



SUDBURY CONSERVATION COMMISSION MINUTES **Meeting Minutes of Monday, October 18, 2021**

Present: David Henkels, Chair; K. Holtz, Vice Chair; Jeremy Cook; Richard Morse; Bruce Porter; M. Sevier; and, Lori Capone, Conservation Coordinator

Absent: Kasey Rogers and Luke Faust, Associate Member

Chair Henkels called the meeting to order under the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw at 6:45pm via roll call.

Commission on Disability Discussion: Kay Bell

Chair Henkels recognized Ms. Kay Bell for her presentation on National Disability Awareness Month

Ms. Bell, 348 Old Lancaster Road, read a statement from the Commission on Disability in Sudbury regarding National Disability Month. She explained the importance of the disabled community having access to conservation land and shared photos of various apparatus that could improve opportunities offered to those with disabilities. The Chair on behalf of the Commission thanked her. Coordinator Capone said that the update to the Open Space Plan would include suggestions for improving recreational opportunities for people of all abilities.

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

Chair Henkels opened the Notice of Intent hearing to conduct tree removal and implement accessibility improvements within the 100-foot Buffer Zone, continued from August 23, 2021. The Chair recognized Coordinator Capone for an update on this application. She said a small part of the project was within jurisdiction. The primary involvement for the Commission was for tree removal. She said the hearing was continued, as requested by the Applicant, in order for the stormwater review by the Planning Board to be completed, as well as review by the Historic Commission. She said there were no substantial changes, and the Commission was now in a position to vote on the application.

With no additional comments by the Commissioners or the public, on motion by J. Cook, seconded by M. Sevier, via unanimous roll call, the hearing was closed. On motion by J. Cook to issue the Order of Conditions as stated, seconded by R. Morse, the Order was issued via unanimous roll call vote.

Request for Determination of Applicability: 47 Fairbank Road, RDA #21-14:

Chair Henkels recognized Clifford Nulman for his Request to install a concrete pad for a hot tub within the 100-foot Buffer Zone. Mr. Nulman displayed the plan showing proposed work in relation to wetland resource areas. He stated he had spoken to the Board of Health who had no issue with the placement of the hot tub. Coordinator Capone said this was positioned within an existing lawn area and the digging would be completely by hand. She said it had no impact to the resource area. There was discussion about water discharge infiltration and regulations relative to draining pools and hot tubs. The applicant provided an infiltration trench outside wetland jurisdiction for this activity. She requested the Applicant provide the Commission with photo documentation at the end of the project to verify that implementation was as described. The Chair asked for any comments by the Commission or the public.

With no additional discussion, on motion by R. Morse, seconded by J. Cook, a Negative Determination #3 with the condition that photo documentation be provided, was voted and approved via unanimous roll call.

Request for Determination of Applicability: 325 Boston Post Road, RDA #21-13:

Chair Henkels recognized Robert Anderson to present his Request to install rocks to prevent further erosion of a slope within the 100-foot Buffer Zone. Coordinator Capone described proposed work to the Commission, as Mr. Anderson was not able to connect. She reviewed the history of this site and described the scope of work. She

explained that the ground was eroding around one of the footings and the existing retaining wall had deteriorated. The Applicant wanted to shore up the area to avoid further erosion. She said the downspout from the building at this corner should be modified so it was not contributing to the erosion that is occurring. Work would be completed by hand without machinery. There was discussion about the downspout location and the long-term plan to deal with this flow. The Chair asked if there were further comments by either the Commission or the public. There was further discussion by the Commission about whether to continue the application, or issue the Determination.

On motion by J. Cook, seconded by M. Sevier, the Commission voted unanimously, via roll call, to issue a Negative Determination #3 with the condition that a preconstruction meeting be conducted with the contractor.

Request for Determination of Applicability: 310 North Road, RDA #21-15:

Chair Henkels recognized Andrew Adams to present the Request to convert an existing porch into living space and construct a deck with associated site work, within the 100-foot Buffer Zone. Present for the Applicant was, Angela Botto, of Merrill Associates, who presented the plan to the Commission. She showed the disturbance area, the mitigation area, including the types of plantings, to offset the increase in footprint. Coordinator Capone said this dwelling had been built prior to the Act and allowed for addition of a deck. She said the footprint of impervious surfaces would remain the same, with no Negative impact to the resource areas, recommending a Negative Determination.

K. Holtz moved to issue a Negative Determination #3, seconded by M. Sevier, which was unanimous via roll call vote.

Notice of Intent: 77 Powder Mill Road, DEP #301-13##:

Chair Henkels opened the Notice of Intent hearing to remove and replant native trees, within the 100-foot Buffer Zone. The Chair recognized Yiye Zhang for her presentation. She displayed the plan with the location trees in relation to the wetland, pictures of the site, and mitigation plantings for the project. There were three separate areas of tree removal. The majority of trees proposed for removal were due to safety concerns they pose to the house, both due to falling, but also the root systems which were impacting the foundation. The replanting plan would include white cedar and oak trees. Coordinator Capone stated the site was very tight, trees are in close proximity to the house and shed. She said the planting plan would revegetate the areas of tree removal with species that will not become problematic in the future. The applicant agreed to leave the tall tree near the wetland as a snag. The Applicant was also willing to take on the manual removal of invasive species on site.

