



## **SUDBURY CONSERVATION COMMISSION MINUTES**

**Monday, April 11, 2022**

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

Chair Henkels called the meeting to order at 6:45 PM via roll call.

### **Wetland Applications:**

#### **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-ft buffer zone and Adjacent Upland Resource Area for a 9-lot residential subdivision, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, last heard at the September 27, 2021 meeting. The Chair stated the Applicant had requested a continuation to May 23, 2022 without discussion.

On motion by K. Holtz to continue to May 23, 2022, seconded by R. Morse, the Commission so voted unanimously, via roll call vote.

#### **Notice of Intent: 141 Boston Post Road: Herb Chambers of Sudbury, DEP File #301-1361:**

Chair Henkels opened the Notice of Intent hearing for the conversion of the existing Bosse Sport site to Herb Chambers Mercedes Dealership including building renovations and expansion, parking expansion with associated stormwater management, utilities and landscaping within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, last heard at the February 28, 2022 meeting.

Representatives for the Applicant were: Maggie Laracy, Dave Newhall, and Dave Crocker from Crocker Design Group, Josh Fox, Counsel for the Applicant, and Fred King DGT Associates.

Ms. Laracy presented the new changes from meetings with the Zoning Board. She stated the changes primarily were changes to the number of parking spaces, which resulted in a net reduction of 8,300 square feet of impervious surface. She displayed an improved wetland restoration enhancement exhibit, that represented improvements to the area by the drainage ditch. She said the improvements were specifically to create an improved wetland buffer. She shared the layout of the grading, drainage and landscaping. She stated the species planted would only be native species. A wetland scientist would map invasives and suggest protocol for removal that would be reviewed and approved by the Commission.

The Chair opened the discussion to the Commission. R. Morse asked about the proximity of the invasives. Mr. Henkels asked about the net gain/loss of impervious surface within the buffer zone, to which Ms. Laracy stated there would be a net reduction of 5,000 square feet. When asked about a vernal pool, Mr. King answered that it would not be impacted by proposed work. M. Sevier asked about grading around the drainage ditch. Mr. Newall discussed access routes for construction. There was discussion about environmental inspections. Mr. King stated weekly inspections would be required. Coordinator Capone requested an invasive species management plan be developed and approved prior to start of work. She also requested that mitigation work be overseen by a wetland scientist, and that the landscaping plan be revised to contain native species only. She asked about a special condition that would require an environmental monitor to oversee work within jurisdiction, during construction. She stated the Stormwater peer review is still pending, recommending the hearing be continued until April 25, 2022.

The Chair asked if there were comments by the public, and as there were none, on motion by R. Morse, seconded by M. Sevier, the hearing was continued to April 25, 2022 via unanimous roll call vote.

**Request for Determination of Applicability: 37 Oak Hill Road, RDA #22-6:**

Chair Henkels recognized Deborah McPhee to present her Request to construct an addition within the 200-foot Riverfront Area of Hop Brook, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Ms. McPhee presented her plan to construct a small addition in the outer Riverfront Area on an area that is currently an asphalt driveway. Coordinator Capone explained that proposed work would not further alter the riverfront area, recommending the Commission issue a Negative Determination with conditions requiring a pre-construction site visit and post construction report. K. Holtz requested the erosion controls be extended to contain all disturbed areas.

On motion by B. Porter, seconded by M. Sevier, the Commission voted unanimously, via roll call vote, to issue a Negative Determination approving the project as discussed.

**Notice of Intent: Camp Sewataro, 1 Liberty Ledge, DEP #301-TBD:**

Chair Henkels opened the Notice of Intent hearing to implement an Aquatic Management Program consisting of installing a submersible aeration system, nutrient remediation, use of beneficial bacteria and algaecides, as well as routine maintenance of the ponds and areas within 100 feet of wetland resource areas, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Scott Brody introduced the project stating that the camp was proceeding under historic processes that were in place that have been determined to be outdated methodologies for treatment of the swimming and fishing ponds. They are looking to increase public use of these resources and he had inquired with the Department of Public Health. It was determined through conversations with the Board of Health and the Conservation Coordinator that the current operations needed to be adjusted to conform with current standards.

Dominic Meringolo of SOLitude presented a management plan to treat the water in the swimming and fishing pond to improve water quality and prevent algae blooms. He has submitted the Notice of Intent as an Ecological Restoration Limited Project. This year would consist of monthly inspections with an intensive assessment of the water bodies including sediment depths, water quality, and plant survey to determine management needs. He is proposing a combination of techniques. Aeration is proposed to add oxygen to the water column and increase water circulation to improve water quality and reduce mosquitos. This requires an on-shore generator with tubing and diffuser placed on the bottom of the ponds. He is also seeking permission to introduce beneficial bacteria to outcompete cyanobacteria for nitrogen and phosphorus, and to improve decomposition on the ponds bottom. The third technique they would like to utilize is nutrient remediation to remove phosphorus in the water column and lock it in the sediment. Lastly, they are seeking permission to use three algaecides to control algal growth, if the prior three technique do not keep it to manageable levels. Additionally, the Notice of Intent includes information regarding the existing management of land around the ponds including maintenance of the ditches, paths and shoreline maintenance.

