



**SUDBURY CONSERVATION COMMISSION MINUTES**  
**Meeting Minutes of Monday, March 27, 2023**

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

**Absent:** Kasey Rogers, Luke Faust, Associate Member

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

**Minutes**

On motion by Comm. Sevier to accept the minutes of the January 23, 2023 meeting, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Sevier to accept the minutes of the February 6, 2023 meeting, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

**Wetland Applications**

**Abbreviated Notice of Intent: 19 Robert Frost Road, DEP #301-1388**

Chair Henkels re-opened the Notice of Intent Hearing to construct a deck and patio within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from the March 13, 2023 meeting.

There were no public comments.

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

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

**Notice of Intent: 25 Singletary Lane, DEP #301-1389**

Chair Henkels re-opened the Notice of Intent Hearing to improve the landscape and stormwater management within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from the March 13, 2023 meeting.

Coordinator Capone stated that a planting plan was submitted this day, satisfying one of the pre-conditions.

There were no public comments.

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

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

**Notice of Intent: 173 Union Avenue, DEP #301-1390**

Chair Henkels opened the Notice of Intent Hearing to expand the septic system and for the after-the-fact installation of a patio, walkway, & deck and land alteration within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Mr. Michael DiModica, of M.J.

DiModica Excavating, and representative to the applicant, Mr. Dan Bagnall, was recognized for his presentation.

Mr. DiModica stated that project started out as an alteration of an existing septic plan based on 4-bedroom count approved by the Health & Building inspectors. Subsequent to that, there were after-the-fact issues with the installation of hardscape, a patio deck, and the removal of trees. The project is located on a 39,000 square foot lot with a four-bedroom, single family dwelling. The site butts a Bordering Vegetated Wetlands. They will be altering the existing septic system in the front of property. The system was installed in the early 2000s for a 3-bedroom house. In 2005 or 2007, the house was assessed for 4 bedrooms. The client applied for a building permit to renovate house when it was purchased, and didn't know the septic system was designed for three bedrooms. The applicant was made aware of the situation after reviews by the Health and Building Departments.

He further stated that they propose to alter the septic system by adding about 384 square feet to the leach field, to bring it into full compliance. The hardscape patio, walkway and deck were not in compliance. There is stone infiltration under the deck, and they also propose a stone infiltration trench on the side of the driveway, measuring 2 feet wide by 2 feet deep. This can capture any run off from the driveway. They propose to mitigate in the back to provide a 25 foot no-disturb zone, which is to include mitigation shrubs and other plantings. They propose to remove existing lawn area near the edge of the wetland. They have straw wattles along the edge of lawn area. The propose to put shrubs and trees between the driveway and the stone wall. About half of the proposed alteration of the septic is in the Buffer. All the other work is located in the Buffer, but most is outside the 50 to 75-foot zone. Access will generally be off the driveway to the front. They will need access to dig and infiltration trench and install plantings, and will need to cross lawn area.

Coordinator Capone stated that what is being proposed is an approvable plan that incorporates all aspects of what the Commission would have required had this come before them prior to the beginning of work. A review of aerial photos suggests that six trees were removed. At least two were along the driveway, and three were in the back yard. The extent of lawn did go close to edge of wetland originally. The end result will be a benefit to the wetland, by creating a natural buffer. They will also put in FENO stakes to demarcate the 25 foot no-disturb zone. Should present or future owners try to expand the lawn, the rock wall and FENO stakes will show the extent of lawn.

She added that an Order has been drafted. The applicant has reviewed this and has no concerns.

In response to Comm. Porter, Mr. DiModica stated that the septic system leach field will increase by 384 square feet.

In response to Comm. Holtz, Mr. DiModica stated that the Commission has the ability to approve a minor project like this without requiring that the trench along the driveway be reviewed by the Town Engineer. Coordinator Capone added that the driveway area is very flat and about 50 feet from the wetland. The trench does seem to be adequate for managing stormwater runoff. Mr. DiModica added that the trench will have approximately 450 cubic feet of storage. He can provide a calculation and show the volume of storage in the plan.

In response to Comm. Holtz, Mr. DiModica stated that they have to add a planting plan, which will include native plantings. His preference is to wait and see what is available from Cavicchio before submitting a final planting plan.

In response to Comm. Holtz, Coordinator Capone further stated that she could ask the Town Engineer to review the plan. She added that, even without having the calculations, it does seem like a reasonable amount of infiltration for the driveway.

In response to Comm. Sevier, Mr. Bagnall stated that the floor plan of the house is about 1,800 square feet. Comm. Sevier observed that the driveway is about 5,000 square feet, and further stated that the plan seems workable.

In response to Comm. Holtz, Mr. DiModica stated that a native seed mix would be planted in the back area beyond the proposed limit of lawn. This was previously discussed with Coordinator Capone. Mr. Bagnall expressed a willingness to plant whatever is acceptable to the Commission.

In response to Chair Henkels, Coordinator Capone confirmed that the planting plan will be a robust one. Mr. DiModica added that it will include seven 1 inch-diameter trees and sixteen 3-gallon shrubs. Coordinator Capone added that the Order will be conditioned so as to require that the applicant provide a planting plan prior to implementation, which is expected by June 1. She anticipates receiving the plan in May. It will be based on the availability of plantings at that time. She will confirm that they are all native plantings.

In response to Chair Henkels, Coordinator Capone confirmed that two growing seasons will be required in the Order. It will also require that invasives are pulled annually until the areas are naturalized. These areas will then be left undisturbed.

In response to Mr. Bagnall, Coordinator Capone stated that he will be required to provide a written update by December 31 of each year. It is to detail which plants survived and when they were planted. This will proceed for two years of monitoring. Coordinator Capone indicated that she is available to visit the site upon request.

There were no public comments.

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

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

#### Certificates of Compliance

**DPW – Marlboro Road, DEP #301-1328:** Culvert Replacement

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

**DPW – Old Framingham Road, DEP #301-1326:** Culvert Replacement, Road Realignment, and Sidewalk Installation

Coordinator Capone stated that this project has vastly improved the drainage at the site, where runoff had previously been flowing into the river with no treatment.

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

#### Other Business

**Land Acquisition Recommendation Committee:** Appoint Conservation Commission Representative

Coordinator Capone stated that Land Acquisition Recommendation Committee meets sporadically throughout the year, whenever offers are made under the Chapter 61 program. One recent example was the Brimstone Lane offer.

Comm. Rogers stated that she is still willing to serve on this Committee, if that is the will of the Commission.

On motion by M. Sevier to reappoint Kathy Rogers to the Land Acquisition Recommendation Committee, seconded by J. Cook, via roll call the vote was unanimous in the affirmative.

**Virtual Meetings:** Extension

Coordinator Capone stated that both the State Senate and Legislature have voted to extend virtual meetings for two more years.

#### E-signatures

A test of the new eSignature platform will be conducted tomorrow. This will be done by email. An email will be generated after each signature. Coordinator Capone encouraged all Commissioners to take part. The test will

include the forms associated with tonight's meeting.

**Adjourn Meeting**

With no further business, on motion by Comm. Porter, seconded by Comm. Holtz, the Commission voted unanimously to adjourn the meeting at 7:19 PM.