The Chair asked for comments. K. Holtz asked about an arborist reports and whether they are required in writing. Coordinator Capone explained if a tree is an imminent threat, typically an arborist would submit a report to authorize its removal, in lieu of filing the Notice of Intent.

With no further Commission or public comments, whereas the Application is awaiting a DEP number, B. Porter moved to continue the hearing to November 1, 2021, seconded by R. Morse, via roll call, the vote was unanimous.

Notice of Intent: 139 Powers Road, DEP #301-1354:

Chair Henkels opened the Notice of Intent hearing for the after-the-fact removal of trees and understory vegetation, within the 100-foot Buffer Zone, Adjacent Upland Resource Area and 200-foot Riverfront Area and recognized Arcan Guven for her presentation.

Ms. Arcan stated that as new owners, they were just cleaning up the area which had significant dumping of materials from picnic tables to trash. She stated they had intended to clean this area and in doing so, removed trees, logs, that they believed were damaged and/or should be removed. They did not understand this action required a permit from the Commission. She stated the consultations with the Town helped to create awareness, and she apologized for their actions. She proceeded to describe the restoration plan. They had installed erosion barriers immediately upon notification from the Town and hired a land surveyor to determine jurisdictional areas as well as establishing the

lot lines properly. She stated the machinery had accessed the area from Maynard Farm Road. The area disturbed was temporarily stabilized with leaf litter. They proposed invasive removal and replanting a combination of native trees and shrubs equaling 90 trees and 72 shrubs, which she displayed. The plan also called for replanting five trees inadvertently removed from the abutting property in error. Coordinator Capone stated she worked closely with the landowners to develop a restoration plan. The species of trees proposed for planting are more numerous but will not grow as large than those removed. The Commission was impressed with the robustness of the planting plan. There was some concern with the ability for watering and discussed options for successful plantings.

With no comments from abutters, B. Porter moved to close the hearing, seconded by R. Morse. Via unanimous roll call vote, the hearing was closed. Coordinator Capone recommended issuing the Order of Conditions with written authorization from the abutting neighbor regarding the planting plan on their property. M. Sevier moved to issue the Order of Conditions as discussed, seconded by B. Porter. The vote was unanimous to issue the Order, via roll call vote.

Request for Certificate of Compliance: 273 Lincoln Road, DEP #301-1282: Site restoration associated with oil spill

Coordinator Capone gave a brief history of the project and the wetlands restoration that was conducted following the oil spill. She was impressed with the amount and quality of work accomplished and recommended the Commission issue the Certificate. M. Sevier moved to issue a Certificate of Compliance, seconded by R. Morse, via roll call, the vote was unanimous.

Request for Certificate of Compliance: 12 Maynard Road, DEP #301-1205: Construction of a single-family house.

Coordinator Capone stated the site was constructed per plan, and was only awaiting the two-year monitoring period on plants to lapse. The revised As-built plan has been submitted reflecting the fence erected outside the Conservation Restriction. She recommended issuing the Certificate of Compliance. There were no comments by the Commission or the public. R. Morse moved to issue the Certificate of Compliance, seconded by M. Sevier, via roll call vote, the decision was unanimous.

Hop Brook Pond Treatment, DEP #301-1283: Annual Reporting Request:

Coordinator Capone stated the treatment was not successful this year. There was a condition in the Order requiring vegetation mapping and water quality sampling to confirm effectiveness of the treatment. She said because the treatment was unsuccessful, the Applicant requested consideration to not conduct the required mapping and testing for this year's treatment. She stated the mapping exercise would not be productive as this would show that there was no substantial die off of invasive species, which we have drone pictures to substantiate. The water testing was to confirm that the die-off of vegetation was not having a negative impact on water quality but as there was no die off, she was comfortable with not conducting this end of year analysis. Pre-treatment mapping and water quality data was provided which can be compared to pre-treatment conditions next year. The Commission was in favor of waiving these requirements for this year. K. Holtz so moved, seconded by R. Morse, roll call vote was unanimous.

2022 Meeting Schedule - The Commission reviewed the schedule of meetings for 2022 and would check their own schedules.

Eagle Scout Project: Coordinator Capone stated the kiosk work by the Eagle Scout at Hop Brook was complete. The Tipling Rock restoration project was being undertaken by another Eagle Scout.

With no further business, B. Porter moved to adjourn the meeting at 8:30 PM, seconded by M. Sevier. Roll call vote was unanimous.