



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of Monday, August 9, 2021

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Bruce Porter; Richard Morse; Kasey Rogers; Mark Sevier; Luke Faust, Associate Member; and, Lori Capone, Conservation Coordinator

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

Wetland Applications:

Notice of Intent: 74 and 80 Maynard Road: Bonnie Brook Realty Corp., DEP #301-1341:

Chair Henkels opened the hearing for the construction of a roadway and associated drainage system and utilities in 100-ft buffer zone and Adjacent Upland Resource Area for a 9-lot residential subdivision, continued from June 7th. The Chair reviewed a brief history of the property relative to past permitting. This application is for the roadway and drainage only, each house lot with work in the buffer zone, would be reviewed under future Notices of Intent. Chair Henkels opened the discussion up to those who attended the site walk.

R. Morse said he was generally impressed with the lot sizes. He did not have significant concerns. K. Holtz also felt the area was very large, well-marked, and very helpful to see in person.

Mr. John Derderian, introduced himself, Bruce Saluk of Bruce Saluk and Associates, Inc. and Desheng Wang of Creative Land & Water Engineering, LLC, representatives for the project. He said the lot sizes were substantial, leaving space between properties. Mr. Wang explained the majority of the land would remain undeveloped. Each home is outside of the 100-foot buffer, including the septic systems. He stated they are ready to file with the Planning Board who will conduct the peer review of the stormwater design. He said they were considering placing a restriction on each deed to prevent further disturbance. He felt this would be a positive position for the homeowners, but it would only be discussed as a concept at this time.

Coordinator Capone recommended the Commission determine whether the 2:1 mitigation for proposed alteration to Adjacent Upland Resource Area being proposed on Lot 5, is adequate, before the Applicant proceeds much further in the process. She stated the area the Applicant is suggesting, is an area that would most likely not be permitted to be developed by the Commission with any future development of Lot 5. She questioned whether the alternative analysis provided was adequate, since the ability to construct these alternatives would be retained by the landowner. She also recommended the Applicant submit the septic system designs to the Board of Health, as even small changes could impact proposed alterations. She stated all comments received from the public and Commission had been submitted to the Applicant.

With no further discussion or public comments, on motion by K. Holtz to continue the hearing until September 27, 2021, seconded by J. Cook, via roll call, the vote was unanimous.

Notice of Intent: 109 Concord Road, DEP #301-1346:

Chair Henkels opened the hearing to replace the subsurface sewage disposal system, temporary removal and reinstallation of existing porch stairs, removal of a retaining wall, and filling in an existing Koi pond, within the 100-foot Buffer Zone. The Applicant's representative, Mike DiModica of M.J. DiModica Excavating, presented the project. Mr. DiModica explained that the existing septic system is in failure and needs to be replaced. He said the property was bisected by a drainage ditch served by two catch basins. The new system would be relocated greater

than 50 feet from wetlands. The Koi pond would be removed in order to gain access to the old septic tank. He outlined the location and engineering of the system. Variances were granted from the Board of Health to maintain offsets required by regulations. Coordinator Capone concurred the site is very tight and the current design was best due to existing conditions. She stated the property had not been maintained for quite some time, creating a natural buffer to the stream. She wondered if the homeowner would consider allowing some of this buffer to remain, though did not think mitigation was needed for proposed work.

B. Porter asked about the offsets to groundwater. K. Holtz asked for further explanation of the Cul-Tech system. Mr. DiModica provided an explanation of proposed system, which he felt was the best alternative, given site constraints

With no further discussion or public comment, on motion by J. Cook, seconded by R. Morse, the hearing was closed via unanimous roll call vote. On motion by R. Morse, seconded by B. Porter, roll call vote was unanimous to issue an Order of Conditions.

Request for Determination of Applicability: 15 Old Forge Lane, RDA #21-7:

Chair Henkels recognized John Tierney to present his Request to expand the existing deck within the 100-foot Buffer Zone. The deck would increase in size slightly. The Coordinator stated this property was built before the Wetlands Protection Act and Sudbury Bylaw were instituted, and as the area already was disturbed, she had no issues with the request. She believed the impact would be minimal, being built on helical piers. Mr. Tierney explained that the existing concrete footings would be removed down to ground level, but not excavated.

