



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, October 30, 2023

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook (7:40 PM); Luke Faust; Bruce Porter; Mark Sevier; and, Lori Capone, Conservation Coordinator

Absent: Kasey Rogers

The meeting was called to Order by Chair Henkels at 7:02 pm.

Minutes

On motion by Comm. Faust to accept the minutes of the July 27, 2023 meeting, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Holtz to accept the minutes of the August 7, 2023 meeting, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

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, and October 2, 2023. The applicant for this project was Mr. Joel Gordon.

On motion by Comm. Faust to continue the Hearing to November 13, 2023, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

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, September 11, 2023, and October 2, 2023. The applicant was Robert Ladas.

Chair Henkels mentioned that the Hearing was continued to the present evening in order for Coordinator Capone to assemble the Order of Conditions, which he believed had been submitted to Mr. Vito Colonna and his client. He acknowledged Mr. Colonna who has a concern regarding a condition regarding the floor drain in the Order.

Mr. Colonna, Connorstone Engineering, confirmed this modification. He referred to a specific condition in the Order, and stated that it mentioned the absence of floor drains within the building. He pointed out that a garage was required to have floor drains on the ground floor, under the building code. To address this, Mr. Colonna explained that the design included an oil gas separator and a tight tank, ensuring that everything would be treated and then directed to the tight tank, which featured secondary containment and alarms, meeting the requirements set by the Department of Environmental Protection. He recommended some revised language to clarify that the floor drains would not connect to either the stormwater system or the onsite sewage disposal system.

Chair Henkels expressed his appreciation for the explanation and turned to Coordinator Capone, inquiring if she had any comments on this minor modification.

Coordinator Capone sought clarification regarding the placement of the tank, confirming with Mr. Colonna that it would be situated in the front of the building, thus falling outside the Buffer Zone. She then raised concerns about

the pipe's secondary measures, considering that the building was only about a foot above groundwater. She inquired whether there were any safeguards in place to prevent potential issues if the pipe connection were to fail.

Mr. Colonna explained that the floor drains were on the first floor, not in the basement, where the car fluids were changed. They primarily dealt with potential spills from activities on the first floor and exited to the front of the building, where there was better separation from groundwater. He noted that while there was secondary containment for the tank, there was no such containment for the pipe itself.

Coordinator Capone sought further clarification, confirming that the tank was located in the garage, not underneath it. Once this was clarified, she expressed satisfaction with the arrangement and suggested changing the condition to state that no floor drain shall discharge into the onsite sewage disposal system or stormwater management system.

Chair Henkels then opened the floor to the Commissioners, inviting any comments or questions they might have.

Comm. Porter inquired about the pipes and conduits, wondering if pressure was applied to them. Mr. Colonna clarified that it was not a pressurized system but rather a gravity-based one.

Chair Henkels opened the floor to the audience, asking if anyone had questions, either by raising their hand or using the chat box. After seeing no questions or comments from the audience, he sought a motion to close the Hearing.

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

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

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

Chair Henkels re-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, continued from October 2, 2023.

Chair Henkels mentioned the need for Coordinator Capone to prepare the order of conditions and expressed that he didn't find anything particularly unusual in the Order. He assumed that Elizabeth had the opportunity to review it and then asked the Commissioners if they had reviewed the Order and had any questions or comments to share.

After this, Chair Henkels sought a motion to close the hearing.

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

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

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

Chair Henkels re-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, continued from October 2, 2023. He identified Anthony Moro as the applicant, and noted that there had been a request to continue this item without discussion until November 13, 2023.

On motion by Comm. Faust to continue the Hearing to November 13, 2023, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

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

Chair Henkels re-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, continued from October 2, 2023. Mr. Tim Crowley was identified as the applicant, and Mr. Matt Marro was introduced as the consultant.

Mr. Marro, briefly introduced himself and his affiliation with Marro Environmental Consulting. He described the site as a single-family home on a 0.92-acre lot. He stated that the primary objective of the project was to replace the septic system. He emphasized that the work would be conducted within the 100-foot Buffer Zone but not within 50 feet of the wetland area. The proposed system had received approval, and no work was planned within the Bordering Vegetated Wetland. Additionally, no trees would be removed during the project, and the work would be conducted in an existing lawn area, which would be restored accordingly.

He further elaborated on the project's specifics, stating that the total impact within the Buffer Zone would encompass 830 square feet of construction, with 350 square feet dedicated to the tank and force main, and 480 square feet allocated for the leach field.

Chair Henkels expressed gratitude for Mr. Marro's presentation and requested the consultant to share his screen to provide additional visual context for the project. Mr. Marro agreed to do so, offering a visual representation of the proposed system's location, as well as ensuring that marked trees, surveyed by Innovative Septic Design, would not be removed. He also noted that the existing septic system would remain in place and emphasized the use of a minimum 8-inch straw wattle.

Chair Henkels concluded this segment by requesting Coordinator Capone to share her comments on the matter.

Coordinator Capone began her remarks by informing the attendees that both she and Mr. Marro had revisited the site since the last presentation. She noted the presence of a new connecting line between two wetlands on either side of the property, connected by a stream channel. This system remained just outside the 50-foot offset with the updated delineation.

