



SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, April 25, 2022

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Bruce Porter; Kasey Rogers (6:56 PM); Mark Sevier; Richard Morse; and Lori Capone, Conservation Coordinator

Absent: Jeremy Cook and Luke Faust, Associate Member

The meeting was called to Order by Chair Henkels at 6:45 pm.

Wetland Applications:

Chair Henkels recused himself from acting on the Request for 798 Concord Road as he personally knows the applicant, and requested K. Holtz chair this portion of the meeting.

Request for Determination of Applicability: 798 Concord Road, RDA #22-7:

Vice Chair Holtz recognized the Applicant for his presentation to remove and replant 10 trees within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Timothy Butler presented his request, stating that the pine trees along his property line are old and overgrown, posing a potential threat to his family's safety and the integrity of his home. He proposes to remove the trees, including stumps. Eastern arborvitae will be planted in the same location. Erosion controls will be installed during their removal. In response to questions from the Commissioners, Mr. Butler stated the contractor, an arborist, had determined that the trees are unsalvageable. He said that the stumps would be removed by grinding. He has contracted with Amazon Tree. A crane will transfer material from the back yard to a wood chipper in the front. Coordinator Capone suggested that the invasive bittersweet and buckthorn should be removed along with the pines. On-going management would involve hand-pulling seedlings until arborvitae are mature. The applicant and contractor will meet with the Coordinator prior to beginning work. After work is complete, the applicant will forward photos of the established arborvitae to the Coordinator.

The Vice Chair entertained a motion to issue a Negative Determination of Applicability #3. R. Morse so moved, M. Sevier seconded, and a Negative Determination of Applicability #3 was issued via unanimous roll call vote at 6:55 PM. (K. Rogers was not present)

Chair Henkels resumed Chairmanship at this point.

Notice of Intent: 111 Mossman Road, DEP #301-TBD:

Chair Henkels opened the Notice of Intent hearing for the installation of a fence with mitigation plantings within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. The Chair then recognized Michelle Arceneaux for her presentation. Mrs. Arceneaux stated the primary objective is to enclose existing lawn to rear of property for the safety of her children. She has met with the Coordinator, and expressed a willingness to work with the Commission. She proposed to plant about fifteen native plants in back of the new fence, including sweet pepperbush and low bush blueberry. Coordinator Capone reported that the proposed fence will be an open iron rail type, with a 3" gap underneath. The property was developed before the bylaw was enacted. The entire backyard is within 50' of the wetlands. The Coordinator recommends that site-appropriate plantings are concentrated along the section of fence near the wetlands. Concrete fence posts should be positioned to avoid damage to tree roots. In response to questions from the Commissioners, it was determined that the plantings would be done in generally linear fashion with some staggering possible, along the back of the new fence. Any variation to the agreed upon position of fence posts must be done in consultation with the Coordinator. The entire fenced in lawn area is about 5,000 square feet, inclusive of the back and side yards.

The Chair asked if there were any questions from the public. As there were none, and given that a DEP number has not yet been issued for the project, a motion was made to continue the hearing on May 9, 2022. K. Holtz so moved, seconded by M. Sevier and via roll call, the vote was unanimous.

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 continued on April 11, 2022. Coordinator Capone stated that the applicant is waiting for the final peer review of the stormwater management plan, and has requested a continuance to the May 9th Commission meeting.

With no discussion, on motion by B. Porter, seconded by R. Morse, the hearing was continued to May 9, 2022, via unanimous roll call vote.

Notice of Intent: Camp Sewataro, 1 Liberty Ledge, DEP #301-1366:

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, last heard at the April 11, 2022 meeting.

Coordinator Capone summarized the project and associated concerns. Filing as a Notice of Intent for an Ecological Restoration Project will allow the Commission to exceed the performance threshold for impacts to a Resource Area as a limited project. There is concern that aeration might adversely affect anaerobic bacteria. An assessment of present bacterial populations is needed. She recommended setting explicit cyanobacteria count thresholds, and specifically setting them lower for the swimming pond relative to the fishing pond, to avoid unnecessary use of algaecides. BMPs should be included in the Order to address external sources of nutrient loading, thereby reducing the need for chemical treatments. A fish stocking program should be conditioned in the Order, with emphasis on sequencing and benefits to wetlands. The applicant should demonstrate that the ponds require proposed treatments, and that proposed treatments will improve the health of the pond.

The Chair then recognized the applicant's representative, Dominic Meringolo of SOLitude, for his presentation. He responded to the Coordinator, and stated that a formal addendum to the plan includes thresholds for deploying algaecides and alum nutrient treatments. The cyanobacteria thresholds were kept the same for both ponds because the risk of water contact exists in the fishing pond. A properly designed fish stocking program would be beneficial to the pond, and can be detailed in the plan. The ponds are presently in good condition, but the treatments will slow the natural eutrophication process, which is cited in Appendix A of the NOI as a basis for approving a project.

