



SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, November 14, 2022

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook (7:08 PM); Bruce Porter (7:03 PM); Kasey Rogers; Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Richard Morse

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

Other Business:

Community Preservation Act Grant Application: Broadacres Community Garden: Brett Valerio

Chair Henkels recognized Mr. Brett Valerio to discuss and seek endorsement of a request for Community Preservation Act (CPA) funds to install an irrigation well at Broadacres Conservation Land and develop a community garden.

Mr. Valerio stated that the Town purchased the land a few years back, since which time it has been vacant. Meanwhile, the community garden at Lincoln Meadows has been at full capacity every year. A new community garden at Broadacres would expand availability and improve accessibility, being closer to the community and the future rail trail. A petition for a new garden was posted on Facebook within the last few years, and is included in the grant application.

The proposal includes a request for \$30,000 for an irrigation well, pumphouse, and a connection to the electrical grid. Estimates from another recent well project from local farm projects will provide the baseline for low- and high-end cost estimates. The plan is to install 30' x 30' plots in a flat section of field across from the main house and riding barn. Expansion into the more scenic part of the property is not included in the plan. The exact location of the plots can be adjusted in response to the Rail Trail project. The barns are scheduled for demolition, which would take place before the garden is installed.

Coordinator Capone stated that the idea for a garden on this property was introduced at the Broadacres Town Forum. It is a high wish of the community to keep it as an agrarian setting. If an artesian well is installed, the property should also be considered for active agriculture as well, since an artesian well just for a community garden is excessive. Currently, there is only a farm pond on property, which could also be used for irrigation. However, this would be a possible detriment to the wetlands.

This application would get a community garden started with 20-30 plots, depending on need. There is room for about 60 plots in total. The site will also be used for the required wetland replication area for the Bruce Freeman Rail Trail, between the irrigation pond and proposed garden plots.

Currently, the Lincoln Meadows garden is built out, as there is no dry land for expansion. This proposal would put the Broadacres property into agricultural use. The two buildings are slated for removal in the near future. That area would be used for parking for the community garden.

In response to Chair Henkels, Coordinator Capone stated that a Chapter 61A filing will not be required since the land is currently owned by the Town. However, it may require a permit with the Commission, depending on where the well is installed relative to the wetlands, it is possible to locate it outside of the Buffer Zone. The garden itself would not require permission. Active agriculture is exempt under the Bylaw, and under the Act it requires that a field has not remained fallow in excess of five years.

The property has been flagged, and there is currently an active Order for Resource Area Delineation (ORAD). The ORAD will not factor in the application process, but does give a sense of where the boundary is. Agriculture

is allowed within the Buffer Zone, which is expected to expand with the anticipated wetland replication. The Buffer Zone will extend closer to Morse Road than it currently does. Given that the rail trail is expected to be under construction in the Spring, the new wetland boundaries and Buffer Zone will likely be known before the garden is installed.

In response to Comm. Sevier, Coordinator Capone stated that once a contractor is hired, the best location for a well can be determined. It will probably be located somewhere between the community garden and other possible farm fields so it can be accessible to both activities.

In response to Comm. Holtz, Coordinator Capone stated that artesian wells reach down to the bedrock to tap the aquifer. This well would not impact the wetlands, since they are charged by surface water. Also, the community garden will not require a lot of water.

In response to Chair Henkels, Coordinator Capone stated that depending on where the well is placed, and since disturbance will be minimal, the project might require a Request for Determination of Applicability.

In response to Chair Henkels, Mr. Valerio stated that irrigation is not a requirement, considering the limitations of Lincoln Meadows. However, it would however make the property more useable if farming is allowed.

In response to Chair Henkels, Coordinator Capone stated that test pits are not required for artesian wells.

In response to Comm. Porter, Coordinator Capone stated that solar panels might be a good idea for the well, but the property can't host a solar array not dedicated to agricultural activities on-site. Comm. Sevier clarified that the solar panel could specifically power the pump.

In response to Chair Henkels, Coordinator Capone stated that since the use of herbicides, pesticides, and other chemicals are not allowed at Lincoln Meadows, the same restriction should apply in this case.

In response to Chair Henkels, Mr. Valerio stated that while no consideration has been given to fencing, he is open to suggestions.