Chair Henkels opened the discussion up to the Coordinator, who questioned the applicability of the ecological restoration limited project, explaining the parameters that need to be met, and why the project was filed under this provision, noting that available data showed that the existing water quality was good. The Coordinator also requested parameters be provided for implementation of each treatment methodology, and questioned whether the fish stocking program may be contributing to the problem.

Chair Henkels asked the applicant to define the conditions of the resource areas, questioning whether both ponds had the same issues and asked about the criteria that is used to determine treatments. Mr. Meringolo responded that he felt that the use of aeration and beneficial bacteria should be implemented even prior to any data collection. The aluminum sulfate would only be used if phosphorus was higher than desired (20-30 pbb) and algaecide would be used if cell counts of Cyanobacteria exceeded 20,000 cells/mL.

The Commission questioned whether the two system should be treated similarly. The Camp noted that they had never seen an algae bloom in the fishing pond. Mr. Meringolo noted that algae was less of a concern in the fishing pond but as water contact would still occur, he recommended algae be similarly treated in the fishing pond. Chair Henkels asked whether stormwater inputs would be evaluated, to which Mr. Scott stated that they have started looked into that. K. Holtz asked about the appropriateness of using CleanGreenPro given its toxicity and recommended additional measures be implemented to prevent phosphorus inputs into the ponds. K. Holtz asked whether fish stocking was going to continue and whether an algaecide treatment would be needed for the present bloom. The Commission also discussed whether the two ponds could be disconnected during treatment.

Mr. Meringolo responded that the current bloom is a cold-water algae that will disappear when the weather gets warmer, so he would not recommend a treatment at this time and he was not aware of any toxicity associated with proposed algaecides. Mr. Brody explained that they have changed the fishing program to be catch and release, which has reduced the amount of stocking required.

Chair Henkels opened the discussion up for public comment. Len Simon, of 40 Meadowbrook Circle, asked if water testing would be conducted before the Commission issues an Order of Conditions.

With no further discussion, K. Holtz made a motion to continue the hearing for the applicant to provide additional information on treatment protocols and for DEP to issue a file number. M. Sevier seconded the motion. The Commission voted unanimously to continue the hearing to April 25, 2022, via roll call.

#### Certificate of Compliance:

##### **37 Oak Hill Road, DEP #301-1006: Septic System Replacement**

Coordinator Capone explained that this was an expired Order, found when evaluating the Request heard earlier this evening. The Coordinator recommended the applicant issue a Certificate of Compliance for the project.

On motion by M. Sevier, seconded by B. Porter, the Commission voted unanimously to issue a Certificate of Compliance, via roll call vote.

#### Other Business:

##### **Discussion regarding acceptance of a CR on two parcels of land on Old Sudbury Road (H11-0307 and H11-0306)**

Coordinator Capone explained that she has been approached by Christa Collins of Sudbury Valley Trustees (SVT) to see if the Commission would be interested in holding the Conservation Restriction (CR) on these two parcels on Old Sudbury Road. Currently SVT holds the CR but the landowner would like to gift the land to them. As they cannot hold both the land and the CR, they would like to transfer the CR to the Conservation Commission. The Commission asked if there were any trail connections between this land the adjacent King Philips Woods and Piper Conservation Lands, to which Ms. Collins said there was potential.

On motion by R. Morse, seconded by B. Porter, the Commission voted unanimously, via roll call vote, in favor of accepting the transfer of the Conservation Restriction.

##### **Nobscot Reservation Forest Stewardship Plan**

Coordinator Capone asked if the Commission had any comments on the Forest Cutting Plan. She stated that access is usually the most impactful part of a Forest Cutting Plan but as there are existing trails and roads, the only other concern is to ensure invasive species are managed as part of this program to prevent degradation of the forest community. The Commission did not have additional concerns with the Plan.

##### **Bruce Freeman Rail Trail Temporary Easement at Broadacres Farm. Vote regarding Article 20**

Coordinator Capone explained that Beth Suedmeyer, Environmental Planner, has requested the Commission vote to support Article 20 regarding the grant on Easements for the Bruce Freeman Rail Trail. This Article concerns two Conservation parcels, Davis Farm and Broadacres Farm, to allow a Temporary Easement at Broadacres for the

construction of the wetland replication area and Permanent Easement to allow for trail maintenance along North Road.

On motion by R. Morse, seconded by B. Porter, the Commission voted unanimously to support Article 20 at this year's Town Meeting.

With no further business, on motion by R. Morse, seconded by B. Porter, the Commission voted unanimously to adjourn the meeting at 9:31 PM.