



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, October 2, 2023

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Luke Faust; Bruce Porter (7:09 PM); Kasey Rogers; Mark Sevier; and, Lori Capone, Conservation Coordinator

The meeting was called to Order by Chair Henkels at 7:00 pm.

Minutes

On motion by Comm. Faust to accept the minutes of the July 10, 2023 meeting, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative. Comm. Holtz abstained as he was not in attendance at that meeting.

Wetland Applications:

Notice of Intent: 86-92 Boston Post Road, DEP #301-1397

Chair Henkels re-opened the Hearing to construct a Valvoline Instant Oil Change garage with parking lot within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from June 26 and September 11, 2023.

Chair Henkels acknowledged Coordinator Capone and noted their anticipation of a small number of discussion items. He mentioned that Coordinator Capone and Mr. Vito Colonna had apparently made progress in resolving these topics, with the main focus being the invasive species removal program.

In response, Coordinator Capone confirmed the identification of additional invasive species during the last meeting, which were now integrated into the management plan. She pointed out that the revised plan lacked specifics on managing these other invasives. Coordinator Capone's primary concern was the Japanese knotweed.

Coordinator Capone went on to explain that they had received a modified species management plan that included herbicide treatment for the Japanese knotweed, with no removal of plant material for these invasives. Other invasive species would be initially managed manually, except for phragmites, which would be treated with herbicide and removed from the site. Only those invasives potentially coming back would be spot-treated or treated with a low-volume backpack sprayer with herbicide, specifically concerning the bittersweet and black locust trees. Coordinator Capone also mentioned that of the other necessary permits, such as the site plan review, stormwater management permit, and Board of Health permit, all had been received.

Chair Henkels sought confirmation from Coordinator Capone, asking if she was satisfied with the level of detail provided regarding the invasive species removal program. Coordinator Capone affirmed her satisfaction and stated that there were no other departments needing to provide input as they proceeded with the project.

Chair Henkels directed a question to Coordinator Capone regarding the timeline for native plants to take hold, particularly in relation to long-term maintenance.

Coordinator Capone clarified that the specified window pertained to the plantings and the removal of invasive species. She explained that she had asked the applicant if they could continue the hearing to October 30th to draft the Order of Conditions. Coordinator Capone outlined that a condition would be included, requiring the invasive species management to be conducted during the first growing season following the commencement of work. She assumed this would likely be in the spring or summer of the following year. Additionally, the plantings would also occur during the first growing season, provided that there were landscaping and grading requirements that needed to be addressed first. She noted that if the construction timing aligned, the plantings would probably take place the following fall. There would also be a two-month monitoring period for the plantings after installation,

and invasive species would be monitored for the duration of the permit, which could extend over a couple of years or possibly three if it entered a third year.

Chair Henkels thanked Coordinator Capone for her response and asked if there were any questions from the Commissioners.

Chair Henkels stated that it appeared the invasive management plan had been provided satisfactorily. He turned to Mr. Colonna and asked if he had any comments or questions before securing permission to extend the discussion until the thirtieth of October to proceed with the draft of the Order of Conditions. Mr. Colonna confirmed that he had nothing further to add and granted permission to continue to the next meeting.

Chair Henkels commended Mr. Colonna on his work and thanked the Commissioners. He then asked if there was a motion to proceed. Coordinator Capone clarified that they needed to continue to prepare the Order of Conditions within the 21-day timeframe.

There were no public comments.

On motion by Comm. Rogers to continue the Hearing, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative. (Comm. Porter was not present for this vote.)

Notice of Intent: 502 Concord Road, DEP #301-1398

Chair Henkels re-opened the Hearing to construct a new school building with parking, grading and associated utilities within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from July 10, 2023. He acknowledged the presence of Mr. Vito Colonna, representative for the project.

Mr. Colonna of Connorstone Engineering began his presentation by discussing the revisions and updates to the project. He explained that they had made changes based on input from the Planning Board and modifications to the building's architectural design. Mr. Colonna highlighted the wetland areas, including a culvert that had been cleaned recently by the Department of Public Works (DPW) to address flooding issues. He mentioned the reduction in impervious surfaces due to eliminating a driveway cut onto New Bridge Road, reducing it from about 29,000 square feet to 26,000 square feet.

Mr. Colonna then talked about the work near the Buffer Zone, indicating that there hadn't been any significant changes in that area. He discussed changes to the building style, which had undergone revisions to include more architectural elements.

Mr. Colonna provided details on stormwater management, mentioning changes to the drainage system and the analysis conducted regarding potential impacts on the culvert. He explained their efforts to reduce flooding issues on New Bridge Road during heavy storms by increasing the on-site system's capacity.

He also mentioned providing an invasive species management plan, addressing Coordinator Capone's comments, and submitting a septic system plan to the Board of Health.

Chair Henkels thanked Mr. Colonna for his presentation and opened the floor for questions or comments from the audience.

Mr. Mark Madden, a resident from 192 New Bridge Road, expressed his concerns about the project. He mentioned the noticeable increase in water flow through the recently cleaned culvert and the potential impact of the parking area being constructed across the street from his house. He was worried that this would result in more water flowing into the conservation land adjacent to his property, causing issues with flooding.

Chair Henkels acknowledged Mr. Madden's comments and asked Mr. Colonna to provide insights and address Mr. Madden's concerns. Mr. Colonna explained that the culvert cleaning was a separate maintenance issue handled by the Department of Public Works (DPW). He reassured the Mr. Madden that the project adhered to regulations, with stormwater management measures in place to ensure that no increased runoff would occur. Mr.

