



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, November 13, 2023

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

Absent: Luke Faust

The meeting was called to Order by Chair Henkels at 7:00 pm, via roll call.

Minutes

On motion by Comm. Rogers to accept the minutes of the August 16, 2023 meeting, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Sevier to accept the minutes of the August 21, 2023 meeting, seconded by Comm. Rogers, with Comm. Holtz abstaining due to absence at said meeting, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Cook to accept the minutes of the September 11, 2023 meeting, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

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

Chair Henkels reintroduced the project to replace the septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Tim Crowley was the applicant. This Hearing was heard on October 2 and 30, 2023.

Coordinator Capone indicated that the Hearing had been voted closed at the prior meeting. She clarified that the pending task was solely to issue the Order of Conditions, highlighting that these conditions were standard for a septic system. She added a specific finding within the conditions, emphasizing the Commission's approval of the leach field's location due to the absence of other feasible alternatives, permitting it to be situated 50 feet away from wetlands.

Expressing gratitude, Chair Henkels thanked the Commissioners and invited them to share any comments or inquiries they might have regarding the matter.

On motion by Comm. Cook to issue the Order of Conditions, seconded by Comm. Sevier, with Comm. Rogers abstaining due to her friendship with the applicant, 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. This Hearing was continued from October 2, 2023.

Coordinator Capone clarified that the project hadn't been presented to the Commission yet and had been postponed twice. She highlighted the necessity for the applicant to introduce the project to the Commission. She mentioned a site visit conducted in the interim, which raised questions about certain trees. However, supplemental information addressing these concerns would be presented at the Hearing tonight. She noted modifications made by the applicant in response to the Commission's concerns regarding tree removal and proposed mitigation, intending to present these modifications during the meeting.

Mr. Anthony Moro began the discussion, introducing himself as the applicant at 38 Robert Frost Road, emphasizing the intention to remove several trees, accompanied by a mitigation plan to compensate for the loss. He introduced Mr. Dan Cathcart, deferring to his expertise in explaining the tree plan.

Mr. Cathcart acknowledged the delay in presenting the plan and highlighted modifications made since its introduction. He mentioned clarifications regarding trees within the Buffer Zone, adjustments in the planting list, and their locations due to the identification of a vernal pool.

He highlighted the Commission's concerns about specific trees, noting various risks they posed, such as cavities, decay, and potential damage due to weather events. He stressed the need to ensure safety for Mr. Moro and the impact on the septic system. The proposed plan involved removing trees at the front edge of the woodlands to enhance safety.

He offered to go through his report or address specific questions. He emphasized the importance of a well-planned mitigation strategy, ensuring the survival of native species and maintaining wetland integrity.

Chair Henkels redirected the discussion to Coordinator Capone, inquiring about her perspective on the mitigation presented. She emphasized the intention to replace lost vegetation without expanding the yard or impacting the resource area further. She highlighted adjustments in the snags proposed for habitat, now suggesting three trees for this purpose, two of which were sizable and located opposite the house.

She mentioned discussing with the applicant the inclusion of invasive species management in the mitigation plan, particularly targeting species like burning bush and buckthorn in the understory. She emphasized that invasive species posed a greater risk to the environment than the proposed tree removal. Moreover, she acknowledged the inclusion of mitigation plantings near the driveway, aiming to minimize impacts close to the wetland edge.

She contextualized the property's history, noting its construction before wetland laws were in place. She expressed satisfaction with the efforts made in the revised supplemental information provided to the Commission.

Chair Henkels asked Coordinator Capone to define the Adjacent Upland Resource Area for the audience, to which she clarified it as the 100-foot Buffer zone, representing an intact forest according to their bylaws.

Chair Henkels then opened the floor to the Commissioners for questions or comments regarding the discussion.

Comm. Holtz sought clarification about the 100-foot Buffer Zone's location, initially believed to be elsewhere. He inquired about modifications to this delineation. Mr. Cathcart explained that the original Buffer Zone was placed at 150 feet and rectified it in the revised plan to reflect the accurate 100-foot Buffer Zone.