In response to Comm. Porter, Mr. Valerio stated that the well would be situated far enough from Morse Road to avoid contamination from any chemicals in the runoff. It would be positioned such that it could service both the garden and a possible farm.

On motion by Comm. Rogers to support the application, seconded by Comm. Sevier, with Comm. Cook abstaining, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Request for Determination of Applicability: 60 Hopestill Brown Road, RDA 22-26

Mr. Ralf Hakan Adolfsson was recognized for his presentation to repair an existing pool deck and skimmers within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Mr. Adolfsson stated that the existing pool is of gunnite construction with a stamped concrete deck. There are two pool skimmers that need to be replaced. The pool itself is over 20 years old. He has contracted with Mike Harrington of Harrington Bomanite.

The site will be accessed across the front lawn, and cedar panels in the fence will be temporarily removed. Plywood boards will be put down to minimize disturbance to lawn. Silt socks will be installed around the perimeter. The pool deck will be removed in pieces by sawcut, thereby eliminating the need for jackhammering. Concrete will be discarded in a dumpster. There will be no other alterations to the footprint. The previous owners cut out a section of the deck near the skimmer for a repair, but replaced the concrete with bluestone. Access from the street will be via the shortest path. The pool and deck are within the Buffer Zone.

Coordinator Capone stated that there will be minimal impact to the area. A Request for Determination of Applicability is required because it is within 50' of wetlands. There is a natural, vegetated buffer between the work site and the wetlands.

In response to Comm. Rogers, Mr. Adolfsson stated that the dumpster would be located on the street.

In response to Comms. Sevier and Cook, Mr. Adolfsson stated that the current deck is a single pour except for the aforementioned bluestone slate piece. The new deck will be placed on a bed of gravel, which should help extend its lifespan.

On motion by Comm. Holtz to issue a Negative Determination of Applicability #3, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 35 Crystal Lake Drive, RDA 22-25

Mrs. Cheryl Brown was recognized for her presentation to construct a shed within the 100-foot Buffer Zone at 35 Crystal Lake Drive, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Mrs. Brown, of 178 White Pond Road in Hudson, stated that they have owned the property since 1982. They are proposing to build 8 x 12 shed within the Buffer Zone where an older shed was removed in 2011. This is the most level spot in the yard for a shed. They will use 10" Sonotubes as footings. The shed will be used to store a lawnmower and snowblower. Gasoline will be stored in a plastic bin to prevent leakage.

Coordinator Capone stated that the plan shows the existing house and shed in 2011, and the new house footprint approved in 2010. It also shows the limit-of-lawn approved at the time, with erosion controls on the edge of the lot. Nearby lot 16 is owned by the Commission. Mitigation was required as part of the house construction, including phragmites removal and replanting of lawn space between the house and lake.

She expressed concern with the location being so close to wetlands, and has talked about alternatives with the applicants. It is a very small lot. The ideal location is in the side yard, but there is a public pathway that a prior Order required to remain open. This is at the greatest distance from the wetlands. There is a third option, also in the side yard and at a good offset to wetlands. She recommended that the Commission consider requiring that the shed be a moveable structure without concrete footings.

Mr. Paul Brown stated that because there is a grade change, cinder block footings would be unstable.

In response to Comm. Sevier, Coordinator Capone stated that, on a previous application, the Commission required a moveable structure. She noted that the house is also very close to the wetlands. The septic is in the front yard, which is the flattest part of the yard. There is a decent grade towards the backyard.

In response to Comm. Sevier, Mr. Brown stated that there is a natural path for the snowblower to move between the shed and driveway. The upper flat area is not a good location for a shed because it is near the road, there is already a driveway, and there is a right-of-way to the lake. There is also sugar maple. He indicated that, at a later date, they may propose a garage construction project for this location. A shed is required in addition to the garage.

In response to Mrs. Brown, Coordinator Capone clarified that there is an exemption from filing under the Act for sheds in landscaped areas greater than 50' from wetlands, which doesn't apply in this case. The Bylaw exempts the expansion and repair of structures in existence prior to the Bylaw.

In response to Comm. Sevier, Mr. Brown stated that a future garage would be too small and narrow to also store a snowblower and lawnmower. Snowblowers are easy to maneuver.

