holtz asked for clarification about the driveway width. The Applicant showed a photo that better articulated the project and driveway location.

With no further discussion or public comments, on motion by D. Henkels, seconded by K. Rogers, the hearing was closed via unanimous roll call vote. On motion by D. Henkels, seconded by M. Sevier, the Order was issued by unanimous roll call vote.

Notice of Intent: 46 Brewster Road, DEP #301-1339:

Chair Friedlander opened the Notice of Intent hearing to remove and replant trees within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw., Applicants. The Chair recognized Amanda Gilvin and Samrat Bose for their presentation.

Ms. Gilvin stated they would like to remove 26 trees to be replaced with 39 new ferns, shrubs and trees. She stated almost all of the trees are in imminent danger of falling and posed a threat to the home. Using photos and maps, she illustrated the state of the trees in the yard. L. Capone stated the Applicant had thoroughly presented the request, concurring the danger of the trees. She did not have any issue with the removal of the trees. The Chair opened the hearing to the Commissioners for comment and questions.

On motion by B. Porter, seconded by, D. Henkels the hearing was closed via unanimous roll call vote. D. Henkels moved to issue the Order, seconded by M. Sevier, the Commission unanimously via roll call vote issued the Order.

Notice of Intent: 415 Lincoln Road, DEP #301-1340:

Chair Friedlander opened the Notice of Intent hearing for the construction of a retaining wall and to conduct landscape improvements within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Chair Friedlander recognized Brian Benenato to present his project.

Mr. Benenato stated he wanted to add a retaining wall around his driveway. He stated there were two sinkholes that possibly had begun to form as the result of a stump being buried that had deteriorated. He wanted to clean out the side yard, removing the existing wood pile and leaf debris and level out the area with excess fill. He had offered plantings for mitigation after the area had been cleared. Coordinator Capone explained that no tree removal is proposed, but the landscaping work would result in an alteration to Adjacent Upland Resource Area. If the removal of leaves and twigs were allowed, a revegetation plan should be developed for this space, which would improve existing conditions. Ensuring these requirements were in place, she was in favor of issuing an Order approving the project. There was discussion about the fill to be placed on the site which resulted in a condition that the Coordinator be on site during the work.

With no further questions from the Commission or the public, on motion by B. Porter, seconded by M. Sevier, the hearing was closed via unanimous roll call vote. After review of the Special Conditions, on motion by R. Morse, seconded by B. Porter, the Order was issued via unanimous roll call vote.

Notice of Intent: 34 Briant Drive, DEP #301- :

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

Scott Wicker presented his plan to remove five White Pine trees and replace them with arborvitae plantings. He stated the trees present problems due to shallow root system and close proximity to the house. An arborist evaluated the trees noting a series of failures and signs of decay and stress. He recommended their removal. Coordinator Capone said she saw no way to prune the trees and remove the safety risk. She said she was comfortable with the replacement plantings included in the plan.

With no further discussion or public input, on motion by R. Morse, seconded by D. Henkels, the hearing was closed via unanimous roll call vote. As there was no DEP number issued, a motion to issue the Order pending receipt of a DEP number was made by D. Henkels, seconded by K. Holtz. The vote was unanimous via roll call vote.

Certificate of Compliance:

Sudbury Water District, Tanbark Road, DEP File #301-1259:

Coordinator Capone explained that this Order was associated with the removal of fill from a stream that occurred as a result of a water main break. Coordinator Capone stated the fill had been removed by hand. She recommended issuing the Certificate of Compliance.

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

Minor Modification/Exemption:

Aidan Parte: 261 Willis Road, DEP File #301-1207:

Coordinator Capone explained that an Order of Conditions had been issued for the construction of a barn and a lap pool. The homeowner would like to remove the lap pool from the project scope and add three small additions equaling 134 s.f.. Coordinator Capone said that additions are further from the resource area than the lap pool in degraded areas. She felt it was a minor change to the approved project resulting in less impact to the resource area. She stated the new roof space will be directed to the underground infiltration basin which is adequately sized.

On motion by M. Sevier, seconded by R. Morse, via unanimous roll call vote, the minor modification was approved.

Other Business:

Coordinator Capone informed the Commission that she has been contacted by abutters to Hop Brook Marsh who expressed concern that downed trees and branches on the conservation land posed a potential fire hazard. Coordinator Capone visited the area and noted that there were a number of downed trees, but she had no reason to feel they presented a problem with fire. She said if the Commission was inclined, they could visit the site to determine what they may want to do to clean up the downed trees. There was discussion about what the Commission could do. The overall sense was to leave the trees alone unless they pose a safety hazard.

On motion by M. Sevier, seconded by K. Holtz, the meeting was adjourned, via roll call vote, at 8:12 PM.