



SUDBURY CONSERVATION COMMISSION MINUTES
Monday, February 7, 2022

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

Chair Henkels opened the meeting under the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw at 6:46 pm, via roll call.

The Chair asked if there were any changes or comments on the January 10, 2022 meeting minutes. On motion by R. Morse, seconded by J. Cook, via roll call, the minutes were approved by unanimous vote.

Wetland Applications:

Request for Determination of Applicability: 337 Boston Post Road, RDA #22-1:

Chair Henkels recognized the applicant, Jeff Capello, for his presentation of his Request to replace the sewage disposal system, portion of which fall within the 100-foot Buffer Zone. Mr. Capello explained that he is moving the sales office for his roofing company to the Cloud Nine Toys building. The existing septic system failed Title V and needs to be replaced. Mr. Capello said the new system will be in the same general location as the existing system but will be moved further from the adjacent wetland, but still within the buffer zone. Coordinator Capone added the system is under the pavement and there is no alteration of land and the tank will be 91 feet away from the wetland which is the closest component to the resource area. She stated the Board of Health has reviewed the application and approved it. She stated she had no concerns with this Application and encouraged a Negative Determination with the understanding that the Applicant will meet with her prior to work, to confirm erosion controls and confirmatory that work was conducted according to plan. She asked about outdoor storage of business materials. Mr. Capello stated there would be none. The Commission asked if this would only be sales or future installation operation. Mr. Capello stated this would not be the case as there were other regulatory issues that would preclude that from happening.

With no further discussion or questions from the public, on motion from J. Cook to issue a Negative Determination #3, seconded by R. Morse, via unanimous roll call vote, a negative determination was issued.

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

Chair Henkels opened the Notice of Intent hearing for the construction of a roadway and associated drainage system and utilities in 100-foot buffer zone and Adjacent Upland Resource Area for a 9-lot residential subdivision under the Wetlands Protection Act and the Sudbury Wetlands Bylaw. The Chair stated that the applicant has requested a continuance to the March 14, 2022 meeting.

On motion by K. Holtz, seconded by K. Rogers, via roll call, the vote was unanimous to continue the hearing.

Notice of Intent: 27 Goodman's Hill Road, DEP File #301-1363:

Chair Henkels opened the Notice of Intent hearing for the after-the-fact installation of a gas line within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Bylaw, continued from January 24, 2022. Present for the Applicant was Melissa Coady of Tighe & Bond who presented a restoration plan to the Commission to revegetate disturbed areas. Coordinator Capone stated that the restoration plan was sufficient and requested that plantings be comprised of a mix of shrub species to which Ms. Coady agreed. Coordinator Capone recommended the restoration be conditioned to be completed by June 1, 2022. There were no public comments.

With no further discussion or public comment, on motion by J. Cook, seconded by M. Sevier, to close the hearing, via unanimous roll call vote, the hearing was closed. On motion by K. Holtz, seconded by J. Cook, to issue the Order of Conditions as stated, the vote was unanimous via roll call.

Notice of Intent: MassDOT, Bruce Freeman Rail Trail, DEP #301-1362:

Chair Henkels opened the Notice of Intent hearing for the construction of a recreational trail on an inactive railroad right-of-way, including a parking lot at Broadacres on Morse Road, associated stormwater management, connector paths, utilities, landscaping, and intersection safety improvements, pursuant to the Wetlands Protection Act, continued from January 10, 2022. Present was Beth Sudemeyer, Environmental Planner for the Town of Sudbury, Tim Dexter and Eamon Kernan of MassDOT, Nick LaPointe, Eric Bernardin and Aaron Keegan of Fuss & O'Neill, and Jake Riley of Stantec.

Aaron Keegan provided an update to the Commission since the last hearing, stating the objective of this hearing is to respond to Commission questions and discuss the site walk, discuss revisions to the Broadacres Farm Parking Lot, and provide additional wildlife habitat evaluation information for the culvert south of Hudson Road. The Commission discussed the responses provided and then the discussion turned to proposed mitigation.

Mr. LaPointe explained the proposed Invasive Species Management Plan that would occur both within the 13-acre work area as well of approximately 4 acres outside the limit of work. There was discussion about the methodologies relating to the invasive species management and quantification of the area to be treated. Mr. LaPointe highlighted an additional area by Hudson Road which MassDOT agreed to remove invasives from and replant with native species, even though they were not required to do so. It was agreed that approximately four acres of invasive species would be managed within the right-of-way, but outside the limit of work, within the Buffer Zone and Riverfront Area, where impacts would not trigger additional review under the Act.

There was further discussion about the variety of plantings, modification to the wetland replication area, and shifting resting and emergency vehicle turn around areas. The Long-Term Operation and Maintenance Plan for the trail and parking area were discussed and the Commission requested the Department of Public Works be brought into the discussion to review these Plans. The Applicant agreed to work with DPW so that the project requirements for mowing and managing the trail conformed to their operations. There was discussion about Bank and wildlife habitat impacts at the proposed culvert south of Hudson Road, staging concerns, tree removal, and minimizing impacts in sensitive areas, stream crossing standards, wildlife brush piles, native plantings, lighting, and establishment of tree snags.

