



SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, October 31, 2022

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Richard Morse (6:51 PM); Bruce Porter; Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Jeremy Cook; Kasey Rogers

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

Other Business:

Disability Awareness Month

Chair Henkels recognized Kay Bell, resident at 348 Old Lancaster Road, and Chair of the Commission on Disability, for her presentation on Disability Awareness Month.

Ms. Bell discussed best practices when interacting with people with different disabilities. She recommended that people sit when speaking to people in wheelchairs, or if that is not an option, that they stand normally. She recommended not shouting when speaking to someone with a hearing loss. Rather, be sure you have their attention and face them when speaking. Good lighting is best, and restating what is said can be helpful. When speaking to someone with dementia, address them directly and not their caregiver, maintaining eye contact and remaining patient while awaiting a reply. More tips can be found on the Commission's Disability Etiquette web resource at sudbury.ma.us/disability.

This month, new members on the Commission organized several events. "Unlearning Ableism" was one such event and is viewable on Sudbury TV.

Chair Henkels thanked Ms. Bell for her presentation.

Eversource Underground Transmission Line, DEP File #301-1287

Chair Henkels recognized Marc Bergeron of Epsilon Associates, representative for the applicant, Eversource, for his presentation on a snow removal strategy, vehicle storage, and vegetation removal strategies.

Mr. Bergeron stated that the special condition restricts equipment storage in resource areas and Buffer Zones. One section of the right-of-way (ROW) running near Union Avenue to the substation is in Riverfront Area. The applicant has requested a release from the Commission for tree clearing activities to allow one piece of equipment (Feller Buncher) storage overnight with secondary containment in the ROW. It will otherwise take a long time to bring this equipment onto the site every day.

Coordinator Capone stated that this is a reasonable request, given the time lag associated with bringing machinery in and out of the location and given the extensive stretch of resource areas in this section. They would only need a two-week exception.

In response to Coordinator Capone, Mr. Bergeron confirmed the equipment in question is just one feller buncher, which takes about a half a day to move back and forth. The secondary containment will be large enough to contain all fluids in the event of spillage.

In response to Comms. Holtz and Sevier, Mr. Bergeron stated that he would get additional details on secondary containment from the contractor within the next week, specifically with regards to the footprint of the containment. The work in this area won't begin for at least several weeks. Comm. Sevier specifically requested a more representative photo or diagram of the specific containment solution to be deployed.

In response to Chair Henkels, Coordinator Capone stated that a better sense of timing of this specific work will be possible by the next meeting.

In response to Comm. Porter, Mr. Bergeron stated that containment is needed only for the clearing activities. After the tracks are removed, equipment can be moved more easily.

In response to Comm. Porter, Coordinator Capone stated that the environmental monitor and Mr. Bergeron will inform the Commission in advance of beginning this part of the project.

Chair Henkels and Comms. Holtz and Sevier highlighted several questions and concerns. The security of the equipment overnight and the integrity of the fluid lines were discussed, as was the effectiveness of the secondary containment. Mr. Bergeron stated that he would provide additional information about this at the next meeting.

Mr. Bergeron stated that a snow removal plan is conditioned for snow events with 2" or greater accumulation. One technique would disperse snow within the limit-of-work (LOW) with a snowblower or loader. Another would be to stockpile snow at manhole locations, in piles 20' X 15' wide. A third option would be to stockpile snow outside the LOW and outside of jurisdiction, in a 40' X 40' pile inside a silt fence until the Spring melt. Lastly, snow could be hauled from the project site.

Coordinator Capone listed three scenarios where snow removal could damage resource areas. This could occur from dirt blowing outside the LOW. Trees outside the LOW can be damaged by the removal of snow. There will also be a need to monitor snow melt to make sure it is being managed with appropriate erosion controls. She added that it would be better to keep the snow on site for recharging the wetlands, which suffered from the drought.

In response to Comm. Sevier, Mr. Bergeron stated that they plan to work through the winter. Some storm events may prevent work. Worker safety is a concern.

In response to Chair Henkels, Mr. Bergeron stated that snow removal work is being done by the civil contractor. They are not asking for relief to leave equipment in place during a snow event.

On motion by Comm. Sevier to approve this snow removal plan, seconded by R. Morse, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Morse to continue the discussion to November 14, 2022, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Minutes:

On motion by Comm. Morse to accept the minutes for August 8, 2022 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Notice of Intent: 102 Barton Drive, DEP #301-1379

Chair Henkels re-opened the hearing to construct an addition, driveway, and patio and repair an existing deck and porch within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from October 17, 2022.

Coordinator Capone stated that the Order is straight forward, and the project meets the requirements of the Rivers Act. The Order allows for but does not oblige the removal of buckthorn in perpetuity. Also, once construction of addition and driveway is complete, the erosion controls should be re-positioned to contain the removal of the existing driveway

There were no public comments.

