



**SUDBURY CONSERVATION COMMISSION MINUTES**  
**Monday, November 15, 2021**

**Present:** David Henkels, Chair (6:56 PM); Kenneth Holtz, Vice Chair; Richard Morse, Bruce Porter, Kasey Rogers, Mark Sevier, Jeremy Cook, Luke Faust, Associate Member; and Lori Capone, Conservation Coordinator

Vice Chair Holtz opened the meeting via roll call vote at 6:51 PM.

On motion by B. Porter, seconded by R. Morse, the minutes of September 13, 2021 were approved via unanimous roll call vote. The minutes of September 27 and October 18 were tabled until the following meeting.

**Wetland Applications:**

**Notice of Intent: 77 Powder Mill Road, DEP #301-1359:**

Vice Chair Holtz opened the Notice of Intent hearing to remove and replant native trees, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, stating the DEP number had been received, which was the only piece of information the Commission required in order to move forward with issuing the Order. Coordinator Capone stated there was an update about one of the trees that had fallen on its own. Ms. Zhang stated while the tree had fallen, it also had taken some other smaller trees with it. They intended on cleaning up the pathway that now had debris on it. Coordinator Capone stated she had changed the condition of the snag in the mitigation requirements, as that can now be removed. All stumps will remain and supplemental trees will be planted in their place.

On motion by J. Cook, seconded by R. Morse, via unanimous roll call, the hearing was closed. K. Rogers asked if the fallen tree should remain in place. R. Morse stated he would be comfortable with allowing the tree be removed. Ms. Zhang asked for permission to remove the downed portion of the tree as it blocked a pathway. On motion by R. Morse, seconded by B. Porter, to issue the Order of Conditions, a roll call vote was unanimous. Mr. Henkels stated he had joined the meeting late but had been present to hear the Application and vote.

\* Chair Henkels resumed Chairmanship at this point.

**Request for Determination of Applicability: 76 Pantry Road, RDA #21-16:**

Chair Henkels recognized the Applicants for their presentation to remove five trees within the 100-foot Buffer Zone and Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Meghan Goder presented her request stating the trees they wanted to remove are in direct line to the home. The tree companies had concerns about the trees coming down and affecting the power lines that were close by. She shared photos of the trees demonstrating the decay and damage to the trees. The mitigation plan was to replant other trees and bushes in the area of tree removal and leave the large tree next to the house as a snag. They also offered to remove the invasive species on the property. Coordinator Capone stated she felt the trees needed to be removed and appropriate mitigation has been provided, recommending the Commission issue a Negative Determination. K. Rogers asked about the other trees leaning in the backyard, whether they should also be removed. Ms. Goder stated the other trees would not fall on the house so she was not proposing to remove them. The Chair opened the discussion to the public. As there were no comments, he entertained a motion to issue a Negative Determination number 3. K. Holtz so moved, seconded by R. Morse, via roll call vote a Negative Determination of Applicability #3 was issued.

**Notice of Intent: 11 Cedar Creek, DEP #301-13##:**

Chair Henkels opened the Notice of Intent hearing to replace a subsurface sewage disposal system, within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. The Chair then recognized the Applicants and their representative, Matthew Marro for their presentation. Mr. Marro also recognized Evan Carloni who did the septic system design as a member of this team. Mr. Marro stated the house and existing septic system are within the 100-foot buffer zone. The replacement septic system would be placed in a new location, which maintains the required 50-foot offset to wetlands. He noted erosion controls had been added to the new set of plans. The old septic system would remain in place.

Coordinator Capone said she still needed to perform a site visit to confirm the wetland delineation. She asked if the soils in the front left corner of the property had been evaluated. Evan Carloni stated that area had ledge, was steep, and appeared unfeasible due to grading and ledge issues. She stated the Board of Health requested an erosion controls plan be sent to the Board of Health. She asked for the erosion controls to be modified to contain the access to the leach field. Coordinator Capone asked about plans for a patio and deck, to which Mr. Marro stated he had no plans to do so under this Notice. She asked about a stockpile area, Mr. Carloni stated there would be stockpiles next to the home. Ms. Capone asked for an updated plan to reflect the stockpile and erosion control and requested the Commission continue the hearing in order to confirm the wetland boundary and to obtain the DEP number. The Chair asked if there were any questions from the Commission or the public. As there were none, a motion was made to continue the hearing until November 29, 2021 by R. Morse, seconded by K. Holtz, via roll call, the vote was unanimous.

**Wetlands Violation: Nobscot Reservation, 1 Nobscot Road, DEP #301-1202: Winter Stabilization Plan**

Chair Henkels recognized Hank Rausch of the Boy Scouts of America and Mr. Downing of Howard Stein Hudson, to present the proposed winter stabilization plan to stabilize areas of unauthorized disturbance. Mr. Downing began his presentation with a discussion of the site work that had begun in the summer. He presented a plan that showed where the violation had taken place and which areas would be stabilized, with erosion controls. He stated a new survey would be completed shortly, which would be compared with the pre-disturbance survey, to develop a restoration plan that would be presented to the Commission under a new Notice of Intent. He also stated they would be working with Natural Heritage to review the plan and to see if they have any additional comments. There would be periodic inspections to ensure the erosion controls are functioning properly through the winter and spring. He stated the intention is to leave the trails open for the public, unless the Commission deems this unacceptable.

