



SUDBURY CONSERVATION COMMISSION
Meeting Minutes
Monday, June 21, 2021

Present: David Henkels, Chairman; Ken Holtz, Vice Chairman; Kasey Rogers; Richard Morse; Bruce Porter; Mark Sevier (6:50 PM); Jeremy Cook, Associate Member; and Lori Capone, Conservation Coordinator

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

Minutes

On motion by Bruce Porter to approve the minutes of May 10, 2021, seconded by Kasey Rogers, the vote was unanimous via roll call.

Wetland Applications:

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

Chair Henkels reopened the Notice of Intent hearing for 105 Boston Post Road to renovate the existing vehicle service building and construct a parking lot with associated stormwater management system, last continued April 26, 2021. Present for the Applicant were Gabe Crocker of Crocker Design Group, Attorney Josh Fox, and Fred King of DGT Associates.

Mr. Crocker began with an update on the project. Through the Planning Board, the initial Stormwater Peer Review has been completed and they are currently preparing responses to comments. He stated there was nothing in the review that substantively would change the project. The Applicant agreed to continue the hearing until the stormwater review is complete. There were no public comments.

On motion by K. Holtz to continue the hearing until July 26, 2021, seconded by R. Morse, the vote was unanimous via roll call to continue.

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

Chair Henkels reopened the Notice of Intent hearing to remove two trees within the 100-foot Buffer Zone and Adjacent Upland Resource Area, continued from June 7, 2021. Coordinator Capone stated this had been heard at a prior meeting and was awaiting a DEP number. The Applicant agreed to a continuation to July 12, 2021. There were no public comments.

On motion by R. Morse, seconded by K. Holtz, the Commission voted to continue the hearing to July 12, 2021, via roll call vote. (K. Rogers abstained due to her absence at the prior hearing.)

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

Chair Henkels reopened the Notice of Intent hearing to implement site improvements and site entrance modifications within the 100-foot Buffer Zone, continued from June 7, 2021. Coordinator Capone explained that this was a straightforward project, with no issues raised at the last hearing. The hearing had been continued for DEP to issue a project number, which has been received.

With no additional public or Commissioner comments, on motion by K. Holtz, seconded by M. Sevier, the Commission voted, via roll call vote, to close the hearing. On motion to issue the Order of Conditions as described

by R. Morse, seconded by M. Sevier, via roll call vote, the Order was issued. (K. Rogers abstained from both votes due to her absence at the prior hearing.)

Notice of Intent: Department of Public Works, Washington Drive, DEP #301-1344:

Chair Henkels reopened the Notice of Intent hearing for the replacement of the existing culvert that conveys Dudley Brook under Washington Drive within Bank, Land under Waterbodies, Bordering Land Subject to Flooding, Riverfront Area, Buffer Zone and Adjacent Upland Resource Area, continued from June 7, 2021. Coordinator Capone explained that this project had also been continued for DEP to issue the project number.

With no additional public or Commissioner comments, R. Morse moved to close the hearing, seconded by M. Sevier, via roll call vote, the hearing was closed. On motion by K. Holtz to issue the Order of Conditions as described, seconded by R. Morse, via roll call vote, the order was issued. (K. Rogers abstained from both votes due to her absence at the prior hearing.)

Notice of Intent: Department of Public Works, Wolbach Road, DEP #301-1343:

Chair Henkels reopened the Notice of Intent hearing to remove and replace a culvert under Wolbach Road with Bank, Bordering Vegetated Wetlands, Buffer Zone and Adjacent Upland Resource Area, continued from June 7, 2021. Coordinator Capone updated the Commission from the previous meeting. The Applicant committed to ensuring residents in this area have access to and from their homes during construction.

With no additional public or Commissioner comments, on motion by R. Morse to close the hearing, seconded by B. Porter, the Commission voted to close hearing, via roll call vote. On motion by K. Holtz, seconded by R. Morse, via roll call vote, the Order of Conditions was issued. (K. Rogers abstained from both votes due to her absence at the prior hearing.)

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

Chair Henkels reopened the Notice of Intent hearing to implement a Land Management Plan, regrade the yard, and install a fence, within the 100-foot Buffer Zone, continued from June 7, 2021. The Chair recognized the representative for the Applicant, Jen Stevens from Matthew Cunningham Landscape Design, and Ryan Corrigan of Parterre Ecological Services. She stated they would be happy to discuss with the Commission any concerns with herbicide application. She stated they have also extended the monitoring period to two years. Ryan Corrigan stated he had walked with members of the Commission and the Coordinator to evaluate the invasives in the area as well as provided a demonstration of the techniques planned for herbicide application. They also looked at erosion issues with suggested improvements. The Commission discussed both types of herbicide applications, the effectiveness of each, and potential effects on wildlife. Time of year for application was discussed. There was discussion about extending the scope of the project with communication with Sudbury Valley Trustees. There were no public comments.

As there was no DEP number, the Coordinator suggested issuing the Order of Conditions pending a DEP number, to speed up the process for the Applicant in order to complete the project this year. On motion by M. Sevier to close the hearing, seconded by R. Morse, via roll call, the hearing was closed. On motion by B. Porter to issue an Order of Conditions pending issuance of the DEP number, seconded by M. Sevier, the Commission voted, via roll call vote to issue an Order. (K. Rogers abstained from both votes due to her absence at the prior hearing.)