Comm. Holtz further probed, asking about the methodology used for measurement. Mr. Cathcart explained it was based on the most recent Massachusetts State GIS data on wetland delineation.

Comm. Holtz raised concerns about the age of the data, indicating its expiration within three years even if delineated in the field. Coordinator Capone responded, stating the information had likely remained unchanged due to the property's topography and the nature of GIS data not being survey-based. She suggested the current line might fall somewhere between the 100 and 150-foot marks.

Comm. Holtz then inquired about the proposed invasive species management area, asking for specifics and photographic documentation. Coordinator Capone clarified that the management was proposed along the property's rear and southern side, not in the previously discussed area where most of the buckthorn was not on the applicant's property. She explained the intention to prevent invasive expansion post-tree removal and mentioned the mitigation plantings inside the fenced area to compensate for the removed trees. Chair Henkels requested visual context, prompting Coordinator Capone to describe the intended areas for planting and invasive species management. She indicated the spot for shrub plantings and the adjacent area for manual invasive species management along the fence line.

Chair Henkels then redirected the discussion towards the procedural aspect of issuing an Order. He sought information about the available growing seasons for the applicant, aiming to ascertain the potential timeline for

implementation. Coordinator Capone projected that tree removal might occur during the winter, followed by planting in the subsequent spring. She estimated that by October of the following year (2024), the first growing season would conclude, with another season necessary for the survival of the plantings. She highlighted that if successful, a Certificate of Compliance could be issued by October 2025. Coordinator Capone noted that she had provided a draft of the Order, clarifying she hadn't yet shared them with the applicant due to premature timing. She highlighted several key points to be included in the Order. She emphasized that there would be no expansion of lawn due to the project and that all stumps would remain in place but be ground down below grade. She reiterated the discussion about invasive species management and specified that the mitigation area would be allowed to naturalize after planting, aiming to restore the area to its original state. Mr. Cathcart confirmed the manual nature of the invasive species management for clarity within the Order.

Comm. Holtz raised a query about the condition concerning the stumps, suggesting a revision to specify the preservation of the root system rather than just the stumps themselves. Coordinator Capone affirmed that the intention was to avoid disturbing the root system.

There were no public comments.

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

Notice of Intent: 38 Stubtoe Lane, DEP #301-1405

Chair Henkels re-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. Yang Jin & Scott Tingley were the applicants. This Hearing was continued from October 30, 2023.

On motion by Comm. Holtz to continue the Hearing to November 27, 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 re-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. Mr. Fitzgerald was the applicant. This Hearing was continued from October 30, 2023.

Mr. Rich Kirby from LEC Environmental introduced himself, accompanied by Mr. Fitzgerald, the applicant and property owner, along with project engineer Al Gala and septic contractor John Fairbank present in the audience for addressing any Commission queries.

He provided an overview of the Notice of Intent filed to upgrade the property's septic system for Title 5 compliance and sale purposes. There were issues with the existing smaller septic system in the front yard, prompting the proposal to expand the one in the backyard.

Mr. Kirby highlighted efforts to address Commission concerns post-hearing. They provided information on the high groundwater in the front yard, supplied a schematic plan illustrating the setback requirement, and outlined constraints limiting the front yard's leaching field expansion.

Additionally, they submitted maintenance records demonstrating proper care of the rear septic system, attributing its functionality to routine maintenance. Mr. Kirby emphasized proposed measures to counterbalance the impact of the septic system expansion, which included 1,000 square feet of restoration plantings along the backyard's drainage swale.

These plantings comprised native saplings and shrubs, with a detailed sketch outlining the proposed area and plant specifications. Mr. Kirby expressed hope that these measures addressed the Commission's previous concerns and invited further discussion or queries.

Chair Henkels thanked Mr. Kirby for the comprehensive update and invited additional comments from Coordinator Capone.

Coordinator Capone expressed satisfaction with the latest submittal, affirming that it had effectively addressed all of the Commission's concerns. She highlighted a finding in the Order regarding future septic system replacement, emphasizing that any future replacement could not occur within the 50-foot setback from wetlands.