Colonna mentioned that the project's stormwater management had been designed to reduce runoff, and the calculations would be verified by the Town's engineering consultant.

Chair Henkels sought confirmation from Mr. Madden that Mr. Colonna's explanation addressed his concerns, and Mr. Madden expressed his understanding of the plans but remained cautious, emphasizing that he would only know the actual effects when the project was completed. Chair Henkels reassured Mr. Madden that the project would undergo peer review to ensure it met the necessary requirements and regulations. He invited Mr. Madden to ask any further questions or share additional concerns, to which Mr. Madden did not provide any additional queries at that time.

Chair Henkels acknowledged that Coordinator Capone had some comments to make and pointed out that there was still some outstanding information related to the project.

Coordinator Capone began by discussing the reduction in parking spaces from 36 to 30 and the positive change of not having a drive-through exit onto New Bridge Road. She mentioned the landscape plan, which had been provided in the last packet and would include native species. Coordinator Capone also addressed the invasive Species Management plan and her concerns about chemical treatment for bittersweet in areas that would be under pavement after construction. She suggested a more thorough evaluation of the invasive species management, with a preference for manual removal within the construction site.

Coordinator Capone also brought up the Storm Water Pollution Plan, where she mentioned issues related to snow stockpiling and the use of hay bales for erosion control. She requested a closer look at this plan to ensure it aligned with the actual conditions on the construction site.

Coordinator Capone highlighted that the Commission was primarily concerned with mitigating the substantial increase in impervious surfaces within the Buffer Zone, especially since the existing site had minimal impervious areas within their jurisdiction. She also inquired about the possibility of managing an area for invasive species outside of the current limit of work.

Mr. Colonna responded and committed to reviewing the concerns raised by Coordinator Capone and making necessary adjustments in consultation with Oxbow, the consulting firm involved in the project.

Chair Henkels then asked if other Commissioners had any comments or questions.

Comm. Rogers raised a question regarding the significant increase in impervious space and inquired whether it was possible to use pervious pavers instead of traditional asphalt. Mr. Colonna responded by explaining that the septic system's location on the site limited the use of pervious pavers. The septic system was positioned in an area where such pavers were not typically allowed. Additionally, the location of the subsurface system further restricted the use of pervious pavers.

Comm. Rogers suggested the use of Astro Turf as an alternative. Mr. Colonna acknowledged the idea and mentioned that they would discuss the possibilities with the relevant parties and explore if any suitable materials or options existed for reducing impervious surfaces. He also noted that such alternatives could help minimize the project's infrastructure.

Chair Henkels thanked Mr. Colonna for his response and inquired if there were any more questions or comments from the Commission.

Comm. Holtz, inquired about the proposed removal of invasive species, specifically garlic mustard and buckthorn. He sought clarification on whether chemical methods were planned for their removal.

Mr. Colonna responded by stating that he was unsure about the exact method for removal, but he expressed a preference for manual removal whenever possible. He agreed that garlic mustard was relatively easy to pull out and implied that chemicals might not be necessary. Comm. Holtz concurred, noting that garlic mustard and buckthorn were typically not too difficult to remove manually, unless they were substantial in size.

Chair Henkels thanked Comm. Holtz for his question and invited other Commissioners to ask any further questions.

Chair Henkels requested Mr. Colonna to provide a quick comment on the landscaping plan, specifically asking about the use of cultivars. Mr. Colonna explained that they hadn't received the updated landscaping plan yet, but the direction given was to use all native species. He assured that once they received the plan, they would review it.

Chair Henkels turned to Mr. Joel Gordon, the applicant, and asked if he had any comments to add. Mr. Gordon deferred to Mr. Colonna, the project representative, stating that the topic was outside his area of expertise.

Chair Henkels then sought permission from Mr. Gordon to continue the project until the 30th of October 2023, to which Mr. Gordon agreed.

On motion by Comm. Holtz to continue the Hearing to October 30, 2023, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 38 Robert Frost Road, DEP #301-1399

Chair Henkels opened the Hearing to remove trees and install mitigation plantings within the 100-foot Buffer Zone and Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Chair Henkels introduced the applicant, Mr. Anthony Moro, and also acknowledged the presence of Mr. Cathcart. Anthony suggested that Mr. Cathcart proceed with a presentation. Chair Henkels granted Mr. Cathcart the floor.

Mr. Cathcart began by thanking everyone for their time and understanding. He went on to explain that he had faced some difficulties in the past few weeks due to a family emergency involving the passing of his father. He informed the group that he had received updates from the Conservation Commissioners regarding a site visit to Mr. Moro's property, and he had just received notes expressing concerns about parts of the plan. He requested a continuation until the thirtieth, allowing him the time to address these concerns and resubmit a report that would better align with the Commission's expectations and meet Mr. Moro's needs.

Chair Henkels expressed his gratitude for Mr. Cathcart's explanation and asked if the procedure for a continuation until the thirtieth should be carried out without further discussion.

Coordinator Capone spoke up, suggesting that the continuation could proceed unless there were other matters the Commission wished to discuss. She mentioned that she had a conversation with Mr. Moro earlier in the day and provided an overview of the site visit conducted on Friday, focusing on the trees that had raised concerns.

There were no public comments.