Coordinator Capone suggested additional erosion controls be installed across the trails where they are very steep and unstable, having concerns that in the spring thaw, there is potential for a large amount of erosion. She stated the controls should be in place as soon as possible. She requested to be on the site visit with Natural Heritage. She had been on site with Framingham Conservation and Sudbury Valley Trustees who had similar concerns. She asked who would do the inspections. Mr. Downing said both volunteers and site professionals would be doing the inspections. The volunteers would be doing them after the site was stabilized appropriately. Reports would be submitted in a timely fashion. Mr. Rausch stated they are trying to determine the extent of volunteer participation but have not yet decided. A contractor would oversee the project. Coordinator Capone stated an Order of Conditions remained open from both Sudbury and Framingham so typically an Enforcement Order would be issued to dictate when the stabilization work would be completed and when a Notice of Intent for restoration would be filed, suggesting a Notice of Intent be submitted by January. Mr. Downing concurred with the timeline. She stated the intention was to be reasonable, with goals that are fulfilled within a timeframe given to the Scouts. Mr. Rausch stated that given the holidays, the January timeframe may be too challenging for the Engineering firm. He asked for February 7 as a more amenable date for Mr. Downing. There was further discussion about the erosion controls going across the trail and whether the trails should remain open, as well as if there was a need to issue an Enforcement Order or just have the Applicants do this under the present Order of Conditions. Coordinator Capone suggested an Enforcement Order be issued as the work was not in compliance with the Order of Conditions, and as such, constituted a violation.

On motion by K. Holtz to issue an Enforcement Order requiring erosion controls be in place within two to three weeks and the Notice of Intent filed by February 7, 2022, R. Morse seconded. Roll Call vote was unanimous to issue an Enforcement Order with dates as suggested.

**Letter of Support: Climate Emergency Declaration:**

The Commissions reviewed the draft letter of support for the Climate Emergency Declaration as discussed at the last meeting. The Commission had no changes and requested the letter of support be submitted to the Select Board.

**Camp Sewataro: Discussion on Operations and Resident Access Enhancements Proposal:**

Chair Henkels opened the discussion with a synopsis and history of Camp Sewataro. Coordinator Capone reviewed the proposal (expansion of bathing beach to allow additional swimmers on the weekend), its history, and the concerns from the Commission. She discussed with the Commission how the camp swimming and fishing ponds were created and how they connect with wetland resource areas. She stated that both the swimming and fishing ponds were man-made, however were fed by and discharge to adjacent wetlands. The water is continuously circulated between the fishing pond and the swimming beach. The chlorine, water clarifier, and algaecide are introduced as needed. She stated that this activity had been considered to be grandfathered as this camp was in operation prior to the Wetlands Protection Act. The Commission had only reviewed this property in 1988 when the property was being subdivided. There was a review then with Conservation that had determined no Notice of Intent was needed for the camp operations. Coordinator Capone had concerns about the expansion of the use of the property, as additional use would require a different level of treatment, perhaps to the detriment of the water resource. She stated there currently is no water quality monitoring program. She stated there were many questions unanswered, relative to water quality and treatment.

She said the Camp Director had met with herself and the Director of the Board of Health. The Camp Director currently is amenable to looking at other options for treatment. She said any chemical added to the system would have to be permitted. She stated the Commission would be updated as more information became available. The Commission was going to have to decide if a Notice of Intent would be required, which she believed it would be, per wetland regulations. The Commission discussed what was currently present, what alternatives could be utilized, and what is considered 'grandfathered'. The algaecide issue was discussed at length. The Coordinator said the Camp had used algaecide in both the swimming and fishing ponds, to prevent algae blooms. It typically was not used as a preemptive treatment, but only applied when a cyanobacteria bloom was present. There was discussion about chlorine use in the fishing pond. There was consideration about a dedicated filtration system in the swimming beach, having no interaction with the fish pond, and costs to make this happen.

A Notice of Intent would be applied for by the Camp Operator with the Town of Sudbury as the property owner. Coordinator Capone stated protocols would have to be established and memorialized in a document, regardless of who ultimately is the Operator/Manager/Owner, or whether or not the operation is expanded. A water quality monitoring program would have to be established to ensure there are no negative impacts to resource areas. She stated the current operation is out of compliance with the Wetlands Protection Act.

The Chair opened the discussion to the public. Len Simon, 40 Meadowbrook Circle, asked about the system currently in place if it was subject to the Bylaw or the WPA. Coordinator Capone stated it is, and currently there is no allowance for chlorine to flow into a natural water system.

Janie Dretler, 286 Goodman's Hill Road and Select Board member, stated the Board had until June to determine the use of the Camp going forward. Ms. Dretler asked for additional information about grandfathering. Coordinator Capone suggested the Commission perform a site walk to review the current operations. Charlie Russo, 30 Juniper Road and Select Board member, asked that the Commission let the Select Board know when the site visit will be in case any members would like to attend. Ms. Dretler stated any changes to the operation should have signage to notify the public if there would be any areas to stay away from or activities that would

not be allowed. Mr. Simon asked if the public could attend the site walk, to which Coordinator Capone opined the Select Board or Town Manager, as property owners, would have the option to allow or not allow public participation.

The discussion was closed.

With no further business, B. Porter moved to adjourn, seconded by M. Sevier. Via roll call, the meeting was unanimously adjourned at 8:40 PM.