Coordinator Capone reiterated that the provided mitigation offset the impact of the existing encroachment into the 50-foot setback from wetlands. She confirmed compliance with the required setback requirements for the expansion, deeming the project permissible.

Moreover, Coordinator Capone included conditions for the allowed naturalization of the mitigation area after installation, ensuring it wouldn't merely be a lawn area underneath the plantings. She also mentioned the imposition of a Deed Restriction limiting the property's capacity to four bedrooms instead of the original five, due to part of it being utilized for a dentist's office, restricting its expansion beyond one dentist's use.

Chair Henkels commended Coordinator Capone for her thoroughness and expressed gratitude to Mr. Kirby. He invited comments or questions from the Commissioners or the audience, receiving none.

Chair Henkels directed his inquiry to Mr. Kirby, seeking confirmation if he had reviewed the draft Order. Mr. Kirby responded, stating that both he and the applicant had reviewed the Order and found the conditions fair considering the nature of the proposed project.

There were no public comments.

On motion by Comm. Rogers 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. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 5 Hunt Road, DEP #301-1380

Chair Henkels re-opened the Hearing to construct an addition to an existing single-family house within the 100-foot Buffer Zone and the 100-foot Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Richard Albee was the applicant. This Hearing was continued from October 17 and December 12, 2022.

On motion by Comm. Sevier to continue the Hearing to December 18, 2023, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

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. Joel Gordon was the applicant. This Hearing was continued from July 10, 2023, and October 2, 2023.

On motion by Comm. Sevier to continue the Hearing to December 18, 2023, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 25 Bridle Path, DEP# 301-TBD

Chair Henkels opened the Hearing for after-the-fact removal of trees and installation of a playset, and to replant trees and shrubs, remove invasive plants, prune trees, rebuild an existing deck, remove a hot tub, install a new deck, replace existing patio, and expand porch within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. David and Eva Watson were the applicants.

Mr. and Mrs. Watson explained that they had initially instructed a contractor to remove dead and diseased trees, but the contractor removed approximately 15 to 20 trees, some of which were live trees. Coordinator Capone intervened upon seeing the removal and advised them to stop.

The Watsons sought to replace the felled trees with native species within a specific area on their property, as depicted in a conservation plan created by Lynch Landscaping. They expressed their intention to clear out invasive species like burning bush and buckthorn from the sides of their property and clean up areas where plant waste had been dumped, aiming to enhance the surrounding environment.

They also discussed future plans, such as preventing subsidence by placing rocks and more stable ground cover in certain areas and addressing deferred maintenance, including repairing the back porch. Additionally, they mentioned considerations for transforming a previous hot tub area into a patio and constructing a deck on the side of their house near the garage.

Chair Henkels expressed gratitude for their presentation. He expressed the desire to visit the property to observe the situation and gather more information. He mentioned a preference to have another Hearing after the site visit. The Watsons welcomed the idea of a visit but mentioned their upcoming travel plans, indicating they would be available for a tour before the holidays and again after the new year.

Regarding the tree removal, the Watsons explained that their primary concern was to ensure safety for their children. They had initially asked the contractor to remove dead wood that might pose a risk to the kids. However, the contractor went beyond their instructions, resulting in the removal of more trees than intended.

Chair Henkels concluded by confirming the plan to continue discussions until the December eighteenth session, ensuring everyone's availability and accommodating their preferences for the site walk within the discussed timeframe.

Chair Henkels addressed the Commissioners, inquiring if they had any questions or comments before proceeding. Comm. Rogers expressed an intent to reserve comments until after the site visit.

Chair Henkels then opened the floor to the audience. There were no public comments.

Chair Henkels then sought permission from the Watsons to continue the discussion until the scheduled date of December 18, 2023. The Watsons confirmed their assent, allowing the meeting to proceed as planned.

On motion by Comm. Cook to continue the Hearing to December 18, 2023, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 41 Hopestill Brown Road, DEP #301-TBD

Chair Henkels opened the Hearing to remove trees and install a fence within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Corinne and Brian Acampora were the applicants.