On motion by Comm. Porter to continue the Hearing to October 30, 2023, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 109 Concord Road, DEP #301-1400

Chair Henkels opened the Hearing to install a sump pump and drainage within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Chair Henkels greeted Mrs. Elizabeth Shirey and offered her the floor for a 10-minute presentation. She introduced herself mentioned her wife, Mrs. Amanda Braun, as the homeowners of 109 Concord Road, their first house purchased two years ago. She noted that she had met several people on Friday during a site visit.

Mrs. Shirey proceeded to outline their issue, which occurred every time there was significant rain. The water table would rise, causing flooding in the three bottom rooms at ground level in their house. Water entered from the outside, seeping in and coming up through the floors. This continuous rise required her to use a shop vac to remove the water. The proposed solution was a sump pump, which she had discussed with multiple companies. She emphasized that their problem was the water table, not a single point of failure for water infiltration.

Due to the water table issue, the sump pump was deemed necessary, and a drain system would be installed in the three affected rooms: the garage, a semi-finished space, and an unfinished utility room. The sump pump's discharge would exit on the north side of the house, which overlooked a stream bordering their property, putting them in a Buffer Zone. The discharge would flow downhill towards the stream, effectively dealing with the water.

Chair Henkels thanked Mrs. Shirey for her comments and asked Coordinator Capone for her comments and observations, suggesting she might have some visuals to share.

Coordinator Capone began by acknowledging that the property in question was constructed in 1957, predating many modern regulations, and it was surrounded by a stream. She mentioned her efforts to find alternative solutions for the location but hadn't found any. In her view, the sump pump seemed to be the only viable option, albeit on a very constrained site.

She presented an aerial photo of the property, indicating that the land sloped down significantly from the road, leveled out in the backyard, and received drainage from Concord Road forming a stream that wrapped around the yard, containing wetland vegetation and hydric soil. This stream was considered a jurisdictional wetland. Coordinator Capone considered the idea of placing a settling basin at the pipe's discharge to infiltrate water but concluded it wouldn't solve the problem and might cause water to re-enter the house. Therefore, discharging into the stream seemed to be the only practical option.

She also brought up the presence of an oil tank in the basement, wondering if there was a way to add secondary containment. However, the water intrusion during floods made it likely that the oil could still reach the discharge pipe. Coordinator Capone discussed the potential for improving the area where the pipe would discharge by managing invasive species and allowing water to filter through plants before reaching the stream.

Coordinator Capone mentioned that the stream already had some pollutants due to drainage from Concord Road, making the sump pump a possible permitted solution, especially since the house predated regulations. She briefly mentioned filter tube structures as an option for collecting oils and sediment from the discharge pipe but considered it impractical for homeowners to manage.

Chair Henkels thanked Coordinator Capone for her summary and invited Commissioners to share any questions or comments.

Comm. Porter inquired about the potential volume of water that the sump pump system would need to handle and the maximum rate of water inflow. Mrs. Shirey acknowledged that she couldn't provide a professional estimate in terms of gallons but explained that they were dealing with a few inches of water spreading across the three rooms, rather than several feet of flooding. She wasn't sure if someone else could offer a more precise estimate of what to expect with the water table rising and needing to be discharged.

Chair Henkels recalled an incident where the fire department had to be called, and Mrs. Shirey clarified that it was a one-time event during heavy rain when the driveway drainage wasn't sufficient. Water backed up into the driveway, causing flooding in the garage and groundwater issues below. This was an unusual event, and the average situation for them involved controlling several inches of water, which they managed with household equipment like shop vacuums. The flooding was present in all three rooms, and the normal issue was related to the water table rather than a single point of failure.

Comm. Porter acknowledged that Mrs. Shirey's response didn't fully answer his question but suggested that the volume of water might be a significant factor to consider when evaluating the proposed system. He expressed concern about the effectiveness of the system.

Chair Henkels thanked Comm. Porter for his comments and asked if anyone else had questions or comments.

Comm. Holtz asked about the neighboring house's basement situation and whether they had to mitigate a similar issue. Mrs. Shirey confirmed that their neighbors had sump pumps.

Comm. Holtz also inquired about plans for dealing with power failures in case of installing the sump pump, considering the stability of their power supply. Mrs. Shirey explained that their house had been fortunate to have a reliable power source, possibly due to being on the same power lines as the Police and Fire Departments. She mentioned that the company providing the sump pump system, B-Dry, had discussed backup options with them, and she would explore those further. Comm. Holtz shared his own experience with a high-water table and sump

pumps and suggested considering options like a generator or a system connected to the water main that wouldn't rely on power during outages.

Comm. Porter inquired about the discharge point for the water. Comm. Sevier clarified that the water table was rising inside the house, and the purpose of the sump pump was to lift it out of the house. He explained that if there was no other way to naturally drain it through gravity, a sump pump was necessary.

Chair Henkels asked if there were any questions from the audience and then mentioned that we needed time to draft an Order of Conditions for the project. He asked for their permission to continue the discussion until the 30th of October 2023, and Mrs. Shirey confirmed their agreement.

On motion by Comm. Cook to continue the Hearing to October 30, 2023, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 26 Alta Road, DEP #301-1401

Chair Henkels opened the Hearing to replace the septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

At the request of the Applicant, on motion by Comm. Holtz to continue the Hearing to October 30, 2023, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Request for Amended Order of Conditions: 1 Liberty Ledge, DEP #301-1366

Chair Henkels opened the Hearing to modify the Aquatic Management Program to include periodic vacuuming of sediment in the swimming pond and change the threshold for Alum treatments in the swimming pond, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Chair Henkels offered the floor to Mr. Dominic Meringolo, who identified as the project manager and environmental engineer with Solitude Lake Management. He informed the group that the Commission had previously approved an aquatic management program for monitoring the pond and controlling nuisance factors, such as algae and bacteria. He mentioned that the program included thresholds for various treatments, including alum treatments to reduce phosphorus levels.