He discussed the aeration system, which promotes the aerobic bacteria that compete with cyanobacteria, and can remove some phosphorous from the water column as well. These will be augmented monthly with a proprietary blend of bacteria. There are three algaecide treatments being proposed, two copper-based and one peroxide-based. Technicians are trained in carefully applying the treatments, in order to eliminate risk to non-targeted wildlife. All cyanobacteria will be counted, as suggested by the MA Department of Health, since most species produce toxic blooms. The frequency of testing will be at least monthly for water quality during the Apr-Sep management period, while sediment depth measurements (and possibly analysis) will be done at the beginning of the year. For treatments, a Jon boat will be utilized.

The Chair opened the discussion to the Commission. K. Holtz asked about methods for applying algaecides, how the generator is powered, and the feasibility of locating and mitigating upstream nutrient sources. Mr. Meringolo stated that algaecides can be applied directly from on-boat tank into water or from a spreader, and that algaecides are used only to prevent imminent blooms. GreenClean Pro could be removed as an option if Commissioners are concerned about wildlife impacts. The generator is powered by electric current at household levels. Mr. Brody agreed to evaluate the use of biochar socks upstream, and to examine fertilizer practices on the property. K. Rogers asked if outflow water quality would be monitored, and if copper could be expected to accumulate in the sediment. Mr. Meringolo stated that algaecides deteriorate quickly after application, and that copper is already present in most

sediments naturally. K. Rogers suggested that a baseline sediment analysis be conducted. The Chair asked about the schedule for soil testing, to which Mr. Meringolo stated that this would be conducted annual, with the first sample taken before treatments. K. Rogers asked if water quality testing should be more frequent than monthly to effectively anticipate blooms, and if there was a written protocol with explicit water clarity thresholds. Mr. Meringolo responded that water clarity measurements would be taken weekly, and poor clarity would trigger additional sampling, and that a written protocol could be produced. Ms. Niinimaki stated that visual checks of pond are carried out constantly on an informal basis, but this could be formalized and written reports could be submitted. K. Rogers asked about public access to the aeration system. Mr. Meringolo stated that the diffusers lie on the bottom of the pond. Ms. Niinimaki stated that the diffusers could be run under the dock. Mr. Brody stated that the on-shore components could be positioned to obscure them from the public, and would be as close as possible to the power supply. R. Morse asked about testing of water downstream, to which Mr. Brody responded that no copper or aluminum is expected to leave the ponds, but testing could be done after initial algaecide treatment to confirm this. The Coordinator asked about effects of pond dewatering on bound phosphorus in the sediment, to which Mr. Meringolo replied that it binds very strongly, is only released if pond pH is well outside normal range. The floc is heavy and settles quickly. Mr. Brody suggests that the swimming pond be emptied into the fishing pond during dewatering, and Ms. Niinimaki states that the pond is not emptied down to the sediment during de-watering. Chair Henkels asked if Camp gets advance notice of treatment and whether the Water District is involved. Mr. Meringolo states that need for treatment would be determined during routine monitoring visit, with a separate visit for treatment scheduled within 48 hours if needed. The Coordinator asked if algaecide was non-specific, if the 10,000-20,000 cell count threshold is safe for wetlands, and whether there is a sediment threshold for phosphorus prior to alum treatment. Mr. Meringolo stated that cyanobacteria is selected at lower doses than beneficial bacteria, that the cell threshold in question is safe for wetlands, and that there is no quantifiable threshold for phosphorus in the sediment.

The Chair asked if there were comments by the public, and as there were none, on motion by M. Sevier, seconded by R. Morse, the hearing was continued to May 9, 2022 via unanimous roll call vote.

Other Business:

Luke Faust: Davis Farm Bird Survey

Associate Member L. Faust presented the findings of a 2020-2021 bird survey of the Davis Farm Conservation Land, conducted for his capstone project for the Mass Audubon Birder's Certificate Program. This 61-acre property in the Sudbury hosts a variety of habitat, including pine and deciduous forest, wetlands, farmland and a pond. For the survey, he walked the trails on twelve different visits, recording his sightings in eBird. A total of 58 species were observed, including warblers, sparrows, woodpeckers, and bobolinks. The results suggest that the site is a breeding ground and a migratory stopping point, making it valuable for increasing biodiversity in Sudbury. Discussion amongst the Commissioners followed. Concerns about threats to birds included disease, off-leash dogs, and mowing. Recommendations were made to wash bird feeds and follow MassAudbon guidance on outbreaks. The wet nature of much of the property limits exposure to dogs. Mowing is carried out sporadically by volunteers, so training and signage might reduce risk to nesting birds. A suggestion was made to lead birding classes though the Lincoln Sudbury Adult & Continuing Education Program, at this or other properties in town.

Eversource Transmission Line – Discuss the Environmental Compliance Manual and Final Stormwater Pollution Prevention Plan

Coordinator Capone reports that the Order of Conditions required that the Applicant develop an Environmental Compliance Manual to be submitted at least three weeks prior to construction for review to confirm that the requirements of the Order are accurately stated. The manual is intended for the contractor, and details the environmental concerns of the project. The applicant has permitted additional time to review these materials. The Coordinator recommends tabling this discussion until the May 9th meeting.

With no further business, on motion by B. Porter, seconded by R. Morse, the Commission voted unanimously to adjourn the meeting at 9:05 PM.