



SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, June 27, 2022

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

Absent: Kasey Rogers

The meeting was called to Order by Chair Henkels at 6:48 pm.

Wetland Applications:

Notice of Intent: 4 Confidence Way, DEP # 301-TBD:

Chair Henkels opened the Notice of Intent hearing to demolish and reconstruct a single-family house within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Mr. Daniel Dragani, of Dragani Engineering Group LLC, was recognized for his presentation on behalf of the applicant, Mr. Marek Mizeracki.

Mr. Dragani stated that the current single-family home will be torn down and replaced by a larger home sited further from the resource area. The buffer zone will be further enhanced with native plantings and no-mow signage. The driveway will also be moved further away, and a stormwater mitigation system will be installed. The plan for the septic system has been approved by the Board of Health. Despite the increased size of the new home, the septic system will stay the same size. Straw wattles and silt fence will be installed to control erosion. The only work to be done within the 50-foot line is hand-planting of native plants.

Coordinator Capone reported that the project represents a significant improvement over the existing conditions. She clarified that the septic system will remain in the current location. She has requested that the proposed erosion control barrier be extended further around the existing dwelling to contain the disturbance associated with demolition activities. Because the DEP requires additional filing fees before it will issue a File number, she recommends continue the hearing to July 11, 2022.

Mr. Dragani responded to a series of questions from Chair Henkel. The staging area will be situated as far as possible from the resource area. There will be no major changes to the current grading of the lawn. There is a small pond in the northwest corner of the property, which Mr. Mizeracki added is generally dry but can accumulate water after rainfall.

With no questions from the audience, on motion by Comm. Porter to continue the Hearing until July 11, 2022, seconded by Comm. Morse, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 222 Peakham Road, RDA #22-13:

Chair Henkels recognized the Applicant, Mr. Gil Hudson, for their presentation to construct a patio and landscape within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Mr. Hudson presented his plan to improve safety in his backyard. The granite steps currently connecting patio to lawn do not have railings, which presents a hazard for future occupants with mobility issues. The steps will be replaced with a graded surface, and the patio will be relocated closer to the deck. In addition, a retaining wall will be installed, and existing plantings will be repositioned. Invasives near the wetlands will be removed. A large rhododendron will be moved from the front of the house to the side to create a privacy wall.

Coordinator Capone added that mechanical means will be used to remove the invasives. There will be a net reduction in impervious surface. She then stated the conditions for the project.

With no questions from the Commission or the audience, on motion by Comm. Morse to issue a Negative Determination of Applicability #3, seconded by Vice Chair Holtz, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 22 Bowditch Road, DEP #301-1370:

Chair Henkels opened the Notice of Intent hearing to construct an addition within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Mr. Kyle Cormier of Oxbow Associates, Inc., was recognized for his presentation on behalf of the applicant, Mr. Rajakumar Munnangi.

Mr. Cormier described the existing site, which features a deck, driveway, pool, and a fenced backyard with a patio. He visited the property on March 16 and flagged BVW, a certified vernal pool, and a perennial stream. The proposed work is an addition within the 100-foot buffer to the BVW. It will be about 1,200 square feet, and will be 33 feet from the BVW at the nearest point. All work will occur within existing lawn, and straw wattles will be deployed to control erosion. An existing fence will serve as limit-of-work. Stockpiles will be located outside the buffer, in the front yard. A plate will be placed over the septic system. Management of invasive plants via herbicide treatment was proposed. Such treatment would only be used outside the buffer zone, and would be applied directly to cut plants. Mechanical mitigation will be considered if necessary. Pulled plants would be moved offsite.

Coordinator Capone provided the Commission with information on three outstanding Orders of Condition on the property and the need to complete the required Conservation Restriction. She commented that infiltration of runoff from the roof of the new addition will need to be considered. She also recommended additional mitigation above what was proposed thus far, including removal of invasives nearer to the vernal pool, and removal and naturalization of an existing area of lawn within the CR area. This would bring the property into compliance with the Conservation Restriction conditioned in the unclosed Order issued for the original construction of the house. Similarly, the CR needs to be bounded with markers and should allow for pruning of trees near the house. A fence is necessary because of the pool. Mr. Cormier indicated that the applicant prefers to keep the area to the west as lawn, but is willing to reconsider. Coordinator Capone further added that spot treatment of invasives in the area of the vernal pool may be preferable to large mechanical disturbance.

Chair Henkels then prompted the Commissioners for their comments. It was noted that the fence might interfere with construction, while the foundation of the addition might intercept groundwater. Mr. Cormier agreed to get answers from the contractor in time for the next meeting.

Coordinator Capone reported that the homeowners in 2000 recorded the CR without the appropriated signatures. This project presents an opportunity to bring the property into conformance. Mr. Fox stated that the applicant purchased the property in 2017 without being made aware of the history. He has been in communication with the Coordinator to begin resolving it. Coordinator Capone stated that a Baseline Documentation Report for the CR would also be needed.