Mr. Meringolo explained that they were requesting an additional threshold for alum treatments, specifically for the swim pond, due to safety concerns. He suggested that an alum treatment should be allowed if turbidity exceeded a certain level or if the Secchi disk transparency reading dropped below 4 feet, citing potential dangers to swimmers in water with poor clarity. He clarified that turbidity could result from various factors, such as algae or suspended sediment. He stated that alum treatments were effective at removing phosphorus and settling suspended solids, thus improving water clarity and swimmer safety. He emphasized that this request was exclusive to the swim pond and not applicable to the boating pond.

Mr. Meringolo's second request pertained to periodic maintenance of the swim pond. He described a process where, every 6 to 8 years, sediment at the bottom of the pond, covering an approximately 100x100-foot area, was removed using a vacuum truck and skid steer. The sediment was then disposed of on the property after drying, potentially repurposed for other activities. He mentioned that this maintenance was in addition to the annual pond draining and sediment removal from the pond's lining. He stressed the urgency of this upcoming sediment removal since it had been over six years since the last one. He explained the equipment and procedures used for this process.

Chair Henkels expressed gratitude to Mr. Meringolo for his presentation and inquired if Mr. Peter Hilpl, Facilities Director for the Camp, had any further comments or if Mr. Meringolo should continue.

Mr. Hilpl acknowledged that he was responsible for the actual sediment removal. He shared that he was the one working in the bottom of the pond, and Chair Henkels asked for an estimate of the amount of sediment they were dealing with. He indicated that it covered an area of about 100 by 100 feet but was unsure of the depth. He mentioned that the vacuum company they used had experience with the process.

Ms. Niinimaki, the Director of Operations at Sewataro, joined the conversation and discussed her conversations with Mr. Mark Taylor about the sediment removal. She mentioned that historically, there could be anywhere from

3 to 18 inches of sediment, but they predicted there might be more due to the overdue maintenance, which hadn't been done in 10 years.

Chair Henkels then asked if removing the sediment could potentially resolve the issue, to which Ms. Niinimaki expressed hope that it would improve the water's suspended solids if the sediment was causing problems, especially with kids stirring it up at the bottom of the pond.

Chair Henkels thanked Ms. Niinimaki and asked Coordinator Capone for her comments.

Coordinator Capone expressed support for the removal of sediment from the swimming pond, believing it would have a positive impact on water quality, potentially reducing the need for treatments in the future. However, she had concerns regarding the alum treatment for the swimming beach. Coordinator Capone mentioned that she had checked with the Board of Health and the Department of Public Health, both of which had no prior knowledge of using alum treatments for this purpose. She pointed out a 48-hour use restriction after alum treatment, which might pose challenges, as it would require closing the pond for two days following treatment.

Mr. Meringolo responded, expressing his lack of awareness of the 48-hour restriction and inquired if Coordinator Capone had any documentation or the name of the person she spoke to at the Department of Health. He mentioned that they had used alum treatments in other swimming ponds without such restrictions and stated that there would be a closure only on the day of treatment.

Ms. Niinimaki suggested scheduling the alum treatment on a Friday afternoon after swimming activities were finished, ensuring no one would be in the water until Monday, which might alleviate concerns.

Mr. Hilpl expressed hope that the sediment removal would address the issue, but they had requested a threshold to react if needed. Ms. Niinimaki explained that the timing of their season might cause delays in obtaining approval for treatments, hence the importance of having a threshold in place.

Coordinator Capone asked if the swimming pond had to be closed at any point this year, and Ms. Niinimaki confirmed they didn't close it but mentioned ongoing issues with murkiness.

Mr. Meringolo clarified that alum was not a registered algacide or herbicide, and it did not have an EPA label, but it was listed on their DEP permit. Mr. Hilpl shared his affiliation with a day camp at Lake Massapoag, where an alum treatment was done without a two-day closure.

Chair Henkels thanked the participants for their input and asked if Coordinator Capone had any additional comments.

Coordinator Capone mentioned that there was a need for a decision that evening because the drawdown of the pond was scheduled for that month. She explained that the drawdown involved lowering the water level, cleaning the pond, and then refilling it before freezing, and time was of the essence since the next meeting wasn't until the end of the month. Chair Henkels acknowledged the urgency of the situation.

Chair Henkels acknowledged that there was a concern about the treatment and asked if the Commission had any questions regarding its use. He mentioned that there was some precedent in other towns where such treatments had been successful.

He then inquired about the process of determining when the treatment needed to be applied. Mr. Meringolo explained that they conducted monthly monitoring at the ponds and that their staff regularly checked water clarity readings. He mentioned that issues with water clarity would likely become apparent between their sampling events, which is why they based their treatment decision on two factors: turbidity and Secchi disk readings. If either the monthly samples or staff reports indicated an issue with water clarity (either turbidity exceeding 4 NTU or Secchi disk readings dropping below 4 feet), they would notify the Commission. He emphasized that further discussion with Coordinator Capone would occur when such a situation arose.

