



SUDBURY CONSERVATION COMMISSION

Meeting Minutes Monday, July 26, 2021

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Bruce Porter; Richard Morse; Kasey Rogers, Mark Sevier, Jeremy Cook, 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. He recognized Jeremy Cook as a new Commissioner and Luke Faust as a new Associate Member, and welcomed them to the Commission.

Wetland Applications:

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

Chair Henkels opened the hearing, continued from June 21, 2021, 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 the Sudbury Wetlands Administration Bylaw.

Chair Henkels recognized the representatives for the Applicant: Gabe Crocker and Mr. Newhall of Crocker Design Group; Fred King of DGT Associates; and, Attorney Josh Fox, legal counsel. Mr. Crocker updated the Commission regarding their recent meeting with the Planning Board to discuss and resolve any outstanding issues with the Peer Review report from Horsley and Witten, as well as comments from Planning Board members. Mr. Crocker reviewed the plan changes made from the peer review and Planning Board suggestions. Coordinator Capone requested clarification about the snow/salt management for the parking lot. Mr. Crocker explained that only brine would be used for the entire site, instead of just on the porous pavement area, and would be included in the Operation & Management Plan. She stated they had received the final plan set, and recommended closing the hearing. The Chair asked for comments from the Commission.

With no further discussion or public comment, on motion by K. Holtz, seconded by B. Porter, roll call vote was unanimous to close the hearing. (J. Cook abstained as he was not a Commissioner at prior hearings). After review of the Special Conditions, R. Morse moved to issue the Order of Conditions, seconded by K. Holtz. The vote was unanimous, via roll call. (J. Cook abstained as he was not a Commissioner at prior hearings).

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

Chair Henekls opened the continued 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 7, 2021.

The Chair recognized Coordinator Capone for her comments. She stated the Applicant had staked out the site so that the Commission can conduct their site visit. She will send out a scheduler for the Commission to walk the site. She stated the Applicant had requested a continuation to the August 9th meeting.

On motion by B. Porter, seconded by K. Roger, to continue the hearing to August 9, 2021, via roll call the vote was unanimous. (J. Cook abstained as he was not a Commissioner at prior hearings).

Notice of Intent: 109 Concord Road, DEP #301-13##:

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.

Chair Henkels recognized Coordinator Capone who informed the Commission that there had been an issue with abutter notification, so the Commission would have to table this hearing until the August 9th meeting.

Certificate of Compliance: 26 Goodman's Hill Road, DEP #301-1176:

The Commission discussed additional mitigation efforts to bring this site into compliance with its Order of Conditions. Coordinator Capone stated Richard Curtain, the original contractor, was present via phone but the homeowners were not present. She met on site, with the homeowners and Mr. Curtain, to discuss rectifying the incomplete Order. They were eager to comply in order to release the Order of Conditions. They discussed the use of herbicide via stem injection to eradicate the phragmites, which had been the primary reason a Request for Certificate of Compliance was denied in 2017. They agreed to remove the bittersweet that was on a tree outside of the mitigation area. She said the Order of Conditions had expired. The work to be done was within the buffer zone, stating the Commission could request an RDA or issue an Administrative decision to bring the site into compliance with the requirements of its Order of Conditions. The owner has conveyed concern with the burden of taking on the obligation of mowing the mitigation area since it was not a requirement in the original Order.

R. Morse asked for clarification about the request by the Homeowner to not mow the mitigation area. The Commission discussed the possible solutions in the meadow area to honor the homeowners request to not mow. The purpose to mow the meadow would be to keep the invasive species from further encroaching the area and to keep the meadow open. Coordinator Capone stated the original state of the mitigation area, prior to the violation, was an altered Buffer Zone with a barn, driveway and mowed field, and while she felt the best way to avoid additional invasives growing in that area and maintain the meadow habitat was to mow, she understood the concerns of the homeowner. Mr. Curtain stated they have undertaken an enormous amount of mitigation to restore the area, but to require the homeowner take on mowing was an undue burden. He expressed his frustration that the Certificate of Compliance had not been issued in 2017. There was discussion about options the Commission had. A recommendation to mow every other year for five years was discussed.

A motion was made by M. Sevier to permit the removal of the phragmites and bittersweet, as identified, to satisfy the Order. Upon successful removal, issue a Certificate of Compliance. B. Porter seconded. Via roll call vote, the decision was unanimous.

Other Business:

Chair Henkels opened the discussion about the role of Associate members. Ken Holtz shared some of the history, as he was the first Associate on the Commission. Chair Henkels wanted to clarify the Associate member's role in participating in Commission business. He welcomed the Associate to attend site walks and vocalize at meetings, when appropriate. The Commission felt similarly as a group. K. Holtz stated that such a document had been developed when he started, which he would provide. Coordinator Capone will review the current document, update as appropriate, and place it on a future Agenda for discussion.

Coordinator Capone updated the Commission on this year's water chestnut treatment at Grist, Carding, and Stearns Mill Ponds, which did not achieve the same results seen the prior year. The Hop Brook Pond Association is in discussions with the application company to determine appropriate next steps.

The Coordinator updated the Commission on her site visit with the contractor for 22 Pondview Lane, where she confirmed a small amount of fill was proposed to be brought into the rear, as discussed at the last meeting.

Lastly, she informed the Commission that the Dutton Road Bridge project was about to commence and will be under construction through September.

With no further business, on motion by B. Porter, seconded by M. Sevier, the meeting was adjourned via unanimous roll call vote at 7:57 PM.