On motion by Comm. Porter to close the hearing, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Holtz to issue the Order of Conditions, seconded by Comm Morse, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 219 Wayside Inn Road, DEP File #301-1378

Chair Henkels re-opened the Notice of Intent hearing to construct a single-family house with associated grading, utilities, and stormwater management within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from October 3 and October 17, 2022. Mr. Fredric King of DGT Associates, representative to the applicant, Ms. Elizabeth Rudenberg, was recognized for his presentation.

Mr. King stated that the Planning Department is still reviewing the Stormwater Management Application. Additionally, the Department of Public Works wants to ensure the front of the site isn't impacted.

Mr. King provided a couple of different options for developing the property. Sketch One repositioned the house, so that the garage is on the right and the house is centered. A second sketch plan showed what the site would look like if the driveway front loaded into the garage. This is the preferred option. The entrance is the same as the current design, but a turn-around area is created in front. The house is moved more to the west. This saves territory in the east end of site, but it does move closer to the wetlands (within 5 feet). This plan is more compact, with not much room for landscaping in the front, compared to the current plan. Mr. King reviewed a table contrasting the current plan and Sketch #2. There is 2,000 square feet less altered area in Sketch #2.

Coordinator Capone stated that it is reasonable to allow some construction at this site, but under the Bylaw, the applicant must prove it is the minimum amount of alteration needed to achieve the project. Concessions were made for house and driveway in the current plan, but Sketch #2 showed substantial reduction to impervious surfaces on site, and preserves trees towards the east. While it is closer to the wetlands, it maintains trees and minimizes footprint.

In response to Comm. Holtz, Mr. King stated that the ground water is fairly shallow on the site. To install an underground catchment system instead of a rain garden, they would need to increase the height of the front yard and make it all lawn space, without the possibility of planting shrubs or trees. Additionally, the whole area beneath the porous pavers would serve as an area of infiltration. The roof runoff would go into the rain garden.

In response to Comm. Sevier, Mr. King confirmed that the porous pavers cannot also be used to infiltrate roof runoff. Additionally, the footprint in the plan is being conveyed with the property. Any final design for construction of the house, garage, and deck will have to fit within these boxes.

In response to Chair Henkels and Comm. Sevier, Mr. King confirmed that there will be a planting plan describing the types of vegetation in the rain garden and landscaped areas. The only area of lawn is for access to the area around building, and the rest will be natural planting. The intent is to create a transition zone between the inhabited space and the wetlands. Coordinator Capone stated that this would need to be specifically conditioned, and the developer would be required to provide a landscape plan for review and approval before implementation. The same pertains to the house footprint. The builder would provide this as part of the application for a building permit.

In response to Mr. King, Coordinator Capone confirmed that the Conservation Restriction (CR) boundaries would need to be submitted for review by the Commission as well. This includes physical demarcation in the field.

In response to Chair Henkels, Coordinator Capone confirmed that this project would only require a single Order of Conditions, possibly with an amendment. Details on stockpiling or dewatering are not required in advance of closure, but an amendment would be needed if a significant deviation was anticipated. Mr. King added that the working space is tight, and stockpiling would be relegated to the perimeter formed by the erosion controls. The plan has these details. Alternatively, a phased plan can be developed.

In response to Chair Henkels, Coordinator Capone stated that there will be a condition defining the terms of an Extension. Requesting an Extension to the three-year lifespan of the Order is the responsibility of the owner.

Coordinator Capone requested that the Commission indicate its preference, be it for the current plan or Sketch #2. The Commission indicated a unanimous preference for Sketch #2. Mr. King stated that a new plan based on Sketch #2 might change the Planning Department's review.

There were no public comments.

On motion by Comm. Porter to continue the hearing to November 28, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Holtz to break for five minutes, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

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

Chair Henkels reopened 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 and October 17, 2022. Mr. James Downing of Howard Stein Hudson, representative for the applicant, Hunter McCormick, was recognized for his presentation.

Mr. Downing stated that he had received the comments from Coordinator Capone, and after a site walk with the Commissioners, had submitted a revised packet. He responded to each of Coordinator Capone's comments.

In response to Comment #1, Mr. Downing stated that they have received approval from the Natural Heritage and Endangered Species Program for the proposed work.

In response to Comment #2, Mr. Downing stated they have divided the invasive species management plan into two categories: past work disturbance and future work disturbance. They do not have the resources for a full-time consultant to implement the plan. Mr. Downing or Mr. Chris Lucas, of Lucas Environmental, will train volunteers to identify and remove invasives.

In response to Comment #3, Mr. Downing stated that they have added additional grading work to the plan. Mr. Downing or Mr. Lucas will direct volunteers on-site before the work begins.