Mr. Meringolo added that the plan was to schedule the treatment on a Friday when no swimming was scheduled for two days, minimizing the impact on the schedule. He also noted that he was unaware of the 48-hour restriction mentioned earlier and believed that scheduling the treatment as described would provide a buffer period without any pond usage following the treatment.

Chair Henkels inquired if any other substances were used to treat the pond during the year. Mr. Meringolo explained that they had approval to use algaecide treatments if cyanobacteria levels reached a certain point, but they hadn't needed to use any treatments during the summer in question.

Chair Henkels then asked the Commissioners if they had any questions.

Comm. Holtz asked about the current turbidity and Secchi disk readings and whether there were any recent records of them exceeding 4 NTU (turbidity) or 4 feet (Secchi disk). Ms. Niinimaki explained that Secchi disk readings are subjective and done on a daily basis, while she had conducted lab tests for turbidity that confirmed her concerns. She mentioned that on July 17th, the turbidity reading was 4.21 NTU, consistent with her observations.

Chair Henkels asked if there were any further questions from the Commission.

Comm. Rogers raised some concerns and questions. She asked why they didn't simply ban swimming until the water clarity improved, to which Comm. Niinimaki explained that there were State Regulations that required pond closure if the water clarity reached a certain point, making it less than ideal.

Comm. Rogers expressed concerns about the alum treatment potentially leading to a negative feedback loop with sediment accumulating at the bottom of the pond as a result of frequent treatments. She inquired if they had been conducting Secchi disk and turbidity monitoring all summer, and Ms. Niinimaki clarified that Secchi disk readings were done daily, while turbidity monitoring was performed monthly.

Comm. Rogers also asked about the disposal of sediment and whether there were concerns about algaecides or alum becoming airborne as the material dried. Mr. Meringolo reassured her, explaining that aluminum and copper, which were used in treatments, were common in soils, and the small amounts added wouldn't pose a significant risk. He also emphasized that treatments were done judiciously and at low doses.

Comm. Roger's final question concerned the frequency of alum treatments during the summer, to which Ms. Niinimaki confirmed that they hadn't used any treatments that summer or the previous one.

Comm. Holtz questioned why they had chosen a threshold of 4 NTU and suggested considering a higher threshold, like 4.5 or 5 NTU, given that they hadn't faced significant safety issues in the past two years with readings around 4.2 or 4.3 NTU. He pointed out that setting a lower threshold might result in unnecessary treatments. Ms. Niinimaki explained that the threshold was set where they started to observe a decline in Secchi disk readings and associated murkiness.

Mr. Meringolo noted that a threshold of 4 NTU was in alignment with what had been shared in regulatory presentations regarding swimmer safety and rescue operations. He also mentioned that their previous Order of Conditions had only specified thresholds for phosphorus levels, which was why they were seeking an Amendment to include this new threshold. Comm. Holtz commented on the selection of the threshold and suggested that it might be preferable to set a slightly higher threshold to avoid potential treatment when it might not be necessary. Emmy expressed her desire to avoid closing the pond and depriving campers of their favorite activity.

Mr. Meringolo added that their request for the amendment stemmed from their experiences during the summer, and if they had had the threshold option at the time, they might have opted for a treatment based on the observed murkiness.

Comm. Sevier expressed his belief that the request to vacuum out the sediment is a good faith effort to improve the situation. He noted that it doesn't seem like they're using alum as their primary strategy but rather as a backup option.

Mr. Meringolo explained that their hope is that vacuuming will improve the situation by reducing the baseline turbidity for the summer.

Coordinator Capone asked about the phosphorus readings in the swimming pond compared to the threshold set in the previous Order. Ms. Niinimaki provided phosphorus readings from 2022, which indicated elevated levels at certain points during the summer. However, in 2023, they had only one reading, which was 23 parts per billion.

Comm. Holtz asked if the aerators were operational this year and questioned whether they might make the situation worse. Mr. Meringolo clarified that the aerators, which create a column of bubbles, didn't stir up the bottom. He

suggested that after an alum treatment, they should consider temporarily shutting off the aeration system to allow suspended sediment to settle.

Comm. Sevier inquired about the purpose of the aeration system, to which Mr. Meringolo explained that it helps oxygenate the water, prevent algae buildup, and promote natural nutrient decomposition.

Coordinator Capone asked if the phosphorus levels were already in line with the thresholds they were requesting to include in their amendment. Mr. Meringolo explained that last year, the phosphorus levels exceeded the threshold at times but didn't this year. He noted that they aim to avoid using alum, and if they have to, it would ideally be a one-time treatment per year.

Coordinator Capone inquired about the ecological impact of treating with alum more regularly when phosphorus is not the primary target. Mr. Meringolo stated that there isn't any ecological impact from using alum, and the hope is not to use it frequently.

Coordinator Capone also asked if they would recommend vacuuming out sediment more frequently if alum were used more often. Mr. Meringolo clarified that alum is used in minimal quantities, so it doesn't appreciably change the volume of sediment at the bottom.

Comm. Rogers suggested doing a deep sediment clean this year, considering that sediment build-up could be a significant contributor to the turbidity issue. She suggested reevaluating the situation next year after addressing this major source of sedimentation. Ms. Niinimaki mentioned that clarity has been an issue consistently over the years.

Mr. Meringolo expressed the intention to communicate with the Commission through Coordinator Capone before taking any action. He mentioned that the initial step would involve contacting Coordinator Capone and ensuring mutual agreement before proceeding with any treatments.

