



SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, May 9, 2022

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Kasey Rogers; Mark Sevier; Richard Morse; Bruce Porter (6.54 PM); and Lori Capone, Conservation Coordinator

Absent: Luke Faust, Associate Member

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

Wetland Applications:

Notice of Intent: 111 Mossman Road, DEP #301-1367:

Chair Henkels re-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, continued from the April 25, 2022 Meeting. Coordinator Capone reports that the DEP File number for this notice has been assigned. The order will be conditioned to require a pre-construction meeting prior to the installation of the fence, to verify that the hand-dug footings are positioned to avoid impacting tree roots.

With no comments from the Commissions or the public, the Chair motioned to close the hearing. R. Morse so moved, K. Holtz seconded, and the motion was accepted via unanimous roll call vote at 6:49 PM. The Chair then motioned to issue the Order of Conditions. M. Sevier so moved, K. Rogers seconded, and the motion was accepted via unanimous roll call vote at 6:50 PM. (B. Porter was not present for this vote.)

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

Chair Henkels re-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, continued from the April 11, 2022 Meeting. Coordinator Capone reports that the stormwater review has been finalized by the peer reviewer through the Planning Board, and that the final plan set has been submitted to the Commission.

With no comments from the Commissions or the public, the Chair motioned to close the hearing. R. Morse so moved, K. Holtz seconded, and the motion was accepted via unanimous roll call vote at 6:52 PM. The Chair then motioned to issue the Order of Conditions. J. Cook so moved, R. Morse seconded, and the motion was accepted via unanimous roll call vote at 6:53 PM. (B. Porter was not present for this vote.)

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

Chair Henkels re-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, continued from the April 25, 2022 Meeting. Coordinator Capone stated that the DEP contact for the project suggested that an Environmental Notification Form (ENF) may need to be filed for this project, and that there are therefore two options for proceeding. The Commission could leave the hearing open until the ENF question is resolved, or it could close the hearing and issue the Order contingent on the ENF being resolved. In the latter case, an amendment might be required if there are substantive changes to the project. While the Northeast Circuit Rider recommends that former approach, Capone recommends that latter. Neither Capone nor Mr. Meringolo (SOLitude) have seen ENFs being required for pond management projects like this one. K. Holtz asked if project milestones would be missed if the hearing were kept open. Mr.

Meringolo reiterated that an ENF requirement would be highly unlikely. There has been no reply from DEP thus far on the issue. Mr. Brody request that the hearing be closed and an Order be issued tonight, citing the large volume of work that must be completed within the next 45 days.

Mr. Henkels opened the discussion to Commissioners and the public. All Commissioners agreed to close the hearing and issue the Order as currently drafted, except that K. Holtz requested a review of the Order. The Coordinator subsequently listed the conditions included in the draft Order. K. Holtz asked for clarification on condition for requiring biochar socks. The Coordinator answered that the current wording assigns more control to the Commission over the implementation of BMPs in general.

With no additional comments from the Commissions or the public, the Chair motioned to close the hearing. R. Morse so moved, K. Holtz seconded, and the motion was accepted via unanimous roll call vote at 7:10 PM. The Chair then motioned to issue the Order of Conditions contingent upon the resolution of the outstanding question regarding the possibility of an ENF requirement. J. Cook so moved, M. Sevier seconded, and the motion was accepted 6-0-1 via roll call vote at 7:11 PM. B. Porter abstained from voting.

Request for Determination of Applicability: Siena Farms, 304 Marlboro Road, RDA #22-8:

Chair Henkels recognized Chris Kurth of Siena Farms to present his Request to install greenhouses within the 100-foot Buffer Zone and Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Mr. Kurth presented his plan to construct two portable greenhouses, four heated stationary greenhouses, an irrigation well, propane tanks and a pump shed within an existing Agricultural Preservation Restriction. These are in addition to existing greenhouses at the site. Eversource has been consulted about the need to install an electrical conduit to the site, possibly underground. The Massachusetts Department of Agriculture has visited the site in conjunction with Coordinator Capone, and they have approved the project in accordance with the existing APR. The footprint of the plan is about 5,000 square feet.

