



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of Monday, June 7, 2021

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Bruce Porter; Richard Morse; Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Kasey Rogers

Chair Henkels opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw at 6:45 PM.

Minutes

On motion from R. Morse, seconded by B. Porter, the minutes of April 5, 2021 were approved via unanimous roll call vote.

On motion from Bruce Porter, seconded by M. Sevier, the minutes of April 26, 2021 were approved via unanimous roll call vote.

Wetland Applications:

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

Chair Henkels 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, last continued from April 26, 2021.

Chair Henkels stated the applicant has requested a continuation to June 21, 2021 without discussion. On motion by K. Holtz, seconded by M. Sevier, via unanimous roll call vote, the continuation was granted.

Notice of Intent: 1065 Concord Road, DEP File #301- :

Chair Henkels opened the Notice of Intent hearing for the removal of two trees within the 100-foot Buffer Zone and Adjacent Upland Resource Area. The Chair invited the applicant, Jeffery Goater, for his presentation who explained the trees are by the driveway, sitting on the power lines and considered dead. Coordinator Capone said she had no issue with the removal of the trees, and further encouraged the removal of the bittersweet that has invaded the area. K. Holtz asked the applicant if there was an intention to leave a snag, to which Mr. Goater stated they had intended on removal of the trees to the stump. He was open to leaving the tree snag which would serve as mitigation to offset the tree removal. As there was no DEP number, the hearing needed to be continued.

With no further discussion from the Commission and no public comments, on motion by K. Holtz, seconded by B. Porter, the Commission voted to continue the hearing to June 21, 2021, via unanimous roll call vote.

Notice of Intent: Department of Public Works, 275 Old Lancaster Road, DEP #301-1342:

Chair Henkels opened the Notice of Intent hearing to implement site improvements and site entrance modifications within the 100-foot Buffer Zone. The Chair recognized the applicant for their presentation.

Scott Salvucci of Woodard & Curran introduced the project, detailing the site improvements, as they pertained to jurisdictional areas. Within jurisdictional areas, the impervious surface area would be reduced and stormwater treatment and infiltration will be increased. Arthur Allen of EcoTec concurred the proposed work would result in site improvements to the wetland area which were desirable particularly within the Hop Brook tributary. Coordinator Capone agreed with the assessment of the project. She said the removal of impervious surface and the improvement to the water runoff made this a beneficial project. There was no DEP number, so the hearing would be continued to the next meeting.

With no further discussion from the Commission and no public comments, on motion by B. Porter, seconded by M. Sevier, the Commission voted unanimously, via roll call vote, to continue the hearing to June 21, 2021.

Notice of Intent: Department of Public Works, Washington Drive, DEP #301- :

Chair Henkels opened the Notice of Intent hearing to replace the culvert that conveys Dudley Brook under Washington Drive within wetland resource areas. The Chair recognized the Applicants representatives, Scott Salvucci, Woodard & Curran, Art Allen, EcoTec for the presentation.

Mr. Salvucci presented the plan to replace the culvert. He stated the culverts have been problematic over time. The plan was to replace the outlet control structure, install new catch basins and eliminate one outfall that discharges to Dudley Brook. Mr. Allen discussed the wetland areas and the importance of maintaining the existing hydrology to minimize wetland impacts. Coordinator Capone, said she felt the system needed repair, asking if the existing retaining wall on the downstream side would be replaced. Mr. Salvucci said the intention was to take out the entire stone wall, and replace with grading, which would improve wildlife connectivity. Coordinator Capone explained that most of the vegetation in the area was invasives, so there would not be negative impacts from any temporary vegetation removal. She encouraged the removal of the vegetation from a safety perspective as well. She said this application also did not have a DEP number.

Chair Henkels asked for Commission comments. There was a question about dewatering, which was addressed in detail, along with the turbidity curtain that catches sediment, and time of year restrictions to conduct the work. The intention was to move forward with this project in the summer months.