Chair Henkels clarified that the Commission's primary issue is whether to amend the permit to specify the new turbidity threshold. Mr. Meringolo expressed interest in avoiding the need to go through the Amendment process repeatedly in the future and suggested potential conditions that could be added to the Order.

Chair Henkels mentioned his willingness to increase the threshold but also noted the importance of ongoing discussions to determine the best solution. He questioned the 48-hour shutdown requirement associated with the use of the aerator and alum.

Comm. Sevier expressed his willingness to consider amending the existing Order. He noted that it appeared the others were approaching the matter judiciously and trying to cooperate effectively.

Mr. Meringolo then weighed in, primarily focusing on the water quality issue. He mentioned that he was not aware of any other products or techniques that could effectively address suspended sediment or suspended solids in the water. He did acknowledge that for bacterial concerns, there were algaecide treatments available, but when it came to suspended solids, he suggested that using alum method was the only viable option.

There were no public comments.

On motion by Comm. Sevier to close the Hearing, seconded by Comm. Cook, with Comm. Porter abstaining due to technical difficulties, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Sevier to grant the Amendment and include a 48-hour cooling-off period after any potential Alum treatment, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Halporn: 72 Colonial Road, DEP #301-1318:

Chair Henkels explained that the property owners had undertaken construction work, including the installation of a septic system and driveway. The primary concern addressed was the severe erosion caused by the drainage originating from Colonial Road. As a result, the property owners had sought permission to close off their existing asphalt driveway.

Coordinator Capone indicated that the property owners also owned an adjacent property, which had a grass access driveway, and they converted it into a crushed stone driveway, completely eliminating the asphalt driveway. Furthermore, she noted that in front of the garage, they replaced the existing asphalt driveway with porous pavers to create a porous surface. Coordinator Capone highlighted the success of this approach in mitigating the drainage issue, which had been directing water into the wetlands behind the property, causing sedimentation.

However, Coordinator Capone went on to point out a new issue that had emerged. She explained that the drainage, instead of affecting the wetlands, had now started to flow to the end of the road, forming a new drainage channel down a steep slope. Although it was not causing sedimentation close to the wetlands, the Department of Public Works was aware of this problem and had made a few modifications over the past couple of years to address it. Despite these efforts, the issue remained problematic, and they were collaborating with the Department to find a solution.

Coordinator Capone then provided some reassurance, stating that the project had been successfully completed, and there were no further drainage issues on that property. She recommended that the Commission issue a Certificate of Compliance for their project.

On motion by Comm. Faust to issue a Certificate of Compliance, seconded by Comm. Cook, with Comm. Rogers abstaining due to having temporarily left the meeting, via roll call the vote was unanimous in the affirmative.

Department of Public Works: Dutton Road Bridge, DEP #301-1281:

Chair Henkels began by emphasizing that the project was a replacement of an existing bridge. Coordinator Capone confirmed that the project took place two summers ago. She recalled the challenging conditions faced during another wet summer and the difficulties they encountered in managing the outfall of Stearn's Mill Pond. She acknowledged the construction process as a struggle between the contractor and the relentless water but expressed satisfaction in overcoming the challenges.

She further highlighted the impressive outcome of the project, stating that it had turned out very well. Coordinator Capone concluded her remarks by recommending that the Commission issue a Certificate of Compliance for this project.

On motion by Comm. Porter to issue a Certificate of Compliance, seconded by Comm. Faust, with Comm. Rogers abstaining due to having temporarily left the meeting, via roll call the vote was unanimous in the affirmative.

Enforcement Order:

Mase: 592 Hudson Road:

Coordinator Capone then took the floor and recounted a storm damage incident that had transpired over a year ago. She explained that trees from the neighboring Department of Conservation and Recreation (DCR) property had fallen onto the site at 592 Hudson Road. The tree service renting space on the property had taken it upon themselves to remove these trees not only from their parking lot but also from DCR's land. An Enforcement Order was issued to ensure the restoration and naturalization of the area. Coordinator Capone reported that DCR had reviewed the plantings in place for a year, expressing satisfaction with the progress. Additionally, she mentioned that the boundaries had been re-staked to prevent future encroachments. Coordinator Capone concluded her statements by stating her belief that the Enforcement Order could be lifted.

Chair Henkels then sought comments from the Commission, opening the floor for any further input. Afterward, he inquired if anyone was willing to make a motion to lift the Enforcement Order.

On motion by Comm. Holtz to lift the Enforcement Order, seconded by Comm. Sevier, with Comm. Porter abstaining due to technical difficulties, and Comm. Rogers abstaining due to having temporarily left the meeting, via roll call the vote was unanimous in the affirmative.

Conservation Restriction:

Fenton: 8 Singing Hill Road:

Chair Henkels opened the next item, to review and vote on accepting a 5.83-acre Conservation Restriction. Coordinator Capone began her presentation, noting that an Enforcement Order had been issued to 8 Singing Hill for some work that had occurred on their property. She pointed out that there was a lawn and a gravel road on the property, equipment storage, and clearing within the Buffer Zone and wetlands. A Notice of Intent was required for restoration and re-vegetation of the space. She mentioned the successful removal of invasive species and the requirement for a Conservation Restriction to be provided to the Commission.

Coordinator Capone then explained that it created a wildlife habitat corridor between Town-owned land, thus creating a continuous forested space with intermittent streams and wetland resource areas to be protected in perpetuity. She described the Conservation Restriction, which allowed for the maintenance of an existing pond and grassy areas while requiring the land to be preserved in its natural condition. A Baseline Report had been completed for the Conservation Restriction, and after two years of effort, it had been released for local signature. Coordinator Capone recommended that the Commission accept the Conservation Restriction and also recommend the Select Board to do the same.