The Coordinator reported that the site is bordered to the south by Pantry Brook, with bordering vegetated wetlands to the west and north. About 1,000 square feet of the project exceeds the 4,000 square foot exemption under the Wetlands Protection Act for farm buildings not in a flood plain. The well and tanks are outside of the buffer zone. The site is flat with no erosion potential. The stationary greenhouses will have stone base, which is the only change being made to local drainage patterns. There is easy access from either side of the site along an existing road, and no tree work is being done. While Pantry Brook is a perennial stream, for agricultural the buffer is only 100 feet. The Coordinator recommends a negative Determination of Applicability #3.

Mr. Henkels opened the discussion to Commissioners and the public. K. Holtz asked if the greenhouse will move, and how the propane tanks will be refilled. Mr. Kurth answers that the greenhouses will be moved back and forth as the need dictates. Eastern Propane will deliver fuel by trucks entering the site from the access road. Fuel will be pumped through hose to tanks installed 25 feet from the greenhouses, and secured on cement slabs to prevent flood damage.

With no comments from the public, the Chair motioned to issue a Negative Determination of Applicability #3. J. Cook so moved, R. Morse seconded, and the motion was accepted via unanimous roll call vote at 7:24 PM.

Request for Determination of Applicability: 41 Oak Hill Road, RDA #22-9:

Chair Henkels recognized Filip De Vos to present his Request to construct enclosed wood vegetable planters on gravel footers within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Mr. De Vos presented his plan to construct planting structures to contain a vegetable garden in a level, fenced in section of his backyard. The yard slopes steeply down to Hop Brook. Coordinator Capone reports that she has no concerns about the project, and all of the work will be done by hand. Because it is in riverfront and a buffer zone, she recommends a Negative Determination of Applicability #2 and #3, with standard conditions.

Mr. Henkels opened the discussion to Commissioners. K. Rogers asked if the structure was a greenhouse or a planter. Mr. De Vos answered that it will be planters with a frame and mesh to keep out wildlife. In response to M. Sevier, he further clarified that there would be no roof.

With no comments from the public, the Chair motioned to issue a Negative Determination of Applicability #2 and #3. K. Holtz so moved, R. Morse seconded, and the motion was accepted via unanimous roll call vote at 7:31 PM.

Notice of Intent: 73 Weir Hill Road, US Fish and Wildlife Service, Sudbury River, DEP # (TBD):

Chair Henkels opened the Notice of Intent hearing to implement a long-term vegetation management plan for the invasive water chestnut in the Sudbury River, between Sherman's Bridge Road and Route 27, Sudbury MA, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Chair Henkels recognized Matt Ladewig of the ESS Group, who presented the problems caused by invasive water chestnut, and their plan for controlling it. Water chestnut is an aggressive annual aquatic plant that forms a thick layer along the water surface, blocking sunlight in the water column, creating anoxic conditions, and as a consequence displacing native species. Removing the plant is very difficult, and efforts to control it via mechanical harvesting have met with mixed results. The ESS Group proposes a multi-year management and monitoring program. The chemical herbicide Clearcast will be deployed initially, to be complemented with more targeted hand-pulling. Clearcast kills the entire plant, but is only effective on dry leaves. Two treatments will be carried out annually during the summer months before the seeds mature, with a third if necessary. There will be minimal impact on non-targeted plants. MassWildlife's Natural Heritage & Endangered Species Program has recommended that the treatments be carried out before September 1. Hand-pulling will be carried out in areas that resist the treatments, or on the fringes of the project area, with harvested plants disposed of away from site. The effectiveness of the treatments and harvesting will be assessed by mapping the water chestnut population before and after each annual treatment and harvesting session.

Coordinator Capone reports that this project is similar to another carried out within the Hop Brook mill ponds, which was covered by a comparable area and also involved Clearcast treatments. This project will impact Land Under Water, in which the performance standard limits the altered area to 5,000 square feet unless submitted as an Ecological Restoration Limited Project. There is no question that the project would meet the criteria of an Ecological Restoration project.