Comm. Sevier noted the potential conflict between the timing of the pending purchase and the need to resolve the outstanding Orders and CR. He asked whether the buyer would be able to wait for a resolution. Vice Chair Holtz questioned whether the two issues could be handled separately. Coordinator Capone expressed concern over the potential for future impacts to the CR posed by placing the new addition so close to the CR boundary.

Chair Henkels followed with several additional questions, which were answered by Coordinator Capone. An as-built has not been received thus far. There are some CR bounds in place, but about 50 feet from the back of the proposed addition to the front yard are not. The prior orders are expired and thus can't be amended.

The discussion continued with additional comments from the Commissioners including the logistics of being able to construct the addition in such a confined space and requirements of dewatering. Chair Henkels stated that prior Orders were not picked up during the title search, but Mr. Fox clarified that only one of the three was missed. Comm. Sevier questioned whether the house was saleable without the proposed addition. Mr. Morse added that it needlessly complicates the issue, and resolution of the prior Orders should take precedence.

Coordinator Capone reiterated that the CR was a critical component of the property. In addition to bounding the edge of the CR, a planting plan and baseline report is needed. While this would help to resolve the historical issues, it will take six months to a year to complete. She noted that the property could be sold with an encumbrance. The timeframe is set by the Commonwealth, and the Commission has no influence in the process timeline.

With no question from the audience, on motion by Comm. Sevier to continue the Hearing to the July 11, 2022 meeting, seconded by Comm. Morse, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 4 Dawson Drive, DEP #301-1371:

Chair Henkels opened the Notice of Intent hearing to conduct bank restoration as an Ecological Restoration Limited Project within the 100-foot Buffer Zone, Bank, Land Under Water, and Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Ms. Christin McDonough of SWCA Environmental Consultants, was recognized for her presentation on behalf of the applicant, Ms. Susan Berry. Ms. McDonough replaced Ms. Polina Safran, who was originally scheduled to present.

Ms. McDonough stated that the restoration project will occur along an intermittent stream running north to south along the eastern side of the property. The site is forested, with invasives like Japanese knotweed also present. Two BVWs are situated adjacent to the property. The sources of the stream are a culvert and an unmaintained stormwater basin just over the town line in Framingham. The stream is characterized by extremely flashy flows, with unstable banks that are undercut in places. The project will stabilize the banks and slow the migration of sediment, while also increasing the presence of native plants. A portion of the western bank is to be regraded due to severe undercutting. All trash currently on-site will be removed, and an effort will be made to eliminate invasives. Work will be conducted later in the summer, when precipitation tends to be less frequent. Erosion controls will be installed.

Coordinator Capone added that the site was in a severely degraded state. She was very impressed with the homeowner for taking the initiative on this project. Her presumption is that most of the work will be done by hand. Since the work will not begin until later in the summer, she recommended continuing the hearing on July 11, 2022 to allow time to draft an Order of Conditions.

The discussion continued with additional comments from the Commissioners. It was revealed that the Town of Framingham will only intervene if the runoff was impacting a road way. The applicant claims that the catch basin was designed improperly, and is undersized, so that it is easily overwhelmed by rainwater collected over a large impervious area. Storm events overwhelm the existing outflow and then overtop the basin wall. Flow was estimated with StreamStat, using a method that SWCA has deployed with success results on other larger projects. The Homeowners Association in Framingham that is responsible for maintenance of the basin has refused to allow an engineer on their property to assess the stormwater system, but it was proposed that this be revisited after the project is successfully completed.

With no questions from the audience, on motion by Comm. Cook to continue the Hearing to July 11, 2022, seconded by Vice Chair Holtz, via roll call the vote was unanimous in the affirmative.

Commissioner Cook left the meeting at 8:35 PM.

Certificates of Compliance:

50 Land's End Lane, DEP #301-1228:

Coordinator Capone explained that this Order was for construction of a deck and screened-in porch, which never commenced. With no questions from the commissioners or the audience, on motion by Comm. Morse to issue a Certificate of Compliance, seconded by Vice Chair Holtz, via roll call the vote was unanimous in the affirmative. (Comm. Cook absent)

Other Business:

Coordinator Capone reported that she is to be a panelist at the upcoming Sustainability Town Forum on July 14, 2022, encouraging the Commissioners to attend.

The Virtual Meeting requirement is set to expire on July 15 in the absence of an extension. A meeting room in the Police Station has been reserved for in-person meetings.

Adjourned:

With no further business, on motion by Comm. Porter, seconded by Comm. Morse, the Commission voted unanimously to adjourn the meeting at 8:36 PM. (Comm. Cook absent)