Chair Henkels thanked Coordinator Capone for her presentation and asked if any Commissioners had questions.

Comm. Holtz asked Coordinator Capone about the ground cover in the pictures from her report, particularly where the storage trailer used to be. Coordinator Capone mentioned that it was a native seed woodland seed and grassy mix that they had used for restoration. Comm. Holtz commented that it looked really good, and Chair Henkels expressed his impression of it.

On motion by Comm. Faust to accept the Conservation Restriction, seconded by Comm. Sevier, with Comm. Porter abstaining due to technical difficulties, and Comm. Rogers abstaining do to temporarily having left the meeting, via roll call the vote was unanimous in the affirmative.

Other Business:

Community Preservation Committee Applications - Hop Brook Protection Association:

Chair Henkels explained that the Hop Brook Protection Association was seeking a letter of support for their water chestnut program. Coordinator Capone then took the floor, stating that they had been treating several ponds for the past four years. They used a product called Clearcast to control water chestnuts in Grist Mill, Carding Mill, and Stearn's Mill Ponds. She mentioned that prior to this, the removal of water chestnuts was done manually for over 20 years. Coordinator Capone reported that there had been significant improvements in all three ponds over the four-year treatment period, albeit to varying degrees.

Coordinator Capone also pointed out that in those four years, only three of them had been successful in treating the water chestnuts. She mentioned that there was a hiccup in the middle where treatments were not entirely successful, but they had since employed a new company that had achieved greater success over the past year. She stressed that water chestnut seeds could survive for at least a decade or more in the sediment, and therefore, continued treatment was essential to manage the existing population.

Coordinator Capone explained that the Hop Brook Protection Association was submitting a grant proposal under the Community Preservation Act (CPA) for funding to continue treatment for two more years, making it the fifth and sixth years of treatment. She added that they had another CPA application for a watershed-based management plan that aligned with their efforts to address water quality issues in Hop Brook. She hoped that both initiatives would effectively combat the water chestnut problem.

Coordinator Capone also touched on a concern they had when permitting the project: the possibility of other invasive species emerging after the water chestnuts were removed. She noted that, to date, the populations had remained relatively stable, and there hadn't been a significant outbreak of milfoil or other invasives taking over. Coordinator Capone recommended that the Commission issue a letter of support for the CPA application to fund an additional two years of treatment.

Chair Henkels then asked the Commissioners if they had any questions regarding the proposal.

Comm. Holtz noted the 10-year life span of the water chestnut seeds. He expressed that they would likely support the request for more time if the Hop Brook Protection Association sought an extension beyond the proposed two years. He assumed that there must be a good reason for the organization's choice of a two-year timeframe.

Coordinator Capone responded, saying she wasn't entirely sure why they were requesting only two years of funding. She explained that it might be related to their original funding request. Coordinator Capone noted that they had money left over from the initial three years of treatment, approximately \$50,000 remaining from the original \$300,000 budget. She clarified that the \$50,000 surplus would cover the cost of two more years of treatment. It seemed that this choice was a way to use the available funds efficiently. Coordinator Capone also mentioned her anticipation of future requests for funding.

On motion by Comm. Holtz to provide a letter of support, seconded by Comm. Faust, with Comm. Porter abstaining due to technical difficulties, and Comm. Rogers abstaining due to having temporarily left the meeting, via roll call the vote was unanimous in the affirmative.

Community Preservation Committee Applications - Broadacres Conservation Land:

Chair Henkels initiated a discussion to an irrigation well for a future community garden at Broadacres. Coordinator Capone started by apologizing for not having the draft ready for the meeting, explaining that the deadline was on Friday. She mentioned that she had begun working on the proposal over the weekend.

Coordinator Capone initially intended to request about \$50,000 for an irrigation well at Broadacres. However, she felt it wouldn't be fair to establish a new community garden without first addressing the needs of the existing community garden at Lincoln Meadows. Therefore, she proposed modifying the request to \$80,000, which would cover the installation of two irrigation wells, one at Broadacres and one at Lincoln Meadows.

She mentioned that they had received quotes from a local farmer for similar wells in the vicinity in recent years and based this request amount on those quotes. Coordinator Capone explained that she planned to obtain more specific quotes for these two locations before meeting with the CPC. The \$80,000 would cover the installation of the wells, but there were no plans to install physical irrigation lines. Gardeners would still need to manually water their gardens by attaching hoses to the wells or filling buckets.

Coordinator Capone emphasized the urgent need for water at Lincoln Meadows, as they currently only had a shallow, 20-foot hand-dug well, which was sufficient in the spring but ran dry in the middle of the summer. Gardeners had to bring water from home to sustain their gardens.

Coordinator Capone concluded by asking if there were any questions from the Commission.

Comm. Sevier raised the issue of maintaining the well, emphasizing the need for annual weatherization. Coordinator Capone confirmed this and explained that part of her plan for Broadacres involved leasing a portion of the field to a local farmer. She intended to collaborate with the farmer to include the winterizing and activation of the well as part of their License Agreement.

Furthermore, Coordinator Capone mentioned that for Lincoln Meadows, she had engaged local farmers to assist with various activities on the site as part of their License Agreement, such as plowing the fields. She aimed to establish a joint effort between the town and the farmer. Additionally, she noted that funds from the gardeners who used the well could help cover the expenses associated with weatherizing and reactivating the well each year.