With no additional Commissioner or public comments, on motion to continue to June 21, 2021 made by K. Holtz, seconded by B. Porter, via roll call the vote was unanimous.

Notice of Intent: Department of Public Works, Wolbach Road, DEP #301- :

Chair Henkels opened the Notice of Intent hearing to remove and replace a culvert under Wolbach Road within wetland jurisdiction. The Chair recognized the Applicants representatives, Scott Salvucci, Woodard & Curran, Art Allen, EcoTec, for the presentation. The Chair stated this application also did not have a DEP number so it would be continued to the next meeting.

Mr. Salvucci presented the project on Wolbach Road which was part of a planned approach to replace declining culverts. The proposal was to replace the existing concrete box culvert, with a five-foot wide culvert to improve stream crossing standards. Mr. Allen showed the wetland areas, stating the widening of the culvert would be an improvement which was the intent of the project. Coordinator Capone said disturbance to the upstream area was primarily honeysuckle, which would be removed. She discussed bank creation within the culvert to improve wildlife habitat, which was part of the proposal. Coordinator Capone questioned the pipe that was coming out of the sideslope. Mr. Salvucci stated that no information

could be discovered as to what it was, so the plan was to attempt to discover the reason the pipe was there, and perhaps remove it.

Chair Henkels opened the discussion to the Commission. M. Sevier asked for more clarification on the need for this project, to which, the applicant showed photos of the deterioration stating that the existing culvert cannot support paving machinery.

The Chair recognized Jim Newton, 42 Wolbach Road, for comments. He said the extraneous pipe was placed there by a resident of the home many years ago. He asked about the timing of the project, as he lived on that street. Mr. Salvucci said this would probably take place in the Spring of 2022. The contractor could perform the work at night, or stagger the project. He acknowledged this was a tight area, so steel plates would be placed over the area when it was not being worked on to allow vehicular access through the project site.

With no further questions from the Commission or the public, on motion by K. Holtz, seconded by M. Sevier, the hearing was continued until June 21, 2021 via unanimous roll call vote.

Notice of Intent: Hillary and Karl Zimmerman, 239 Concord Road, DEP File #301- :

Chair Henkels opened the hearing for 239 Concord Road for the implementation of a Land Management Plan, regrading, and installation of a fence, within the 100-foot Buffer Zone.

Jen Stevens of Matthew Cunningham Landscape Design and Ryan Corrigan of Parterre Garden, representing the Applicants, presented. The plan was to regrade an area of the property remove invasive species, then revegetate the entire area within the buffer zone with native species. They would also like to fence in the yard which will provide for small wildlife passage. Some of the work is proposed in an area of a Conservation Restriction, held by the Sudbury Valley Trustees, who are in support of the project.

Coordinator Capone was encouraged by this project, she felt the Homeowners were taking this very seriously and appreciated their commitment to invasive species management. The applicant agreed to extend the two year monitoring program for an additional year to ensure invasive species are substantially removed from the area and the plantings have survived. There were questions from the Commission regarding fence location and technique used of herbicides treatment. K. Holtz suggested the Commission conduct a site visit to review work.

On motion by M. Sevier, seconded by B. Porter, the Commission voted to continue to hearing to June 21, 2021 via unanimous roll call vote.

Notice of Intent: 74 and 80 Maynard: Bonnie Brook Realty Corp., DEP #301- :

Chair Henkels opened the Notice of Intent hearing for the construction of a roadway and associated drainage system and utilities in the 100-foot buffer zone and Adjacent Upland Resource Area for a 9-lot residential subdivision, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administrative Bylaw.

Desheng Wang of Creative Land & Water Engineering, and Bruce Saluk of Bruce Saluk and Associates presented the project on behalf of Applicant John Derderian, who was also present.