The Acamporas introduced themselves and shared their motivations for proposing changes to their property. They mentioned their recent move and the desire to install a fence primarily to ensure the safety of their dogs and children. The intended fence would enclose the area closest to the wetlands.

They explained that the trees they sought to remove were infested with invasive vines, particularly poison ivy, making them hazardous, especially for their children. The trees were located at the top of a hill on their property, quite far from the intermittent stream in the rear, which is located approximately 200 feet from their house.

Mrs. Acampora highlighted the safety concerns, emphasizing that some trees hung over their roof, causing anxiety due to their proximity. She identified the trees as predominantly oak and expressed a wish to remove those near their home.

Mr. Acampora added that they intended to install a split rail fence with a larger mesh to maintain the property's aesthetic while allowing smaller animals to pass through. He also mentioned their plan to preserve an opening in the fence line to accommodate wildlife passage.

Chair Henkels thanked the Acamporas for their thorough presentation, acknowledging them for providing comprehensive details about their proposed project.

He then requested input from Coordinator Capone, asking her to provide an aerial view of the property for the Commissioners. Coordinator Capone presented an overview, indicating the trees earmarked for removal around the Acamporas' house, identifying those affected by invasive vines and poison ivy. She also highlighted the proposed location for the fence, encircling the yard and the neighboring fences.

Coordinator Capone clarified the presence of nearby streams and the uncertainty about their perennial status. She explained that although the majority of the trees might fall outside regulatory jurisdiction if the stream is intermittent, some, particularly those encumbered with invasive growth and the large oak tree, might still fall under the Commission's purview due to their proximity to the streams.

Coordinator Capone mentioned the need for a more detailed planting plan to revegetate the area near the wetlands. The Acamporas confirmed their intentions to remove invasive species and replace them with native flora, highlighting their plan to incorporate trees, bushes, and flowering shrubs along the perimeter.

Chair Henkels then opened the floor to the Commissioners for any questions or further discussion on the matter.

Comm. Holtz inquired about the fence's height and the type of mesh the applicants intended to use. The Acamporas explained that the fence was four feet tall, comprising a three-tier split rail design. They planned to use a two-inch by two-inch metal gauge mesh on one side of the split rails to allow smaller wildlife to pass through.

Comm. Holtz raised concerns about the fence's openness for wildlife passage and potential concerns regarding smaller animals. He mentioned the possibility of elevating the fence off the ground to accommodate smaller creatures, referring to the neighboring privacy fence's raised design.

The Acamporas clarified that they intended to maintain a six-to-seven-foot gap between their proposed fence and the neighboring picket fence to create a corridor for wildlife. They explained their observations of wildlife movement in that area and their intention to preserve this natural path.

Comm. Holtz continued to discuss the potential for their dog to crawl under a six-inch gap and raised concerns about the fence's impact on smaller animals. The Acamporas acknowledged these concerns, noting that their dog might be enticed to pass through such a gap.

Comm. Rogers asked about the condition of an oak tree situated within the jurisdictional area. The Acamporas acknowledged the presence of dead limbs on the tree and discussed the potential for decay. They also considered the need for pruning. They clarified that the tree in question, located in the upper right corner of the property as depicted on the map provided by Coordinator Capone, was fully situated within their property boundaries, confirmed by a surveying team. They informed the Commission that they decided to withdraw their proposal to remove that tree, intending to keep and prune it instead.

They emphasized that experts had found no significant structural or health issues with the tree and clarified their initial concern that it might be on the property line, affecting the fence installation. Brian reiterated that they now knew the tree was wholly within their property, and they were keen to retain it due to its beauty and substantial root system.

Comm. Holtz sought clarification regarding the number and locations of trees intended for removal on the Acamporas' property. The Acamporas explained that initially, their proposal was to remove 13 trees, but with the decision to keep one tree, the count reduced to 12. They specified that most of these trees were located near the house along the side, while a few were situated in the back, entangled with invasive vegetation.