She emphasized that the proposed system met the performance standards mandated by the Act. However, Coordinator Capone recommended that they explore the possibility of relocating the system further from the wetlands, primarily within the front yard close to the 100-foot Buffer Zone line on the plan. She mentioned that there were constraints, as a gas line and the lot line on either side needed to maintain at least a 10-foot offset, making it challenging to visualize whether the system could fit in that space. The consultant for the design had stated that there was no viable option for utilizing that space.

Mr. Marro, then shared his screen to provide a visual representation. He indicated the hatch areas on the plan as offsets, explaining that the driveway and front yard were the only available spaces where the system could potentially be placed. He confirmed that there was absolutely no room for the system elsewhere on the property.

Coordinator Capone inquired if there was any possibility of placing the system between the house and the lot line, in the space Mr. Marro was pointing to. He elaborated that when they had explored that direction, the soil quality deteriorated, becoming saturated, and they couldn't even conduct a percolation test. This situation would have necessitated a mounded system and the removal of trees not shown on the plan. Mr. Marro emphasized that such an approach would have required more intensive construction. In contrast, the proposed GeoMat system required less work, maintained the same grade, and offered a more polished approach for water quality.

Coordinator Capone questioned that the GeoMat system couldn't be installed elsewhere on the property due to unsuitable soil conditions, and using it in other areas would require mounding and extensive vegetation removal. She acknowledged that the proposed location was just outside the 50-foot setback and reminded the Commissioners that their Bylaw aimed to move septic systems as far as possible from the wetlands. The decision to proceed with the design within these parameters would be at the discretion of the Commission.

Chair Henkels then opened the floor to the commissioners for any questions or comments they might have.

Comm. Holtz sought clarification. He pointed out the location of the old septic system and raised the issue of potentially moving the new unit to a different position farther away from the wetlands. Matt Marro responded, explaining that relocating the system to that area would require mounding due to tight soils and high groundwater. He emphasized that a GeoMat system, as previously proposed, wouldn't work in this context, and a larger conventional system would be needed, making the construction work more intensive.

Comm. Holtz continued by questioning whether even if they placed the system to the side of the house and had to mound it while meeting the specified conditions, it wouldn't be significantly farther from the 50-foot Buffer line.

Comm. Holtz noted that the proposed adjustment wouldn't provide a significant improvement in terms of Buffer Zone distance, and Coordinator Capone reiterated her commitment to complying with the Regulations and the Bylaw to ensure the best possible location.

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

Comm. Sevier inquired about the reason behind the failure of the previous septic system and whether it had already been replaced once before. Matt Marro, the consultant, indicated that he was not aware of the specific cause of the system's failure. He noted that the outline of the existing leach field appeared to be indicative of an old and potentially inadequate system. Comm. Sevier followed up, suggesting that the failure might have been due to the system being undersized or not well-maintained. Mr. Marro agreed with the assessment.

Chair Henkels sought further clarification from Mr. Marro, asking whether moving the system to the south would result in a similar issue with the saturation point. Mr. Marro confirmed that they had assessed the soil conditions in the area where they planned to move the system, and according to their findings, the soil in that location was decent. The issue with the saturation-point primarily pertained to the area to the south, near the existing system, which had a Bordering Vegetated Wetland and trench-like features.

Mr. Marro explained that the soils in the problematic area were slow-draining and unsuitable for the proposed septic system. In contrast, the area they were considering for relocation had more suitable soils and a lower groundwater table.

Chair Henkels inquired about the Munsel rating of the soils in the specific area, but Mr. Marro didn't have access to that data. Mr. Marro further illustrated the difference in soil conditions between the two areas, emphasizing the presence of suitable, bright soils where they intended to install the system.

Chair Henkels expressed his understanding of the situation and asked the Commissioners if they had any more questions or strong preferences regarding the system's location. However, no Commissioners raised any further questions or expressed preferences at that time.

Chair Henkels addressed Coordinator Capone, expressing that since there were no further comments from the Commission on the matter, he would request a continuation from the applicant to allow sufficient time for putting together an Order. He then inquired about whether there were any other Departments they were waiting for to complete their review.

Coordinator Capone responded, indicating that the project had already received approval from the Board of Health. She also mentioned that there was a very similar project on the agenda for the night, involving another septic system. She suggested that if the Commission was comfortable doing so, they could close the discussion for this project and issue a very similar set of Orders of Conditions as the other project, thus allowing this particular project to move forward.

Comm. Porter inquired about the order of approvals when it came to septic system work and other wetland-related matters. He asked whether one office was typically approved before the other, or if it depended on the circumstances. Coordinator Capone explained that, as a general rule, Conservation should be the last permit that is obtained. She mentioned that she typically checked in with the Board of Health to assess what had already been approved and what was still pending. Coordinator Capone pointed out that the Board of Health's opinion on the septic system's location could have a significant impact on the overall project.

Chair Henkels thanked Coordinator Capone for her response, providing clarification on the typical order of approvals and the role of the Board of Health in the process.