Mr. Wang explained they have been working on developing this site for many years. The wetlands have been delineated and approved by the Commission. Soil testing has also been completed throughout the site. The property is about 30 acres consisting of about 20 acres of upland. Mr. Wang explained the Alternatives Analysis he has conducted which pulled back structures off Lot 5. Mr. Wang explained that the houses and

septic systems are proposed outside the buffer zone but the roadway and grading are proposed within the Buffer Zone which Mr. Wang said was being mitigated at a 2:1 ratio. The Stormwater Management design will meet DEP Stormwater Standards. Mr. Wang briefly showed the calculations for disturbance to the buffer zone under the three alternative designs.

Mr. Saluk presented the stormwater design. The design contains five TSS structures, comprised of CDS hydrodynamic structures, which remove greater than 80% of total suspended solids. The proposed rate and volume of run-off from the site maintains existing conditions.

Coordinator Capone informed the Commission that the drainage design would be reviewed by the Planning Board through the Definitive Subdivision approval process. The Commission can have their own peer review of the drainage but recommended the applicant file with the Planning Board concurrently with Conservation to conduct the stormwater peer review and also to confirm the layout of the subdivision. The Coordinator informed the Commission that both Planning and Conservation reviewed a five-lot subdivision on this property in 2013 at which time the applicant was advised that lots be reduced or reconfigured to avoid wetland jurisdictional areas and that protection of undevelopable land was not acceptable mitigation. The present design proposes lots 3-9 in the buffer zone. The Coordinator advised the Commission to conduct a site visit once the applicant stakes out the development for the Commission to determine what areas, if any, could be temporarily, limited, or permanently disturbed. The Coordinator expressed concern with the proposed mitigation as areas chosen are primarily inner buffer zone and would not be permitted to be altered. The Coordinator also expressed concern with the permanent protection of land not being developed on proposed lots, to prevent future encroachments.

Chair Henkels opened the discussion up to public comment and recommended that the public provide written comments to ensure concerns are expressed.

Kevin Szwarc, 72 Maynard Road, submitted a question regarding the location of proposed septic systems in relation to the location of his well. Mr. Szwarc would abut Lots 1-3.

Jay Cushing, 34 Minebrook Road, expressed concern with increased runoff into his property from the proposed tree removal and impervious surfaces. He also was concerned with the proposed retaining walls and loss of large snags throughout the property.

Anna Bhattacharya, 84 Maynard Road, expressed concern with the proposed shrub and tree removal and the extent of work proposed near abutting properties. She also stated that she had not been notified as an abutter to the 2019 application with the Commission.

Lana Szwarc, 72 Maynard Road, submitted a question regarding whether there is a distance requirement between roads that support multiple houses. The Coordinator said that is a question for the Planning Board.

With no further questions from the Commission or the public, on motion by K. Holtz, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to continue the hearing to July 12, 2021.

Extension:

Nashawtuc Country Club, DEP File #301-1240: Golf Course Improvements

Mike Toohill, representative for the Nashawtuc Country Club explained that due to COVID, they were not able to complete all the approved improvements and requested a 2-year Extension to the Order, which was inclusive of the State of Emergency Stay issued by the Governor.

On motion by K. Holtz, seconded by M. Sevier, the Commission voted unanimously to issue a two-year Extension to the Order of Conditions, via roll call vote.

Morley, 321 Old Lancaster Road, DEP File #301-1208: Extension of retaining wall and landscaping
Chris Morley requested a one-year Extension to his Order of Conditions to complete his retaining wall project due to COVID.

On motion by K. Holtz, seconded by M. Sevier, the Commission voted unanimously to issue a one-year Extension to the Order of Conditions, via roll call vote.

Certificate of Compliance:

Department of Public Work: 275 Morse Road, DEP File #301-1291: Drainage Improvement Project
Coordinator Capone explained that this project was a minor drainage improvement project at the corner of Willis and Marlboro Roads. All work was completed in accordance with the approved plan and the site was stable.

