



SUDBURY CONSERVATION COMMISSION MINUTES
Monday, February 28, 2022

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Bruce Porter; Richard Morse; Mark Sevier; Kasey Rogers (7:32 PM), Luke Faust, Associate Member; Lori Capone, Conservation Coordinator; and Kirsten Roopenian, Administrative Assistant

Chair Henkels opened the meeting at 6:46 PM by roll call.

Coordinator Capone discussed a new opening in the Conservation Department, thanking Kirsten Roopenian, who is departing. The Commission expressed great appreciation for Kirsten's service to the Commission and the Town and wished her well.

Minutes:

On motion by R. Morse, seconded by K. Holtz, the minutes of January 24, 2022 were accepted unanimously via roll call vote.

Wetland Applications:

Request for Determination of Applicability: 11 Cedar Creek Road, RDA #22-2:

Chair Henkels recognized the Applicant, Nick Chehames, for his presentation to reconstruct a sunroom, and construct a deck, patio and front entryway, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Mr. Chehames reviewed the plan for both the back portion of the home, and front entryway. Coordinator Capone reviewed the issues, reminding the Commission this home was recently in front of them to replace the septic system, whose Order remains active. This Determination was to review the remainder of the work, which she recommended receive a Negative Determination since the deck and patio were exempt activities and the sunroom footprint was being maintained. K. Holtz confirmed the porch was not an entryway into a basement, rather into the garage. M. Sevier confirmed the front entry measurements and requirements. There was discussion about controlling roof runoff from the proposed gutters. Suggestions for infiltrating the roof runoff were discussed. Coordinator Capone agreed to work with the Applicant to determine appropriate measures are implemented, if gutters are put on the house.

The Chair asked for any public comment. There were no comments. There was a motion by J. Cook to issue a Negative Determination #3, with a condition that proper infiltration will be provided if the Applicant decides to go forward with gutters. After some discussion, concerns remained about the details of the plan.

M. Sevier made a the motion to issue a Negative Determination with the condition that the Coordinator review and approve proper infiltration. This was seconded by R. Morse after withdrawal by J. Cook of initial motion. Via roll call vote, decision was unanimous.

Notice of Intent: 31 Lincoln Lane, DEP #301-1364:

Chair Henkels opened the Notice of Intent hearing to install a new well within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Vito Colonna, Connorstone Engineering, representative for the Applicant, made his presentation. Mr. Colonna explained that the property is on the Sudbury River and has been delineated by Oxbow Associates. He stated the plan is to install a new drinking water well while not encroaching on either Title V setbacks or wetlands. Mr. Colonna stated that they have updated the plan and moved the well further from the river, as the prior plan had a mistake in the location of the lot line and adjacent septic system. Coordinator Capone stated she was satisfied with the new plan. She asked about the decommissioning of the old well. Mr. Colonna confirmed access would be required to close the well and that due to the

type, had to be backfilled. He agreed to add erosion barriers. Commissioners asked about equipment near the well and depth of new well, which is typically several hundred feet. There were no questions from the public.

On motion by B. Porter, seconded by K. Holtz, the hearing was closed, via unanimous roll call vote. On motion by M. Sevier, seconded by K. Holtz, the Commission voted unanimously to issue an Order of Conditions, 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 continued from December 13, 2021. Present on behalf of the Applicant John Welch were Maggie Laracy and David Newhall of Crocker Design Group, Fred King of DGT Associates, and Atty. Josh Fox, legal Counsel.

Coordinator Capone updated the Commission on the status of the project. The Commission had conducted a site visit, and an initial stormwater peer review had been completed through the Planning Board. The project is required to go before the Zoning Board of Appeals for Site Plan Review in March.

The site visit revealed concerns regarding the original proposal. There were questions about the mitigation offsetting project impacts. Ms. Laracy stated there had been modifications: the parking lot and waste storage were pulled back from the wetland boundary, plantings have been increased between the parking lot and resource area, and invasive species management would be conducted. Concerns raised about snow storage was also addressed in the revised plans.

Coordinator Capone requested more specificity on the proposed invasive species management and constructability of the parking lot directly adjacent to wetlands without impacting the resource area. Ms. Laracy agreed to consider keeping the existing retaining wall in place until the new retaining wall was constructed. The Coordinator encouraged the Applicant to continue to evaluate and define site improvements and mitigation strategies, commensurate with the scope of work.