In response to Comment #4, Mr. Downing stated that the plans have been updated to show disturbed areas where the large boulders were removed. They have a resolution to restore the uphill side of the area. This can be accomplished in some cases with grading and seeding, but in other cases the original stones will be re-installed. Mr. Downing will be onsite to oversee this work.

In response to Comment #5, Mr. Downing described how the stumps will ground in place and the chips left to stabilize the area.

In response to Comment #6, Mr. Downing stated that the areas around the cabin will be stabilized with mulch from chipping on site, with some materials being removed.

In response to Comment #7, Mr. Downing stated that there will be different types of footings for the bog bridges and existing bridges. Helical piles are not the best option, as the volunteers won't have the skills or equipment, and access is too difficult. Also, it would be difficult to drive piles in these locations because of the underlying geology. Precast concrete footings are the best option.

In response to Comment #8, Mr. Downing stated that they propose a culvert crossing at the wetland area on the Muskie Trail.

In response to Comment #9, Mr. Downing stated that the silt fence will be weighed down, and will be just as effective at preventing turtles from entering the work zone.

In response to Comment #10, Mr. Downing stated the silt fence location in the wetland is near the bog bridge, and will be a temporary impact.

In response to Comment #11, Mr. Downing stated that the existing trail is not changing grade more than 12 inches, so the impact is therefore temporary.

In response to Comment #12, Mr. Downing stated that the trail work plan has changed because there will be no fill in wetland.

In response to Comment #13, Mr. Downing stated the bridge work will be done by hand.

In response to Comment #14, Mr. Downing stated that the plans have been updated to show cabin access.

In response to Comment #15, Mr. Downing stated that the plans now show the locations of erosion control blankets to be used where the trenches are dug. This will be on slopes greater than 3:1.

In response to Comment #16, Mr. Downing state that hydroseeding in all disturbed areas will be done by truck. These areas will be regraded, loamed, seeded, and covered with erosion control blankets.

In response to Comment #17, Mr. Downing stated that the invasives plan has already been discussed.

In response to Comment #18, Mr. Downing stated they can install new bog bridges, but must provide notice and get the Sudbury Valley Trustees' approval.

In response to Comment #19, Mr. Downing stated that six trees in the parking lot have been identified for removal. They are all dead or dying. An arborist report has been attached.

In response to Comment #20, Mr. Downing stated the applicant will be paying the Bylaw fee, since it has not been waived.

In response to Comment #21, Mr. Downing stated that there have been two rounds of comments from the Stormwater Management peer review process.

Coordinator Capone stated that her biggest concern is how this will be accomplished by using volunteers. Oversight by Mr. Downing or Mr. Lucas will provide a degree of comfort if they will be onsite when the work is happening.

Her second concern is regarding invasive species management. Other violations have required substantial mitigation requirements to offset impacts. She is not sure if the proposed 5-foot buffer is enough. The volunteers have been encouraged to take the Weed Warrior training class. A plan is needed for implementation, and it should address how often the invasives will be removed. She stated a preference that the whole site be put back the way it was, pre-violation.

Areas adjacent to the bog bridges that are being loamed and seeded should be counted as impact to the wetlands and should be mitigated.

In the area where rocks were removed, Coordinator Capone questioned whether hydroseeding is enough, or whether there be some consideration given to replanting the slope. That could add to the mitigation area.

Coordinator Capone requested clarification on which stumps were being removed. There is a large area of stumps in front of a cabin in an area that didn't need to be altered.

She stated that the Scouts are researching footing methods that would not require excavation and would therefore result in no new wetland alterations.

Coordinator Capone voiced concern about the replication areas, the construction of which will definitely require direct supervision. Wetland replication is specialized work. The planned replication areas will bring wetlands closer to the latrine.

The silt fence around cabin will completely contain the disturbed area. Coordinator Capone requested clarification on how the volunteers will access the site.

Coordinator Capone stated that there is a large area of wetland fill from a recent storm event. She requested additional information on the plan to remove it by hand.

In response to Chair Henkels, Coordinator Capone stated that since the site was not in a flood plain, compensatory storage would not be an issue with the alterations or filled wetlands.

In response to Comm. Holtz's question on Comment #2, Mr. Downing stated that he was not opposed to considering adjusting the plan to include management of larger stands of invasives on the site, beyond the proposed five-foot margin. Mr. Lucas could put together a plan for the volunteers, but a consultant could not provide oversight given the scope. The focus should be on invasives that can be physically removed, and herbicides will be avoided.

In response to Comm. Holtz's question, Mr. Downing stated that he is referring to pre-violation conditions in reference to the existing trail width.

