



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of Monday, August 23, 2021

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

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: 1065 Concord Road, DEP File #301-1347:

Chair Henkels opened the hearing for the removal of two trees within the 100-foot Buffer Zone and Adjacent Upland Resource Area, continued from June 21, 2021. Coordinator Capone stated the only outstanding issue for this project has been obtaining a DEP number, which has been received. There were no further questions.

With no discussion or public comment, B. Porter moved to close the hearing, seconded by R. Morse, via roll call, the decision was unanimous. On motion by J. Cook, seconded by R. Morse the Order of Conditions was issued, via unanimous roll call vote.

Notice of Intent: 21 Phillips Road, DEP #301-1348:

Chair Henkels opened the hearing for the removal of five trees and replanting of native trees and shrubs within the 100-foot Buffer Zone. At the request of the applicant, there was a motion by R. Morse, seconded by B. Porter, to move the hearing until later in the agenda in order to accommodate the Applicant. Via roll call, the vote was unanimous.

Later in the evening, M. Sevier moved to reopen the hearing, seconded by B. Porter, via roll call, it was reopened. David Cowell of Hancock Associates began his presentation stating there had been damage to the house from falling branches. They felt the trees were a safety issue. He stated no arborist was consulted, yet he felt the Commission would recognize the concerns the homeowner had. He discussed mitigation plantings, stating they have double the quantity of plantings to provide 2:1 mitigation, at the request of the Coordinator. Mr. Cowell asked if snags were left in place, perhaps the Commission would be open to considering that as a part of the mitigation in lieu of some of the plantings.

Coordinator Capone questioned why the stumps would be ground since they were located in the woods and advised the Commission that there was an area of Japanese knotweed that could be removed and replanted with native plants as mitigation. There was also yard clippings deposited in the wetland that should be removed.

Mr. Cowell confirmed there was Knotweed but expressed concern that herbicide would be needed and removal would be challenging. He agreed that the stumps would not need to be ground and has advised the homeowner that the yard debris would need to be removed by hand. He also explained the siting of the crane on the driveway to remove the trees. Chair Henkels suggested the Commissioners conduct a site visit in order to better inform their decision.

With no further discussion or public comments, on motion by M. Sevier, seconded by R. Morse, the hearing was continued to September 13, via unanimous roll call vote.

Notice of Intent: 51 Woodmere Road, DEP #301-13##:

Chair Henkels opened the hearing for the construction of an addition and deck within the 100-foot Buffer Zone. The Chair recognized Mr. Keith Downing, to present for the Applicant, while awaiting David Cowell, both of Hancock Associates. Mr. Downing presented the project to the Commission and had prepared answers to questions raised by the Coordinator.

Coordinator Capone said she had some concerns with the logistics of construction as it was very close to the wetland. The site would need to be accessed from the west side of the property only. She pointed out that groundwater would likely be encountered during construction, requesting a de-watering detail and location be provided on the plan. She said there is also an outfall not shown on the plan and questioned what they are tied to and whether drainage from the proposed addition would be tied to these pipes. The Coordinator suggested the Commission consider requiring these outfalls be redirected into a dry well to infiltrate instead of being directly discharged to the wetlands.

Mr. Downing stated he would revise the plan accordingly, including showing a stockpile location for the excavation. Relative to the outfalls, they thought they may come from the sump pump. There was evidence of dumping in the wetlands to which Mr. Downing said he would speak to the homeowner. Relative to mitigation, the representative stated they had done a site walk, siting potential mitigation sites. David Cowell, Hancock Associates, then joined the meeting. He affirmed they will update the site plan to reflect the new changes. He outlined the siting and new place for stockpiling materials. Mr. Henkels asked about the separation of groundwater, and whether they had considered conducting test pits. Mr. Cowell stated he would check with the engineers. Dan Bremser, Hancock Associates, then joined the discussion. He said they had added the dewatering area and stockpiling to the site plan. To the question about the water table, he concurred with the Coordinator that the water table was likely consistent with the elevation of the wetland.

Mr. Henkels stated the hearing would need to be continued to the next meeting, and welcomed comments from the Commission. They expressed concern about the water table and basement flooding. M. Sevier encouraged a dry well. The representatives from Hancock Associates agreed to research any items that could discharge contaminants from the basement to the wetlands. They briefly discussed mitigation/restoration potential.