The underground storage of fluids was discussed in regards to secondary containment and an alarm system: both were confirmed. Coordinator Capone asked for the Applicant to confirm whether any wetland alterations were propose based on the location of erosion controls. If so, they need to be quantified.

B. Porter asked for documentation relative to the status of the site being a 21E designation. Josh Fox stated the previous owner of the building was required to ensure the contamination was clean by state and federal agencies. He believed there was information in the file. The Commission encouraged the Applicant to seek additional information to confirm the site remains clear. It was confirmed there would be no blasting.

The Chair opened the hearing to public comment. There were no comments. On motion to continue the hearing to April 11, 2022 made by B. Porter, seconded by J. Cook, roll call vote was unanimous.

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, within wetland resource areas pursuant to the Wetlands Protection Act, last continued from February 8, 2022.

Coordinator Capone updated the Commission on outstanding issues. She stated she believed all questions had been answered by the Applicant. She had prepared a draft Order of Conditions with Special Conditions for consideration by the Commission, unless there were additional questions.

Nick LaPointe of Fuss & O'Neill stated he was comfortable with the assessment by the Coordinator and with the draft Order of Conditions with some minor details to be addressed. He stated under item z-2, treatment of invasives, the

applicant requests a condition that after construction, the Town would continue to monitor the invasives at the wetlands replication area. Mr. Dexter, MassDOT, confirmed this would be after the replication area met the replication standards. There were other minor corrections to the Conditions.

The Chair opened the discussion to the Commission. He clarified the conditions for plantings to be monitored by the MassDOT Environmental Monitor. There were clarifications about the Town verifying reports by the Applicant. There were confirmations about construction schedules, monitoring, and verification. K. Holtz asked about plan modification processes. The Coordinator stated she would determine if a new Notice of Intent or Amendment would be required depending on the issue. He then opened the hearing to the public. There were no comments or questions.

K. Holtz moved to close the hearing, seconded by R. Morse. The hearing was closed via roll call vote with B. Porter abstaining. J. Cook moved to issue the Order of Conditions as discussed and outlined in the Special Conditions, seconded by R. Morse, a roll call vote with B. Porter abstaining was otherwise unanimous.

Mr. Henkels thanked all parties for the effort to collaborate in issuing this Order of Conditions.

Certificate of Compliance:

Garanin: 39 Griscom Road, DEP #301-1256.

The Coordinator stated this Order was the result of an unauthorized tree cutting Violation, which the homeowner committed to restoring. Several years had passed since the restoration was completed. The homeowner would continue to manually remove the bittersweet and buckthorn, but requested permission to mow under the neighbor's trees that are encumbered with bittersweet to prevent them from spreading. The Coordinator recommended approval for a Certificate of Compliance. There were no public comments. K. Rogers moved to issue the Certificate of Compliance as outlined, seconded by M. Sevier, the roll call vote was unanimous.

Other Business:

Agricultural Licenses: Barton Farm, Davis Farm, and Poor Farm Meadow:

The Chair welcomed Chris Kurth of Sienna Farms. Mr. Kurth agreed to most of the terms of the License, but had some concerns about the termination clause. He felt that neighbors may not always agree with the particulars of an operation, and with the language discussed, it would allow for them to cause his business harm over minor infractions. Coordinator Capone assured him the Commission was only trying to protect the Town in adding the pro forma language for the termination clause. There was discussion about language from other communities and time of notification. The Commission agreed the language could cause concern. There was also concern over who was responsible for the revocation of a License. The Commission wanted jurisdiction over any revocation, asking if the language could be changed so that the authority for the revocations was left with the Commission, either as the sole entity or in consultation with other entities.

Mr. Kurth wanted feedback on irrigation potential for other fields, and his interest in farming other properties. The Commission requested the Coordinator work with Mr. Kurth on a continuing basis for these other opportunities.

Remote Participation: Extended through July 15, 2022

The Commission was updated on the new extension and discussed future remote participation.

Mr. Len Simon was recognized for a public comment thanking the Commission for their work on the Order of Conditions for the Bruce Freeman Rail Trail.

Coordinator Capone updated the Commission about the Nobscot Reservation Notice of Intent that was to be filed. Due to Covid issues, the Notice has been pushed back.

She also encouraged the Commissioners to evaluate the Historic Preservation Plan survey.

On motion by R. Morse, seconded by M. Sevier, the Commission voted unanimously via roll call vote to adjourn the meeting at 9:16 PM.