Chair Henkels opened the floor for any further questions or comments from the Commission. After receiving no responses, he extended the invitation to the audience, asking if anyone had any questions. However, there were no questions from the audience.

Chair Henkels then addressed the potential motion to close the Hearing, but before proceeding, Mr. Crowley, the applicant, raised his hand and sought clarification on the process. He wanted to understand the implications of closing the Hearing.

Chair Henkels explained that closing the Hearing meant that there would be no further discussion or comments at this stage. Coordinator Capone would proceed to prepare an Order of Conditions, which would then be presented for a public Hearing, scheduled for a later date, which was mentioned as the thirteenth. During this public Hearing, the Commission would review the Order, and any potential discussion or comments regarding the Order would take place.

Mr. Crowley thanked Chair Henkels for the explanation and expressed his satisfaction with the response to his question. Chair Henkels confirmed that his question was addressed to his satisfaction, and the discussion concluded.

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

Notice of Intent: 74 and 80 Maynard Road: Bonnie Brook Realty Corp., DEP #301-1341

Chair Henkels re-opened the Hearing to construct a roadway and associated drainage system and utilities in 100-ft Buffer Zone and Adjacent Upland Resource Area for a 6-lot residential subdivision, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from June 7, August 9, September 27, 2021, August 22, 2022 and July 24, 2023.

Chair Henkels noted that the applicant, Mr. John Derderian, had requested another continuation. The new proposed continuation date was January 8, 2024, and Chair Henkels called for a motion to continue this item without discussion.

On motion by Comm. Holtz to continue the Hearing to January 8, 2024, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 143 Union Avenue, DEP #301-1402

Chair Henkels opened the Hearing to construct an addition to a single-family home within the 100-foot Buffer Zone and the local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Coordinator Capone clarified that the applicant had initially requested to be on the agenda but later asked for a continuance to the 27th of November due to potential plans for a new septic system.

On motion by Comm. Faust to continue the Hearing to November 27, 2023, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 444 Boston Post Road, DEP #301-1403

Chair Henkels opened the Hearing to remove an existing and install a new septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Chair Henkels introduced the applicant as Mr. Larry Shewan. He then addressed the representative and invited them to introduce themselves and present their application.

The representative, Mr. Vito Colonna, introduced himself as part of Connorstone Engineering and shared a screen to provide a visual overview of the property. He explained that the property was the Grill Shop and that it had an existing failed septic system. The current system was a small cesspool located behind the building, and there was a wetland off-site to the rear of the property. The existing septic system had failed due to being well within the groundwater table. To address this issue, they proposed a new leach field in the front corner of the property, as far from the wetland as possible. The property had an irregular shape, with limited frontage, making it a challenging site for septic system placement.

Mr. Colonna mentioned that they planned to use an alternative system that reduced the leach field area by 40%. They incorporated retaining walls around the sides and a poly-barrier to make efficient use of the available space. The soil conditions were decent, but the high groundwater level required a mound system, necessitating retaining walls around the leach field. Additionally, a pump chamber would be installed in the back to pump the effluent up to the front of the property.

After Mr. Colonna's presentation, Chair Henkels turned to Coordinator Capone for her comments.

Coordinator Capone commented on the application, describing it as straightforward. She mentioned that there was no other feasible location for the septic system on the property. Coordinator Capone noted that the Board of Health had issued some Variances related to groundwater elevations, but overall, the proposal aligned with the requirements.

Coordinator Capone had already prepared an Order of Conditions for review and consideration by the Commission, and she had provided it to the applicant.

Chair Henkels then opened the floor for questions from the Commission.

Comm. Holtz asked if there were small trees near the system that needed to be removed and also inquired about larger trees to the west.

Mr. Colonna responded that the small trees on-site would need to be removed, but he wasn't entirely sure about the status of the larger trees to the west. He mentioned that they looked like they might be off-site, in which case they wouldn't need removal.

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

Chair Henkels inquired if there would be any curb cuts or sidewalk cuts associated with the septic system work. Mr. Colonna clarified that the work would primarily take place in a small landscaped area on the property.

Following this clarification, Chair Henkels invited any further questions from the Commission or the audience.

Chair Henkels called for a motion to close the hearing.

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

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

Notice of Intent: 38 Stubtoe Lane, DEP #301-TBD

Chair Henkels opened the Hearing to demolish an existing garage and porch, and construct an addition with garage, driveway, associated grading and utilities, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Chair Henkels introduced the applicants as Ms. Yang Jin and Mr. Scott Tingley and then acknowledged that the representative was present to make the presentation on their behalf. He invited her to introduce herself and provide details on the application.

The representative introduced herself as Maureen Herald from Norse Environmental Services. She explained that they intended to demolish an existing garage and porch and construct a single-family addition, garage, driveway,

grading, and utilities within the 100-foot Buffer Zone. Maureen shared photographs of the existing conditions, emphasizing that they did not plan to remove any trees.

Ms. Herald mentioned that the closest proposed work would be 34 feet from the Bordering Vegetated Wetland and that they were planning 829 square feet of impervious area. A portion of the addition was proposed within the existing structure. She highlighted the 50-foot Buffer Zone, the location of erosion controls, and the proposed driveway expansion on the plan.