Comm. Sevier acknowledged the need for maintenance, especially if anything were to fail with the well.

Chair Henkels sought confirmation from Coordinator Capone, asking if he should request a motion to submit the grant application for the two properties. Coordinator Capone affirmed this and explained that it would entail a vote for a grant application on behalf of the Conservation Commission.

On motion by Comm. Sevier to approve the application, seconded by Comm. Cook, with Comm. Rogers abstaining due to having temporarily left the meeting, via roll call the vote was unanimous in the affirmative.

Herbicide Applicator License:

Chair Henkels initiated the discussion about obtaining an Herbicide Applicators License for Mr. Joe Miller, the Town's Land Manager. Coordinator Capone then took the floor and mentioned that Mr. Miller had been part of their team for the past two months, during which he diligently worked on maintaining and opening up all the trails on their properties.

Coordinator Capone went on to highlight a significant issue – the prevalence of invasive species on Town properties, including their community pollinator garden. She expressed concern about the extent of invasive species in the field and acknowledged the difficulty of tackling the issue manually given the size and abundance of the invaders.

Coordinator Capone explained that Mr. Miller was interested in obtaining an herbicide license to help manage the conservation lands more effectively. She recognized the sensitivity of herbicide use on conservation land and emphasized the need for Commission approval before proceeding further. She described their proposed approach, which involved spot treatment of stems and no spraying. Coordinator Capone also mentioned that the cost of getting Mr. Miller's license would be about \$500 initially, with an annual renewal fee of \$100, in addition to the expense of the required chemicals.

Chair Henkels then turned to the Commissioners, opening the floor for their input and decision on the matter.

Comm. Sevier expressed his thoughts on the situation, acknowledging that while it might seem odd to consider herbicide use, the sheer scale of the invasive species issue made it a potentially reasonable approach. He suggested that in this context, using herbicides might be the least unfavorable option.

Coordinator Capone supported Comm. Sevier's perspective and mentioned another significant challenge on the horizon. She discussed the responsibility they would have for managing invasive species along the Bruce Freeman Rail Trail, which was currently undergoing chemical treatment by the State as part of their mitigation efforts. Coordinator Capone emphasized that this additional territory extended over four and a half miles, adding to their conservation management workload.

Comm. Holtz, brought up the need for establishing clear boundaries in their approach. He suggested that they should have an Order in place so that the department would be required to approach the Commission and request permission for herbicide use.

Coordinator Capone agreed with Comm. Holtz, assuring that they would follow the necessary procedures to obtain permits when the herbicide use was within wetlands jurisdiction. She emphasized that if it involved only conservation land, they would bring each case to the Commission for approval on a case-by-case basis.

Comm. Rogers expressed her support for the judicious use of herbicides where they were deemed necessary.

Chair Henkels inquired about whether their bylaws contained any provisions that needed evaluation or amendments regarding the use of herbicides for conservation purposes. Coordinator Capone responded, stating that the bylaws primarily pertained to wetlands and not conservation lands. She indicated that she did not believe there were any prohibitions related to herbicide use in the bylaws or regulations, but she mentioned the need to double-check the conservation regulations to ensure there were no contradictions.

Chair Henkels acknowledged her response, expressing satisfaction with the existing bylaws in this context.

Chair Henkels sought clarification on the procedural steps required to move forward with obtaining the license for herbicide application.

Coordinator Capone explained that they might not necessarily need an official vote, especially if there was a general consensus and no opposition within the group. If everyone was in favor of the idea, they would proceed without a formal vote.

Chair Henkels then invited any participants to voice any contrary comments or concerns regarding Coordinator Capone's proposal.

Bowhunting Program:

Coordinator Capone mentioned that it was the opening day for their bow hunting season and highlighted the busy preparations undertaken by Mr. Miller, Mr. Robert Bosso, and herself. They had nearly completed all their tasks, including testing the hunters, whom displayed impressive archery skills.

Coordinator Capone informed the group that they had placed signs at every trail connection and were closely monitoring them. She noted that one sign had been taken twice, and Mr. Miller was actively keeping an eye on the situation. They also had meetings with the hunters to confirm that their stands complied with setbacks, and they had to request a few hunters to move their stands because they were too close to the designated boundaries.

Coordinator Capone assured everyone that their efforts were in line with regulations, and the only pending task was putting up signs along all the boundaries. These signs were on order, but they needed a surveyor to assist in defining the precise boundaries.

Chair Henkels then mentioned that it would take some time to get all the signs up but assured everyone that they were actively working on it. Comm. Holtz suggested using a trail camera to monitor the signs that were disappearing.

Chair Henkels mentioned the economic aspects of their operations, and indicated that their funding was in good shape. Coordinator Capone affirmed this, noting that they had handled all the trail signs in-house and conducted testing without additional costs. She mentioned that the only expenses incurred so far were for the property signs, which cost around \$300.

Eagle Scout:

Mr. Cam Rogers, son of Comm. Rogers, stated that he was accepted by his Eagle Board of Review. He thanked Coordinator Capone for her help in getting the project set up. Coordinator Capone replied that he had done an excellent job. Chair Henkels extended his congratulations.

Adjourn Meeting

With no further business, on motion by Comm. Sevier to adjourn the meeting, seconded by Comm. Cook, the Commission voted unanimously to adjourn the meeting at 9:10 PM.