There were several updates on contract language, soils, erosion controls, and rock fill. The Applicant committed to providing all new language in sections highlighted, prior to an Order being issued.

Mr. Bernardin presented the revised Stormwater Report at Broadacres Farm Parking Lot and said the report would also be presented to the Planning Board and reviewed by their peer reviewer. He highlighted the changes to the design.

Jake Riley from Stantec updated the Commission on the additional wildlife habitat evaluation that was conducted for the culvert south of Hudson Road. He highlighted the species habitats being affected, which he maintained was minimal, and recommendation he had to ensure no important wildlife habitat was lost. The Chair asked whether Stantec would be involved for the duration of the project, and what would their role be. Tim Dexter stated Stantec performed the wildlife habitat evaluation. He further stated that there would be a Wetland Scientist involved in overseeing mitigation aspect during construction, but Stantec would not be retained for the duration of the project.

The Chair asked for comments from the Commission or public. As there were none, M. Sevier moved to continue the hearing to the 28th of February, seconded by J. Cook. The roll call vote was unanimous.

Certificate of Compliance:

26 Goodman's Hill Road: Restoration Order, DEP #301-1176

The Chair recognized Coordinator Capone for her comments. She stated this had been in front of the Commission before. She said the final mitigation efforts have been implemented including chemical treatment of the phragmites patch and removal of the bittersweet vines from the pine trees adjacent to the restoration area. She said there was some challenge in confirming what treatment method was used on the phragmites recommending a partial Certificate of Compliance until spring so that a confirmatory visit could be made. K. Holtz asked about mowing the meadow that had been previously discussed. Coordinator Capone stated that the Commission had discussed this but determine not to require mowing as it was not a condition of the original approval There was discussion about a full vs. Partial Certificate of Compliance.

On motion by K. Rogers to issue a full Certificate of Compliance, seconded by J. Cook, vote was unanimous to issue a full Certificate of Compliance, via roll call.

249 Dutton Road: After-the-fact Addition, DEP #301-860

The Chair asked for comments by the Coordinator, who stated Peter Bemis, who did the work, was present. She said the work has been completed, and a Conservation Restriction had been placed on the perimeter of the property to avoid any future encroachment. She said there had been an area that did not have an obvious demarcation between the pasture and CR land, which had recently been mown. To rectify this encroachment the Coordinator requested the landowner plant a few trees and/or shrubs along the boundary to clearly mark this edge and over-seed the mown area with a native wildflower mix. Due to the extensive invasive species directly adjacent to the CR, the Coordinator and landowner agreed that this area could be mown once a year at the end of the season to prevent the invasive species from overtaking the CR land and impacting its wildlife value. The applicant also agreed to complete a Baseline Documentation Report for the CR as this had not been required when the CR was created.

Mr. Bemis, representative for the homeowner, committed to the plantings and completion of the Baseline Report by June 15, 2022. He asked for the full Certificate of Compliance at this time as the property has a pending sale. He stated the homeowner has agreed to finalize and fully disclose activity to any future buyer. Coordinator Capone stated the Baseline Report will articulate the requirements of the CR and will include the management requirement, such as this annual mow, for future landowners.

On motion by J. Cook to issue the Certificate of Compliance, seconded by R. Morse, via roll call vote, the decision was unanimous.

83 Boston Post Road: Herb Chambers, DEP #301-1252

The Chair recognized Scott Arnold of CHA, representing Herb Chambers, on this project. Coordinator Capone stated very little of this property is in Sudbury, most is in Wayland. She stated all work had been completed and recommended issuing a Certificate of Compliance.

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

Other Business:

Bruce Freeman Rail Trail: Discussion and possible vote on BFRT Section 4(f) and ATM Warrant Article.

The Chair recognized Beth Suedmeyer, Environmental Planner for the Town, for her presentation.

Ms. Suedmeyer explained that there was an area of conservation land where work on the BFRT would require a Permanent Easement to allow for maintenance, primarily mowing, along the North Road frontage of Davis Farm Conservation Land. She explained the Section 4(f) requirements and showed the area under discussion on the survey plan and photos. She explained the area contained mostly grass and invasive species. She requested the Commission vote to support this Easement request. She said the Commission could name a designated person as the point person to streamline the process.

A motion was made by K. Holtz, to support the acceptance that the proposed work had a *de minimus* impact on the conservation land values and permit the Easement over 2,543 s.f. at Davis Farm Conservation Land, which is a 4(f) resource area, and designate Lori Capone as the signatory for the Commission. J. Cook seconded. Via roll call vote, the decision was unanimous.

The next item was the Town Meeting Warrant Article for the grant of a Temporary Easement for the Bruce Freeman Rail Trail over the wetlands replication area at Broadacres Farm. The Commission was in general agreement with this request but was not comfortable with voting on this item as the delineation of this Easement had not been finalized.

With no further business, on motion by R. Morse, seconded by J. Cook, the meeting was adjourned, via unanimous roll call vote at 9:30 pm.