In response to Comm. Morse, Mr. Downing stated that he had proposed the 5-foot margin. They shouldn't need to increase the margins much further to be effective. He reiterated that there would be two different invasive management plans, and drew a distinction between the disturbed areas and the cabins. He suggested taking a closer look during the next site inspection. He stated that different approaches would be deployed to monitor and manage the volunteers. This will include education in advance of the work, and consultant monitoring during and after the work. The impact of torrential rainfall will be minimized by the use of erosion controls. Additionally, no work will be conducted on days where heavy showers are forecast.

In response to Chair Henkels, Mr. Downing stated that water bars will be installed at multiple locations on the trails. Professional oversight will be provided by Mr. Downing or another of his colleagues. Volunteers will be instructed on how to install water bars. These will consist of rough-cut timbers, which will require 2-3 people to position.

In response to Chair Henkels, Coordinator Capone confirmed that the NHESP has not requested any conditions for the project. She recommended that the Commission take steps to protect turtles, and also condition the Order to protect salamanders in the Spring months at some locations near the vernal pools.

Chair Henkels instructed Coordinator Capone to distribute a poll for scheduling another site visit.

Ms. Kristin O'Brien, Conservation Restriction Manager for the Sudbury Valley Trustees, stated that she was in full support of everything discussed tonight. She emphasized that invasive species should be a priority in places that have been disturbed. She expressed concerns about the volume of work and skill of volunteers.

On motion by Comm. Porter to continue the hearing to November 14, 2022, seconded by Comm. Morse, via roll call the vote was unanimous in the affirmative.

Mr. Hank Rauch, volunteer with the Mayflower Council and Project Manager, stated that they are amenable to putting together plans for training and supervising volunteers. In areas where volunteers are unqualified, they will bring in qualified help.

Stormwater Management Bylaw Hearing: 1 Nobscot Road

Chair Henkels re-opened the 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, 2022. Ms. Janet Bernardo, professional engineer for the Horsely Whitten Group, and representative for the applicant, Mayflower Council, Inc., was recognized for her presentation.

On Sheet 3 of the plan, Ms. Bernardo questioned whether the use of downed trees for firewood was permitted under the Conservation Restriction.

On Sheet 4, Ms. Bernardo questioned how the excessive sediment on the trails will be removed. Also, she questioned whether the Commission should require a plan for the removal of invasive species in the swale and include hydroseeding as part of the mitigation. Also, details should be provided for the level spreader.

On Sheet 5, Ms. Bernardo recommended that the installation of water bars along the trail be carried out under special oversight, and that volunteers are educated in advance of the work. Also, sediment should be removed offsite to a waste facility, or if stockpiled on property it should be outside jurisdiction. This should be indicated clearly on every page of the plan.

On Sheet 8, Ms. Bernardo recommended that the applicant consider other footing types, and that the Commission should include a condition that this is done by hand. Crushed stone areas should be considered permanent impact.

On Sheet 9, Ms. Bernardo state that crush stone placed in wetlands crossing the Muskie Trail should qualify as a permanent impact. Regarding invasive species, the Commission should require a plan or condition requiring a management plan. A 15-foot margin is probably better the 5-foot proposed.

On Sheet 10, Ms. Bernardo stated the location and plan for the utility pole, which is acting as a head wall, should be clarified.

On Sheets 16-18, Ms. Bernardo stated that crushed stone along the Nixon Trail should count as permanent impact.

On Sheet 20, Ms. Bernardo stated that the area of wetland replication should be protected from off-leash dogs. This would prevent excessive erosion. This should be conditioned in the Order.

Mr. Downing stated that addressing the crushed stone areas will require the most work. They could have a revised plan before the next meeting. The dirt trail is acting as conveyance between wetlands, so putting in crushed stone is not altering the wetland's capability.

There were no public comments.

Chair Henkels stated that the Commission should go back to the site in advance of the next meeting.

On motion by Comm. Morse to continue the hearing to November 14, 2022, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Other Business:

Hop Brook Conservation Land

Chair Henkels recognized Coordinator Capone for her brief update on the project to re-establish a meadow at Hop Brook Conservation Land.

Coordinator Capone state that she and members of the Commission met with abutters about one year ago, and walked the site where they hope to re-establish a meadow. Markers have been installed along the proposed boundaries. They want apply for Community Preservation Act funding next year to pay for a contractor to do the work. This will include the removal of buckthorn. A primary incentive for this project is to create habitat for whip-

poor-wills. They have requested another site walk with the Commissioners. A poll for scheduling this will be sent out sometime in November.

2023 Meeting Schedule

Coordinator Capone requested that the Commissioners review the draft 2023 Meeting Schedule, and make sure that no holidays have been missed. Any conflicting plans for vacation or time off should be reported to ensure there is a quorum for these days. Feedback in advance of the next meeting is requested.

Adjourn Meeting

With no further business, on motion by M. Sevier, seconded by R. Morse, the Commission voted unanimously to adjourn the meeting at 9:25 PM.