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

Debbie and John Shakespeare: 20 Dorothy Road, DEP File #301-1185: Restoration associated with unauthorized tree removal

Coordinator Capone explained that this Order was issued to restore an area of wetlands where the homeowner had removed primarily buckthorn and a couple trees. The restoration was overseen by a wetland scientist and has been completely restored.

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

Ms. Shakespeare was in attendance and requested permission to install a small porous patio adjacent to the deck. Coordinator Capone explained that part of the mitigation for the unauthorized vegetation removal included the removal of 2,000 square feet of asphalt, which she felt more than mitigated for the proposed patio and recommended the Commission administratively approve this additional work. On motion by B. Porter, seconded by M. Sevier, the Commission unanimously voted, via roll call vote, to approve installation of the pervious patio.

Richard Kennelly: 26 Tavern Circle, DEP File #301-1296: Tree Removal

Coordinator Capone reported that the tree work had been conducted as approved. One tree remains as a very tall snag and the homeowner has removed a substantial amount of buckthorn from the property.

On motion by K. Holtz, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to issue a Certificate of Compliance.

Li Xiaoxi and Zhao Mengyao: 26 Goodman's Hill Road, DEP File #301-1176: Restoration associated with unauthorized disturbance to the Buffer Zone.

The homeowners attended tonight's meeting to discuss the Commission's site visit and determine how to resolve the outstanding Order for unauthorized clearing and grading in the Buffer Zone conducted by the builder.

Additional invasive species management, particularly Phragmites, but also removal of bittersweet that was impacting onsite trees was discussed. The Commission discussed that fact that there is still a \$6,000 Bond being held on the project that could be used for the Phragmites remediation. An annual mow was also discussed as a way to achieve keeping the meadow open and to inhibit future expansion of invasive plants.

It was determined that the Coordinator would work with the homeowners to develop a plan for additional invasive species management and long-term management of the mitigation area, including inquiring about the release of the Bond to be put towards additional Phragmites remediation.

Violation:

139 Powers Road: Buffer Zone/Adjacent Upland Resource Area Clearing

Coordinator Capone informed that Commission that she has issued a Notice of Violation for unauthorized clearing in the 100-foot Buffer Zone and Adjacent Upland Resource Area. The homeowners have been working diligently to resolve this violation, which is also in violation of the Town Stormwater Management Bylaw. They are working on having the property surveyed and developing a restoration plan to revegetate all areas disturbed within 100 feet of wetlands. A Notice of Intent is anticipated soon to resolve this violation.

Other Business:

COVID Protocol for use of Town conservation trails

Coordinator Capone advised the Commission that the COVID restrictions could be lifted in response to the Governor lifting the State of Emergency.

On motion by K. Holtz, seconded by M. Sevier, the Commission voted unanimously, via roll call vote, to lift the COVID restriction for use of Town trails.

COVID-19 State of Emergency: In person meetings

Coordinator Capone informed the Commission that it is anticipated that the Governor will vote to extend virtual meeting to September 1, 2021 and will keep the Commission apprised of this development.

Davis Meadow Restoration:

Coordinator Capone reported that the solarization and removal of soil from the pollinator meadow has really worked well and these areas are currently invasive free, however, mugwort, honeysuckle, buckthorn and bittersweet are still present in other areas of the meadow and the project funds have been depleted. The Coordinator advised that an additional \$2,000 be expended from the FY 21 Budget for additional invasive species management including the hand removal of all invasive plants and reseeding disturbed areas with a native wildflower mix. The Coordinator also obtained a proposal for an additional year of manual removal and planting of 300 herbaceous plugs the following year for an additional \$2,000. This additional expenditure would be evaluated in FY 22.

On motion by K. Holtz, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to authorize an additional \$2,000 from FY 21 available funds to conduct the additional round of invasives removal and reseeding.

On motion by K. Holtz, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to adjourn the meeting at 9:46 PM.