With no further discussion or public comments, on motion by J. Cook, seconded by R. Morse, the Commission unanimously voted to continue the hearing to September 13, via roll call.

Notice of Intent: 18 Wolbach Road, DEP #301-1349:

Chair Henkels opened the hearing to conduct tree removal and implement accessibility improvements within the 100-foot Buffer Zone and recognized Fred King, DGT Associates, and Brandon Parker from Sudbury Valley Trustees (SVT). He displayed photos of the site. He said there were four elements to the project. One was not in the buffer, which was to resurface and expand the main parking lot. There were walkway improvements going toward the building, and a new paved area with a bench, and tree removal of large trees threatening the barn.

He presented each component with attention to the areas within the buffer zone. The site plan was presented in detail. He said they intended on using stormwater management techniques adhering to the Town Stormwater Management standards and provide the recharge for the entire parking area. The requested trees to be removed are large white pines, immediately next to the building. One tree was leaning towards the road and wires. Mr. Parker stated two of the trees were dead or dying and posed a safety threat. The concern was to prevent further damage on the property. Coordinator Capone stated she had no issue with the tree removal nor did she see a need for replanting in that area. There would not be any alteration from this removal as the understory vegetation would be fill in this area. She said, as the parking area is outside wetlands jurisdiction, the Commission did not need to keep the hearing open while waiting for the Planning Board to issue a Stormwater Permit. Mr. King stated the needed to go before the Historic District Commission as well. He felt the best option was to continue the hearing until the other hearings had taken place.

With no further discussion or public comment, on motion to continue to September 13 by R. Morse, seconded by M. Sevier, the vote was unanimous via roll call.

Request for Determination of Applicability: 88 Butler Road, RDA #21-10:

Chair Henkels recognized Sarah Maller to present her Request to remove two trees and replant native species within the 100-foot Buffer Zone. Ms. Maller stated they were having some trees outside the buffer removed. An arborist suggested two trees in the buffer needed to be removed because they were a danger to the house. The trees are white pines, with few low branches, and shallow roots. The Applicant was willing to leave the stumps as snags and would also remove buckthorn, as mitigation. She planned on replacing the trees with several native plantings. Coordinator Capone showed photos of the trees in question. She did not feel the pond would be negatively impacted.

With no further discussion or public comments, on motion by M. Sevier, seconded by R. Morse, the Commission voted unanimously, via roll call, to issue a Negative Determination of Applicability.

Certificate of Compliance:

The Chair read the three Requests for Certificates of Compliance. The first two were for septic replacements and the third was for the construction of a house. Coordinator Capone recommended Certificates be issued for all three Requests.

M. Sevier moved to issue Certificates of Compliance for 243 Maynard Road, DEP #301-1251; 789 Boston Post Road (Lot 1), DEP #301-524; and, 11 Rose Way, DEP File #301-280. Seconded by J. Cook, the Commission voted unanimously to issue Certificates of Compliance, via roll call vote.

Other Business:

Associate Member: Roles and Responsibilities

The Chair recognized Coordinator Capone who had provided a revised document for Commission consideration. Terms, role, and the appointing entity were the more significant changes with some minor other changes to allow for additional abilities for a new Associate to participate. No Commissioners had concerns with the revised regulations.

J. Cook moved to adopt the new Regulations, seconded by M. Sevier. Via roll call, the vote was unanimous.

Bow Hunting Program: Rules and Regulations:

Coordinator Capone stated she had updated the bowhunter regulations, specifically stands being allowed to stay in place as previously agreed to by the Commission. The revisions also allowed junior archers, up to 15 years of age, when accompanied by a hunter in the program. They would be required to go through the same proficiency test as hunters and provide the required recreational service to the Commission. The Coordinator stated she has been asked whether the Commission would consider 17 years old for Junior archers, which is in line State regulations. M. Sevier stated he was in favor of moving the age to 17 in keeping with State Law. Seconded by J. Cook. Via unanimous roll call vote the age was moved to 17. She mapped the areas the hunters would be allowed in. The hunters could see where the setbacks are in the particular map for that area. R. Morse asked if the map was available on the web page, to which Coordinator stated she was thinking of creating a new hunting program page.

On motion by M. Sevier to accept the amended Bow Hunter Rules and Regulations, seconded by J. Cook, the vote was unanimous via roll call.

On motion by M. Sevier, seconded by R. Morse, the meeting was adjourned, via roll call vote, at 8:31 PM.