In response to Comm. Holtz, Mr. Brown confirmed that the current driveway is on the opposite side of the property from the shed. The pad from the original shed is no longer present. Mrs. Brown clarified that it was just on blocks.

In response to Comm. Rogers and Chair Henkels, Mr. Brown stated that the ground under the shed is stable and dry. The Sonotubes would reach a depth of about 3 feet. Coordinator Capone added that the holes have already been dug, and they are dry with no evidence of groundwater.

In response to Chair Henkels, Coordinator Capone stated that a Certificate of Compliance was issued for the house construction project in 2010. She also suggested that the Order does not require that the phragmites on site be managed in perpetuity. She suggested that the Commission might require additional phragmites mitigation for the unpermitted work conducted thus far. No other invasives have been observed.

Comm. Rogers suggested that a temporary shed be installed on the site of the future garage, which is further from the wetlands. Comm. Cook stated that the primary location is too close to resource area and impractical for protection purposes, but position #2 is impractical on a long-term basis, therefore position #3 is best option. Comm. Porter also expressed a preference for position #3.

In response to Comm. Sevier, Ms. Brown stated that the shed would not just be for storing a snowblower. The primary purpose is storage for other home items. Mr. Brown clarified with some examples, including: bicycles, golf clubs, and lawn furniture. Ms. Brown stated locating the shed in the side yard would further reduce what little useable outdoor space is currently available.

Chair Henkels stated that he did not object to shed in position #1, since it would replace a previous shed, and there are no groundwater issues. Also, the area was previously altered.

In response to Chair Henkels, Mr. Brown stated that the square footage of shed would be 8 x 12.

Comm. Sevier stated that he did not object to a shed in position #1.

In response to Comm. Sevier, Mr. Brown stated that there are no time constraints that would prevent a site visit by the Commission.

In response to Comm. Holtz, Mr. Brown confirmed that the original shed was also 8 x 12. The site maintains all necessary setbacks required for sheds.

Comm. Holtz stated that he did not oppose a shed in position #1, but prefers position #3.

In response to Chair Henkels, none of the Commissioners expressed support for scheduling a site visit.

On motion by Comm. Cook to issue a Negative Determination of Applicability #3, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 1 Nobscot Road, DEP #301-1375

Chair Henkels re-opened the Notice of Intent hearing to carry out trail restoration including grading, fill removal, placement of gravel, drainage upgrades, replacement of wooden bridges, and tree removal within the 100-foot Buffer Zone, Bank, and Bordering Vegetated Wetlands, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from August 22, October 17 and October 31, 2022.

On motion by Comm. Porter to continue the hearing without discussion to November 28, 2022, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Stormwater Management Bylaw Hearing:

Mayflower Council Inc.: 1 Nobscot Road

Chair Henkels re-opened the Stormwater hearing to rehabilitate trails, replace three existing timber foot bridges, install two new bog bridges, conduct minor regrading around existing cabins and associated improvements which will disturb approximately 54,391 square feet of land, including 10,379 square feet on slopes greater than 10%, with no net increase in impervious area on a 250.68-acre parcel, continued from October 17 and October 31, 2022.

On motion by Comm. Holtz to continue the hearing without discussion to November 28, 2022, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Won Ra: 7 Goodmans Hill Road, DEP File #301-0053

Coordinator Capone stated that the original Order was for a three-lot subdivision, of which only one lot was developed. The other two lots were issued a partial release in 1988 that work never commenced. The house never received a Certificate of Compliance, and when the property recently transferred hands, the Order was found at the Registry.

Coordinator Capone visited the property and found that two sheds were constructed that were not part of the Order. They were in disrepair, and the owners have since hand-removed them from the site, bringing it into compliance. The wetlands were to be placed under a Conservation Restriction, and that was never completed either. She asked the attorney to place it under a Deed Restriction to prevent future alteration of wetlands. This will provide additional protection in addition to what is already provided by the Act and Bylaw.

On motion by Comm. Rogers to issue a Certificate of Compliance, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Other Business:

Coordinator Capone stated that, since she is not aware of any objections to the current draft of the 2023 Meeting Schedule, we will move forward with proposed meeting dates.

With no further business, on motion by Comm. Porter, seconded by Comm. Rogers, the Commission voted unanimously to adjourn the meeting at 8:03 PM.