On motion by K. Holtz, seconded by K. Rogers, via roll call, the vote was unanimous to issue a Negative Determination of Applicability (#3).

Request for Determination of Applicability: 182 Dutton Road, RDA #21-8:

Chair Henkels recognized Kristen Ruby and Andrew Walsh to present their Request to remove trees and shrubs within the 100-foot Buffer Zone and 200-foot Riverfront Area. Kristen Ruby introduced the project and presented maps and photos of the trees in question. She also mentioned they had issues with water in their basement, which they intend on dealing with after the tree removal. An arborist had been consulted, as well as foundation specialists who concurred the shrubs and tree roots were affecting the foundation. Removal was recommended for those nearest the house. There was evidence of infestation, rot and aging of the trees away from the house. Line of sight also was a concern in the area of the driveway, and the potential effect of falling trees near electric wires. Coordinator Capone believed all the work was necessary. A roof was to be installed shortly, so the RDA was recommended in order to begin work, with a Notice of Intent to be filed later when the foundation was addressed. K. Holtz stated he would like to have the record reflect asking for native planting requirements. Ms. Ruby stated they are committed to ensuring the project follows all guidelines for mitigation and native plantings.

On motion by R. Morse, seconded by J. Cook, to issue a Negative Determination of Applicability (#2 and 3), the vote was unanimous, via roll call.

Request for Determination of Applicability: 798 Concord Road, RDA #21-9:

Chair Henkels recused himself from this matter, being a friend of the applicant. K. Holtz took over as interim chair.

Chair Holtz recognized Timothy Butler to present his Request to construct an addition within the 100-foot Buffer Zone. Mr. Butler present a plan for an addition, 38 feet from the wetlands. Excavated material would be live loaded and not stockpiled on site. Coordinator Capone displayed photos of the property and addition location. She said the wetland is lawn today, as the Act was not in effect when the house was built. The septic system used to be located in the wetland, and when this system was replaced, the area was allowed to remain as lawn. She asked that the lawn clippings be removed from the wetland, with no further clippings placed in the future. She also informed the Commission that there was an unpermitted patio recently installed on the lawn, with a pervious surface. She recommended a Negative Determination be issued as the wetland is already altered and not functioning as a wetland. The Commission discussed permitting the patio after the fact and if there was any tree pruning or removal needed.

There was discussion about mitigation for the patio. K. Rogers suggested including the patio into this Request. Coordinator Capone said there was buckthorn on the western side of the property which could be removed and replanted as mitigation. Mr. Butler was agreeable. Mr. Butler stated there would be some minor pruning of the lower branches.

On motion by K. Rogers for a Negative Determination of Applicability (#3), for both the patio and addition and mitigation discussed, seconded by M. Sevier, via roll call, the decision was unanimous.

Chair Henkels resumed running the meeting.

Other Business:

Conservation Commission Appointment to Land Acquisition Review Committee

There was discussion about the duties/responsibilities and time commitment for this Committee. K. Rogers expressed her willingness to serve. Motion by K. Holtz, seconded by J. Cook, unanimous, via roll call to appointment Kasey Rogers to serve as the representative for the Conservation Commission on the Land Acquisition Review Committee.

Conservation Commission Appointment to the Bruce Freeman Rail Trail Advisory Task Force

R. Morse currently served on this Task Force and expressed interest in staying. He explained the time commitment, which had increased recently. J. Cook moved to extend R. Morse's appointment to the Bruce Freeman Rail Trail Advisory Task Force, seconded by B. Porter, the roll call vote was unanimous. (R. Morse abstained)

Conservation Commission Appointment to the Community Preservation Committee

Chair Henkels serves as the Commission's representative and stated he would be willing to remain on the Committee. The time commitment can be, at times, demanding. B. Porter moved to reappoint D. Henkels as the Commission's representative to the Community Preservation Committee, seconded by J. Cook, roll call vote was unanimous.

With no further business, on motion by B. Porter to adjourn the meeting, seconded by J. Cook, the meeting was adjourned, via unanimous roll call vote, at 8:24 PM.