The Coordinator then asked if a harvester would be used after control was established, and whether milfoil was present below the water chestnut. Ms. Stephanie Koch of the United States Fish and Wildlife Service replied that there were several problems with the harvester, making that option uncertain. There are several other invasive aquatic plants present on site, including milfoil. The effect of water chestnut removal on other invasives will be reported on as part of this project.

Chair Henkels opened the discussion to Commissioners. K. Rogers asks if fertilizers from the adjacent Nashawtuc Country Club golf course might be contributing to the growth of water chestnut. Mr. Ladewig replies that legacy nutrients in the soil are likely the biggest contributor, and that the Country Club link has not been established.

B. Porter asks about the efficacy of completing the project within five years and the resources currently committed. Mr. Ladewig replies affirmatively, but that management will be on-going beyond the project end date. Ms. Koch adds that chemical treatment is currently planned for two years, after which the effectiveness will be evaluated. Given novel use of this method for a USFS project, and the unknown scope of water chestnut spread during the lapse of control measures during the pandemic, there is the possibility that the treatments will need to be continued for more than two years.

R. Morse stated that the Hop Brook project was slow and ineffective, and expressed concerns about possibly replicating that outcome. The Coordinator replied that, in fact, the first year was very successful for that project. However, the second year was not, and attributed this to the unusually wet conditions that summer, as well as

ineffective treatment. R. Morse then asked whether the contractor can provide any examples of good results. The Coordinator replied that the contractor is new.

K. Holtz asked whether the die-off of water chestnuts at the Hop Brook ponds was of less concern than with the river, and whether oxygen levels would be monitored. The Coordinator replied that oxygen levels are of less concern in a river, but levels would be monitored.

M. Sevier asked if the project area is in a part of the river with slower flow. Ms. Koch replied there will be more water chestnut present in the bends where flow is slower. This reduces the effectiveness of mechanical harvesting.

R. Morse asked if it should be expected that control measures will be needed indefinitely. The Coordinator replies that aggressive management will be required for 10-12 years, after which it can be scaled back to hand-harvesting.

Chair Henkels asked for details on other similar projects in towns along the Sudbury, Assabet, and Concord Rivers. Ms. Koch discussed the work being done at the Great Meadows in Concord, and how the small mechanical harvester there has not been effective. Draw-downs of water levels had some success but there are concerns regarding the impact on wildlife, and now invasive American lotus has spread. Mr. Ladewig states that a project in Framingham was initially successful but long-term results are not known to him. There are probably multiple places in the watershed with similar problems with water chestnuts.

With no comments from the public, the Chair motioned to continue to May 23, 2022. B. Porter so moved, J. Cook seconded, and the motion was accepted via unanimous roll call vote at 8:08 PM.

Certificate of Compliance:

59 Carriage Way, DEP #301-0308:

Chair Henkels brings before the Commissioners a request by Lenore Phipps-Stevens to reissue a Certificate of Compliance for recording purposes. The Certificate of Compliance was originally issued in 1992, but was not recorded, and remains as a lien on the property. The original Order was issued and recorded with the wrong deed reference, so a second Order was issued and subsequently recorded but had not been released. To clear this Deed, two Certificates of Compliance should be issued to lift both Orders, which are for the same project with the same DEP file number.

The Chair motioned to reissue the first Certificate of Compliance, and issue a new Certificate of Compliance for the second Order. K. Holtz so moved, J. Cook seconded, and the motion was accepted via unanimous roll call vote at 8:10 PM.

Other Business:

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

Coordinator Capone reports that Eversource has agreed to table discussion until May 23, 2022, to allow sufficient review of the Environmental Compliance Manual and Final Stormwater Pollution Prevention Plan.

With no further business, on motion by R. Morse, seconded by J. Cook, the meeting was adjourned via unanimous roll call vote at 8:11 PM.