Chair Henkels requested that Ms. Herald provide a brief description of the photographs, and she complied, explaining that they were street view and back view photos of the existing structures to be demolished.

Chair Henkels then asked Ms. Herald to use her cursor to indicate on the photographs where potential resource areas and actual resource areas were located.

Ms. Herald indicated that the resource area was not visible in the photograph but could be found off the picture frame. She explained that the resource area, in this case, was a ponded area. To illustrate the topography, she shared a plan showing that the wetlands followed a well-defined topographic break and slope. She then provided elevation information, mentioning that the wetland followed approximately 166-167 feet, while the closest proposed work area had elevations of 179-181 feet.

Chair Henkels asked Ms. Herald to clarify the anticipated impervious surface, which she confirmed to be approximately 829 square feet.

Chair Henkels then turned to Coordinator Capone for her comments on the project.

Coordinator Capone explained that she had a discussion with Ms. Herald earlier in the day and mentioned that there were site conditions to consider. She pointed out that the project involved replacing an existing garage and would not add any living space, thereby avoiding any impact on the septic system. Coordinator Capone also emphasized that there were no feasible alternative locations for the addition and that an alternative analysis was included in the application.

Coordinator Capone stated her belief that the addition itself would not have a negative impact on the resource area. However, she requested that mitigation measures be provided to offset the project's footprint. She suggested options such as infiltrating the runoff from the new addition and driveway extension or naturalizing parts of the existing lawns to create a better buffer for the wetland. She also mentioned the presence of a de-watering plan in the Notice of Intent, reassuring that the project's elevation was significantly higher than that of the wetland, minimizing the risk of groundwater interception during construction.

Chair Henkels asked if there were any questions from the Commissioners.

Comm. Holtz sought clarification regarding the proposed mitigation, and Coordinator Capone explained that she had discussed it with Ms. Herald, with the idea of proposing something either during the current meeting or at a future one.

Comm. Holtz then inquired about the possibility of incorporating a CULTEC chamber to capture roof runoff and its potential installation location. Ms. Herald responded that she hadn't had a chance to speak to her client but mentioned the requirement that the chamber should be at least 50 feet from the leach field.

When Comm. Holtz asked about invasive species on the site, Ms. Herald identified multiflora rose and glossy buckthorn near the wetland area. She suggested discussing options for managing the invasive species with Coordinator Capone and the Commission, considering the labor-intensive nature of such management.

Coordinator Capone further explained that dealing with invasive species on the embankment was tricky due to the risk of destabilizing the steep bank. She recommended a spot treatment with herbicides as a potential mitigation measure, but highlighted the proximity to the wetlands as a challenge.

Ms. Yang Jin and Mr. Scott Tingley introduced themselves and discussed their concern about the invasive species on the site, noting that they would be challenging to remove. They expressed their openness to the idea of promoting natural vegetation along the border, as that part of the area was already quite natural, and they wanted to encourage native species.

In response, Chair Henkels thanked them for their input and suggested requesting a continuation for Ms. Herald and her client to return with mitigation options. This would primarily focus on stormwater management, the potential CULTEC system, and the installation of native plants, including details about the number and location. He then checked with the commissioners if there were any additional points to consider, to which they replied in the negative.

There were no public comments.

Chair Henkels sought permission from Scott Tingley and Yang Jin to continue the hearing until the thirteenth of November, to which they both agreed. Coordinator Capone also asked if they needed to submit materials in advance, to which Ms. Herald suggested a day or two in advance, given that the changes were expected to be straightforward. Everyone agreed to proceed with the hearing on the thirteenth of November.

On motion by Comm. Porter to continue the Hearing to November 13, 2023, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 200 Concord Road, DEP #301-1404

Chair Henkels opened the Hearing to abandon a septic system and expand an existing leaching field within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. The applicant was David Fitzgerald, and the consultant was Mr. Richard Kirby from LEC Environmental.

Mr. Fitzgerald confirmed his presence but mentioned that Mr. Richard Kirby was running late and requested a brief postponement to allow him to join the meeting. Chair Henkels agreed to the request and decided to wait for Mr. Kirby to arrive before proceeding with the discussion.

Request for Determination of Applicability: 11 Hunt Road, RDA #23-12

Chair Henkels introduced the project to repair a septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Mr. Vito Colonna, Connorstone Engineering, presented the septic system repair project, explaining that the existing leach field was in failure due to its age, and there were no signs of groundwater-related issues causing the failure. He mentioned the wetlands on the east side of the site, delineated by Goddard Consulting, as a Bordering Vegetated Wetland and an intermittent stream in the area. The 100-foot Buffer Zone extended through the middle of the site.

The proposed plan involved installing a new leach field, septic tank, and pump chamber outside the 100-foot Buffer Zone. The only work within the Buffer Zone would be excavation and site grading to accommodate the raised system. Erosion controls would be placed along the edge of the existing driveway, clearly marking the work area. The limit of work was approximately 65 feet from the edge of the wetland, and the system itself was 102 feet away from the wetland.