Notice of Intent: Christopher Coronado, 82 Washington Drive, DEP #301-1345:

Chair Henkels opened the Notice of Intent hearing to construct a shed and patio, repair the existing fence, and replace the deck within the 100-foot Buffer Zone. The Chair recognized the Applicant for his presentation. Christopher Coronado, took the Commission through the proposed project. He stated the family wanted to make the backyard more functional and add a shed for storage of yard maintenance equipment. He showed photos of the

fence which was damaged from fallen trees as well as the degraded deck they want to repair and markers detailing the location of the proposed shed.

Coordinator Capone stated the request was not unreasonable with the proposed mitigation and no new impacts to the AURA. Invasives would be removed from the property and replaced with native shrubs. She cautioned against storing liquids in the shed but recommended the Commission issue an Order. The Commission discussed the project with consideration to moving the shed away from the tree. There were no public comments.

On motion by M. Sevier, seconded R. Morse, via roll call vote, the Commission voted unanimous, via roll call vote, to close the hearing. On motion by R. Morse, seconded by K. Rogers, via roll call vote, the Commission voted unanimously to issue an Order of Conditions.

Extension:

Lots 4 and 5 Fairbank Road, DEP #301-1149:

Coordinator Capone explained that this Order is for the construction of a single-family house. The applicant has just found a buyer and is seeking a one-year Extension to construct the project.

On motion by M. Sevier, seconded by B. Porter, the roll call vote was unanimous to issue a one-year Extension.

Certificate of Compliance:

187-189 Boston Post Road: Coolidge II, DEP #301-1206: Construction of a living facility.

The Chair recognized Coordinator Capone for her comments. She stated the outstanding item was to restore an area of grass pave that had been damaged from snow plowing. She said the repair had been done and invasives had been sufficiently eradicated.

On motion by K. Holtz, seconded by K. Rogers, to issue the Certificate of Compliance, via roll call the vote was unanimous.

Minor Modification:

Marcel Mailet: 137 Mossman Road, DEP #301-1229, SWAB #091520:

The Chair recognized Marcel Mailet for his request to modify the approved plan to provide for a 20-foot x 12-foot deck on the rear of the proposed dwelling within the approved limit of work, within the 100-foot Buffer Zone and 100-foot Vernal Pool Habitat. Coordinator Capone said the area was within the approved limit of work. She had no issues with the pervious patio. The Commission did not see any problem with a minor modification for this plan change. There were no public comments.

On motion by B. Porter to approve the request, seconded by M. Sevier, via roll call vote, it was unanimous to approve the modification to the project.

Department of Public Works: Dutton Road Bridge, DEP #301-1281:

Coordinator Capone presented a Minor Modification to the Dutton Road project to include undergrounding the existing water main within the 100-foot Buffer Zone and 200-foot Riverfront Area. She stated that there was a wooden box where the water line is above ground. The Water District was requesting a modification to underground the pipe, while the road is excavated for the bridge replacement project, so that it was not exposed. There were no public comments.

On motion by K. Holtz, seconded by R. Morse, the vote was unanimous, via roll call vote, to approve the modification.

Other Business:

Vote to Release Enforcement Order recorded against 87 Powers Road, issued May 21, 1990.

The Chair recognized the Coordinator who explained an Enforcement Order had been issued and recorded on the Deed. A subsequent Order of Conditions and Certificate of Compliance had been issued rectifying the violation, but the Enforcement Order had not been released. Neither the Order nor the Certificate of Compliance had been recorded but the Enforcement had, so she suggested the Commission vote to release the Enforcement Order and issue a letter confirming that all requirements had been satisfied, which could be recorded at the Registry of Deeds.

On motion by R. Morse, second by M. Sevier to release the Enforcement Order, via roll call vote, the vote was unanimous.

Bruce Freeman Rail Trail Comprehensive Plan presented by Len Simon:

The Chair recognized Mr. Simon for his presentation of a Comprehensive Plan for the Bruce Freeman Rail Trail. He said the Town should be prepared to react to the challenges in a proactive fashion. He discussed the Commercial District along with both the Mass. Central Rail Trail and Bruce Freeman Rail Trail and improving an abandoned gas station to use as a valuable future asset for the Town for instance as a park with bike racks and sidewalks connecting to access the trails. He wanted the Town to commit to making the area more user friendly and potentially avail opportunities for commercial development in Town. He asked whether the jurisdictional areas for the Commission would present any problems to the rail trail in this particular area.

The Chair asked for input from the Commission relative to any challenges relating to wetland impacts. Coordinator Capone said there were some jurisdictional areas but that mitigation opportunities existed that could offset the trail extension. She expressed concern about the gas station site and whether it was contaminated and would require remediation to convert into a park. The Commission in general, without taking a position at this time, were favorable to the concept Mr. Simon articulated. The sense was to continue forming the idea, knowing the Bruce Freeman Rail Trail Notice of Intent would be in front of the Commission soon. The Chair thanked Mr. Simon for his presentation and stated the Commission would continue to have discussions.

On motion by K. Holtz, seconded by B. Porter, via unanimous roll call vote, the meeting was adjourned at 8:42 PM.