Chair Henkels then turned to Coordinator Capone for her comments on the project.

Coordinator Capone stated that she had no concerns with the proposed design and that no mitigation was required. She noted that the system was outside their jurisdiction, and the grading work would not impact the resource area. Coordinator Capone recommended that the Commission issue a negative Determination of Applicability, confirming that the work in the Buffer Zone would not affect the resource area, along with standard conditions.

Chair Henkels sought input from Commissioners, but there were no additional comments or questions.

Chair Henkels opened the floor for any questions from the audience, but no questions were raised. He then called for a motion to issue the negative Determination of Applicability with the stated conditions.

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

Notice of Intent: 200 Concord Road, DEP #301-1404

Chair Henkels returned to the Hearing to abandon a septic system and expand an existing leaching field within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. He introduced Mr. David Fitzgerald as the applicant and noted the presence of Mr. Richard Kirby from LEC Environmental.

Mr. Kirby presented the project, explaining that the property included a single-family dwelling with an attached dentist's office and two septic systems—one in the front yard and another in the backyard. The front system had failed Title 5 requirements, and the intention was to abandon it, remove the tank, and backfill it. Simultaneously, the rear system would be expanded, including the replacement of the distribution box. The expanded leaching field would be situated outside the 50-foot wetland Buffer Zone.

He highlighted that the site had numerous resource areas and Buffer Zones, including an off-site wetland system, a Bordering Vegetated Wetland system in the backyard near an intermittent stream, and a small wetland system along Concord Road. The proposed project aimed to meet Title 5 standards while considering these resource areas and Buffer Zones.

Chair Henkels turned to Coordinator Capone for her comments on the project.

Coordinator Capone inquired about the property's future use and whether the buyer intended to maintain a dentist's office since the septic system changes were associated with that use. Mr. Fitzgerald confirmed that the buyer would indeed continue to operate a dentist's office on the property.

Noting the site's historical and environmental complexities, Coordinator Capone expressed her struggle with the project. She mentioned that the site was first developed in the 1950s and highlighted that modifications were made to the wetland system to lower groundwater levels in 1958. Coordinator Capone also pointed out the presence of a stream channel that had been altered on the property. She questioned the project's expansion and its potential impact on the wetlands.

Mr. Kirby from LEC Environmental responded by explaining the changes in wetland delineation over time, noting that interpretations have become more conservative and cautious, giving more consideration to wetland protection. He mentioned that a thorough investigation revealed hydric soils within the lawn area.

Coordinator Capone continued to express her concerns, emphasizing that the existing septic system was in violation of the Wetlands Protection Act and the local Bylaw due to the leach field being within 50 feet of wetlands. She was concerned about expanding the leach system given its existing location.

Mr. Kirby responded that there were no other viable alternatives for the project, and the proposed expansion was relatively modest. Chair Henkels raised concerns about the system's age and questioned the need for its replacement in the future. Coordinator Capone inquired about the system's future location if it needed replacement, and she also questioned the size of the expansion compared to the original office system.

Mr. Kirby mentioned that the design was not within his expertise but stated that older systems might not meet modern requirements. Mr. Fitzgerald explained that the existing septic system was oversized when built, making an expansion necessary.

Coordinator Capone inquired about the system's proximity to groundwater, and Mr. Kirby provided elevation details and discussed the groundwater table.

Coordinator Capone asked if any variances were being sought from the Board of Health. Mr. Kirby indicated that they didn't believe any variances were necessary.

In conclusion, Coordinator Capone voiced her concerns about the project and its history, emphasizing that if the wetlands had been properly assessed in 1999, the situation might have been different. Chair Henkels requested comments from other Commissioners.

Comm. Holtz questioned why the project wasn't simply replacing the front septic system with a new one. Mr. Fitzgerald explained that the issue was related to groundwater, citing it as the reason for the system's failure. He

also mentioned that the existing system dated back to the 1970s. Comm. Holtz inquired about the difference in groundwater levels between the front and back of the house, and Mr. Fitzgerald mentioned a four-foot elevation change mentioned by Mr. Kirby.

Mr. Kirby from LEC Environmental elaborated on the elevation differences, noting that the front of the house was around elevation 201, which appeared lower than the back of the house. Comm. Holtz then asked about the possibility of maintaining the back system as it is and replacing the front system, to which Mr. Kirby responded that elevating the front system would require a pump, disrupting the gravity flow.

Comm. Sevier discussing the use of a pump, indicated that it would be a mounded system, and mentioning that there was already a pump in the back. Mr. Kirby attempted to contact the project engineer for further clarification.

Chair Henkels invited other commissioners to ask any remaining questions they had.

Comm. Sevier inquired about the best possible location for the septic system. He suggested turning it sideways and placing it in the back, but Coordinator Capone explained that there wasn't enough room in the back due to the 50-foot setback. Mr. Kirby from LEC Environmental clarified the setback and showed it on the plan.

Coordinator Capone expressed concern about the future of the system when it fails and asked where it would go. Comm. Sevier suggested making the system narrower and longer, and Mr. Kirby countered by noting the contours of the land.

Coordinator Capone recommended a site visit for the commission to better understand the complex situation. Mr. Kirby then offered to show photographs of the site. He presented photographs of the backyard and the location of the septic system, along with the wooded wetlands on the property. He explained the presence of hydrology and the culvert that directed stormwater into the wetland.

Chair Henkels invited any remaining questions from the Commissioners.

Chair Henkels raised the question regarding the need for a variance before the Board of Health, considering that the project involved work within 50 feet of wetlands. Coordinator Capone clarified that the expansion was outside the 50-foot zone. Mr. Kirby from LEC Environmental explained that the issue was with the existing system, specifically a portion of it that was within the 50-foot Buffer Zone based on wetland delineations made 25 years after the system was initially installed.

Comm. Faust raised the question of whether any mitigation measures were being proposed for the project to potentially improve the property. Mr. Kirby mentioned that they had not initially proposed any mitigation measures but expressed a willingness to discuss it with the applicant. Mr. Fitzgerald agreed to consider mitigation and mentioned the possibility of replanting native vegetation on the property.

Mr. Kirby suggested that if mitigation were to be considered, enhancing the habitat in the swale directing stormwater from beneath Concord Road could be the most effective approach. He proposed planting shrubs and sapling trees on either side of the swale, which could help offset the perceived impact of having portions of the leaching field within the 50-foot buffer zone.

Chair Henkels then sought the Commissioners' opinions on the matter.

Comm. Sevier inquired about a setback that appeared on the plans, specifically a 19-foot distance from the property line. He asked whether this setback could be reduced by modifying the system. Rich Kirby mentioned that he wasn't certain about the required setback but assumed there must be a minimum distance between a septic leaching field and the property boundary.

Comm. Sevier questioned the significance of the 19-foot measurement, suggesting it might be a specific requirement for some reason. Mr. Kirby considered the possibility that the standard setback might be 15 feet and the plan aimed to demonstrate compliance with that requirement. Chair Henkels invited any further questions or comments from Comm. Sevier.

Comm. Sevier inquired about the state of the rear septic system and whether it had been assessed in the recent Title 5 report. Mr. Kirby asked Mr. Fitzgerald if he knew the answer, and Mr. Fitzgerald explained that he had not received any comments or problems related to the existing system in the report.

Comm. Sevier noted that Coordinator Capone had pointed out the gray area regarding the system's condition after two decades. He expressed doubt about adding to the system given its age.

Mr. Kirby then shared the Title 5 inspection form, indicating that the system passed and that no failure criteria were observed during the inspection. However, it was not clear if this report pertained to the front or rear system. Comm. Sevier clarified that the report seemed to provide information about the front system. He pointed out that there was another report for the rear system but suggested that the report presented no condition analysis and only indicated whether the system was okay or not.

Chair Henkels expressed his intention to continue the discussion, as it was necessary to hear from the Board of Health and receive their input on the matter. He mentioned that he was not convinced of the availability of other options. He also noted that there had been an agreement from Mr. Fitzgerald and Mr. Kirby to explore mitigation through the planting of native vegetation.

Coordinator Capone expressed her concerns about the project and the need to consider alternative solutions for the septic system, particularly for the future. Comm. Holtz expressed the need for more information regarding the front system and suggested that ground testing should be conducted to explore whether it was a viable option.

Mr. Fitzgerald explained that a soil boring had been conducted to confirm the groundwater issue in the front system.

Chair Henkels recommended gathering detailed information about the testing and reports related to the front system to help assess the situation and understand the reasons behind the failure. Comm. Sevier also shared his observation about the likelihood of the front system failing the Title 5 requirements.

Mr. Kirby requested that the next hearing be scheduled toward the end of the agenda due to his other commitments on the same day. Chair Henkels agreed to accommodate the request. They discussed the deadline for submitting new information and decided on the following month's date for submission. Coordinator Capone offered a potential extension for the deadline if needed. They also clarified the observance of Veterans Day in the town office and discussed their plan to work on the project further.

The meeting continued with a discussion about the scheduling of the next hearing on November 13, 2023. Chair Henkels asked for permission to continue the discussion until that date, which Mr. Fitzgerald granted.

On motion by Comm. Sevier to continue the Hearing to November 13, 2023, seconded by Comm. Cook, with Comm Porter abstaining due to technical issues, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: Gray Reservation, RDA #23-13

Chair Henkels introduced the project to restore a stream Bank and Land Under Water Bodies, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Sudbury Valley Trustees was the applicant. He introduced the applicant, Sudbury Valley Trustees, and acknowledged the presence of Mr. Chris Reardon.

Mr. Reardon proceeded to discuss the property, known as the Gray Reservation, owned by Sudbury Valley Trustees, which is a popular site for walkers and hikers, often accompanied by dogs. However, Mr. Reardon highlighted a concern regarding erosion damage caused by dogs crossing the stream at a specific location instead of using the bridge.

To address this issue, Mr. Reardon proposed a restoration project to repair the erosion damage by introducing native vegetation along the stream bank. He also suggested the installation of fencing on both sides of the bridge and the posting of signage on pine trees on the other side of the stream, asking walkers to leash their dogs while crossing.

Mr. Reardon detailed the project timeline, explaining that in the spring, he would install the fencing and signage, followed by native plantings in the subsequent spring, which would include native seed mix from New England wetland plants and a few native shrubs planted at a minimal size to minimize soil disturbance.

He emphasized the use of post drivers instead of digging holes to further reduce soil disruption and hoped for rapid native plant regeneration. After a year or two, they planned to remove the fencing.

Additionally, Mr. Reardon mentioned their intention to remove glossy buckthorn, an invasive species common along stream banks, with the hope of facilitating native vegetation regeneration and deterring the dogs from their current path across the stream.

Chair Henkels inquired if they needed to contact NHESP, to which Mr. Reardon responded negatively, indicating they did not need to. Chair Henkels then moved on to Coordinator Capone, requesting her comments.

Coordinator Capone acknowledged that the issue of dogs causing erosion damage was not unique to this conservation land and that she had seen the footprints herself, confirming the problem's existence. She considered the project to be a great initiative to educate people about the impact they were having on the environment and to restore the stream bank without any adverse effects.

Coordinator Capone expressed her primary concern about the fencing, emphasizing the importance of its removal after the area had been revegetated. She wanted to ensure that the fencing did not become a permanent obstruction on the site.

Additionally, she raised a question about another invasive plant mentioned in Mr. Reardon's application, which she had not encountered before. Mr. Reardon confirmed the presence of Japanese primrose, describing its beauty, especially when it flowers. However, he noted its prevalence along the downstream bank and its absence in other parts of town, hinting that it might be a new invasive species in the area.

Coordinator Capone expressed her confidence in the project, stating that she had reviewed it with Mr. Reardon on-site and had no concerns about their approach. She recommended a Negative Determination #2 and #3 because the project involved work within the stream, the Bank, and Land Underwater, while the rest would be within a Buffer Zone. She also proposed a pre-construction meeting with the project crew before the work commenced, acknowledging the possibility of personnel changes before the project's start.

Coordinator Capone emphasized the need for photo documentation during and after construction, particularly during the two-year monitoring period to ensure the project's effectiveness. She also stressed the importance of removing the fencing as soon as possible following the restoration.

Mr. Reardon expressed his agreement and gratitude for the recommendations, to which Coordinator Capone responded positively.

Chair Henkels inquired about the timing of the project, and Mr. Reardon explained that they planned to install the fencing in the fall, possibly extending into early winter, and then carry out the planting work, including the shrubs, in the following spring and summer.

Chair Henkels sought Coordinator Capone's input on potential provisions related to cold-water fisheries in the project. However, Coordinator Capone clarified that there were no such provisions necessary since the project's goal was to benefit cold-water fisheries by replanting the stream bed.

Chair Henkels expressed his gratitude and acknowledged the project's positive impact on cold-water fisheries. He then opened the floor to the Commissioners, inviting any questions or comments they might have.

Comm. Porter raised some questions and concerns about the project. He inquired about the location of the bridge that Mr. Reardon was working on and mentioned a cement structure at the crossing, which was apparently used to create a pond. Mr. Reardon shared a map and explained that the project was at the intersection of Old Lancaster Road and Hudson Road, with a stream crossing marked by a red X, connected to a tributary of Hop Brook.

Comm. Porter also mentioned discussions about improving the invasive vegetation on the far side of the pond and wondered if there had been any recent developments regarding the plant makeup in that area. Mr. Reardon wasn't aware of these discussions but noted the presence of glossy buckthorn as a common invasive on the property.

Chair Henkels thanked Comm. Porter for his questions and comments and asked if any other Commissioners had further inquiries.

Chair Henkels inquired if there were any questions from the audience and noted there were none. He then asked for a motion to issue a Negative Determination #2 and #3, with the conditions as outlined.

On motion by Comm. Sevier to issue a negative Determination of Applicability #2 and #3, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 88 Firecut Lane, RDA #23-11

Chair Henkels introduced the project to install a portico within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Mr. Simo Goshev began his presentation by introducing himself and the purpose of the project. He displayed an image of the house and highlighted the existing front door with stairs and a landing. He explained that the goal was to construct a portico over the existing structure without encroaching on additional land.

He presented another image of the project from a different angle, emphasizing the idea that the portico would be built on top of the existing stairs and landing. He mentioned that no additional land would be utilized.

Chair Henkels thanked Mr. Goshev for his presentation and moved on to requesting comments from Coordinator Capone.

Coordinator Capone sought clarification about footings for the new portico, as they were depicted in the plan. Mr. Goshev indicated that he wasn't entirely sure about the footing requirements but had been informed that the existing footing would be sufficient for the project.

Coordinator Capone continued by mentioning that the ground disturbance and possible changes might affect the project, but either way, it would be within an existing disturbed area that included stairs and a landing. She highlighted that it was not a natural surface and had been previously modified. Coordinator Capone also mentioned that the project was far from the wetlands, which reduced the chances of any negative impact on the resource area.

She recommended that the Commission issue a Negative Determination #3, confirming that the work was within the Buffer Zone but would not impact the resource area. Coordinator Capone also proposed a condition that she would meet with the contractor before the work commenced and that photo documentation should be provided to confirm the project's adherence to the plan.

Chair Henkels then invited questions from the Commissioners or the audience, but there weren't any further questions or comments from them.

Chair Henkels asked if there was a motion.

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

Request for Determination of Applicability: 18 Suffolk Lane, RDA #23-14

Chair Henkels introduced the project to construct a deck and install native plantings within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. He welcomed Mr. Brad Enerson and Ms. Dana McKiel.

Mr. Enerson took the opportunity to share his screen and provide a visual overview of the property at 18 Suffolk Road. He explained that the house was built in 1974, showing the existing structure, which included a concrete foundation for the house, a garage, and a screened-in porch. He then detailed the proposed project, which involved constructing a deck extending from the screened-in porch to the garage.

Mr. Enerson pointed out a drain easement on the property that limited how far they could extend the deck and mentioned a buried drain line that drained stormwater from the neighborhood. This drain line flowed from the bottom of the property to the top, terminating in a low area outside his property line. Although the diagram was not very detailed, He indicated a low area where water collected off his property.

Additionally, he discussed a cleared area at the back of the property where trees had been removed by the previous homeowner, expressing their intention to allow it to return to a natural state with the planting of native vegetation the following spring.

Chair Henkels then requested comments from Coordinator Capone and noted that she might provide more historical context about the site.

Coordinator Capone acknowledged the project's benefits, emphasizing that the new deck would be placed on helical piers and constructed over an existing rock-landscaped area, which would remain unchanged. She highlighted that this approach would result in minimal soil disturbance associated with the deck construction, as it was located within an existing landscaped area.

Coordinator Capone appreciated the project's proactive nature in rectifying a previously unknown violation and commended Mr. Enerson for being honest about the situation and willing to address it. She recommended that the Commission issue a Negative Determination #2 and 3 for the project.

Coordinator Capone proposed a condition to meet with the contractor before the work commenced to ensure that the deck's scale and construction method remained consistent, and that erosion controls would be installed during the planting phase to prevent any disturbance to the wetlands. She also requested photo documentation at the end of the project.

Chair Henkels then invited questions from the Commissioners.

Chair Henkels inquired if anyone in the audience had questions but received no responses.

He then called for a motion.

On motion by Comm. Porter to issue a Negative Determination of Applicability #2 and #3, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Morley, 321 Old Lancaster Road, DEP #301-1208

Chair Henkels moved on to the agenda item regarding a Certificate of Compliance for a project at 321 Old Lancaster Road. The project involved the after-the-fact removal of trees and the construction of a retaining wall. Mitigation plantings were installed to address the violation, but the retaining wall was never completed. The applicant now sought to close the permit.

Coordinator Capone provided comments on the project, noting that they had granted several extensions in the past as the applicant had been hopeful of completing the retaining wall. However, the applicant had decided to abandon the retaining wall and wanted to close out the permit. Chair Henkels called for a motion.

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

Greenfield, 161 Plympton Road, DEP #301-568

Chair Henkels moved on to the next agenda item, which was also related to a Certificate of Compliance for a project at 161 Plympton Road. This project involved the relocation of a driveway. All work had been completed according to the plan, and the mitigation had been successful.

Chair Henkels then called for a motion to issue the Certificate of Compliance.

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

Extension Permit:

Akkipeddi, 92 Fairbank Road, DEP #301-1149

Chair Henkels addressed the next agenda item, which was a request for an Extension Permit for a project located at 92 Fairbank Road. He inquired about the original issuance date of the Order, and Coordinator Capone clarified that the project was initially known as 4 and 5 Fairbank Road. Chair Henkels then asked if the applicant had received any previous Extensions, to which Coordinator Capone confirmed that this would be the fourth Extension requested by the applicant.

Chair Henkels sought clarification on whether there was a maximum limit to the number of Extensions an applicant could request, and Coordinator Capone explained that it was at the discretion of the Commission, with the only requirement being that the extensions must be granted in one-year increments.

The request was for a one-year extension to monitor and supplement the mitigation requirements. Chair Henkels opened the floor to the Commission for questions but received none. He then called for a motion to provide a one-year Extension for the second year of monitoring.

On motion by Comm. Faust to issue a one-year Extension Order, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Other Business:

Municipal Vulnerability Preparedness (MVP) 2.0 Core Team

In the final agenda item, Chair Henkels discussed the Municipal Vulnerability Preparedness (MVP) program, which is a request from the Sustainability Coordinator to form a committee to work on the preparedness plan. Coordinator Capone mentioned that she is willing to help with this initiative, and she sought volunteers to join the Committee.

Chair Henkels expressed his interest in joining the committee and offered his willingness to help. Coordinator Capone mentioned that there is no set limit to the number of volunteers, and Chair Henkels suggested that other Commissioners could also participate.

Chair Henkels expressed his willingness to be part of the Committee, and Coordinator Capone agreed to include his name.

Adjourn Meeting

On motion by Comm. Sevier to adjourn the meeting, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative. The time was 9:04 PM.