They inquired with Coordinator Capone whether the gnarled trees in the back, affected by invasive growth, fell within the resource area or the Buffer Zone. Coordinator Capone confirmed that those trees were situated within the Buffer Zone, specifically along the top of the slope.

The Acamporas mentioned their plan to replant native vegetation in that area after removing the invasive plants. Chair Henkels confirmed their progress in developing a plan with a landscaping company, Lynch, to address the replanting and restoration process.

Comm. Holtz sought clarification on the sequence of events, asking if the invasive plants would be removed before the replanting or managed afterward. The Acamporas confirmed that the plan was to remove the invasive plants before proceeding with the replanting process.

Chair Henkels directed a question to Coordinator Capone about the extent of the invasive plant infestation on the property. Coordinator Capone described the situation as quite dense, primarily affected by bittersweet vines entwined around the trees. She explained that removing these invasive plants would be incidental to the tree removal process. However, once the area receives more light, the invasive plants are likely to rebound, requiring ongoing manual removal efforts for several years.

Coordinator Capone mentioned the presence of larger vines and suggested the possibility of spot treatments before opening up the space during tree clearing. She highlighted the continuous challenge of battling invasive plants, particularly downhill from where the tree clearing would occur. She added that the previous owners' actions of dumping may have contributed to exacerbating the invasive plant situation.

The Acamporas acknowledged the challenges ahead, expressing uncertainty about how much impact the fence installation might have on mitigating the invasive plants. They realized that managing the invasive species would likely remain an ongoing effort, potentially extending indefinitely.

Chair Henkels confirmed with Coordinator Capone that a total of 12 trees were set to be removed from the property. He inquired about how many of these trees were situated outside the Buffer Zone. Coordinator Capone estimated that around 5 or 6 of the trees marked for removal were within the jurisdiction.

Chair Henkels then invited any further questions from the Commissioners, but upon receiving none, he turned his attention back to the applicants. He reminded them that a DEP (Department of Environmental Protection) file number was still pending and emphasized the need for a more detailed planting plan.

With no public comments, Chair Henkels then stated the necessity of continuing the hearing until November 27, 2023, pending the receipt of the DEP file number. After obtaining consent from the Acamporas, he requested a motion from the Commissioners to extend the hearing until the specified date.

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

Notice of Intent: Union Avenue & Codjer Lane, DEP #301-1406

Chair Henkels opened the Hearing to replace an existing gas main within the 200-foot Riverfront Area, Bordering Land Subject to Flooding, Land Under Water Bodies, and 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Mr. Jaime Walker was the applicant.

Mrs. Gorss representing the BSC Group, clarified the absence of Mr. Walker from the meeting but mentioned the presence of Mr. Rob Tyler, also from BSC. Group. She highlighted her representation of the Boston Gas Company and the crucial need to replace a gas main constructed in 1973. She elaborated on the safety concerns associated with the exposed gas main attached to a bridge, emphasizing the company's systematic replacement of old cast iron gas mains with plastic for safety and longevity improvements.

She elaborated on the proposed removal process and assured minimal soil disturbance during the operation. She outlined the plan to replace the gas main beneath the existing culvert using horizontal directional drilling, delineating the methodology involving entry and exit pits and the preservation of the bridge's structural integrity.

Further, she detailed the diameter and installation process of the new pipeline, emphasizing efforts to minimize environmental impact by outlining the delineation of wetlands, compliance with regulatory standards, and the implementation of erosion controls and best management practices.

Mrs. Gorss highlighted specific measures, such as the use of erosion controls and closely monitored drilling processes, to prevent environmental impact. She assured the use of environmentally safe substances during the drilling process and mentioned the inclusion of a contingency plan in case of unexpected events.

Upon completion of her presentation, Chair Henkels commended Mrs. Gorss for her thorough and informative presentation and turned the floor over to Coordinator Capone for her comments on the matter.

Coordinator Capone expressed initial concerns about the construction plan, focusing on the size discrepancy between the entrance and exit pits marked on the plan. She highlighted that the exit pit appeared significantly smaller than the entrance pit, referencing the entrance pit's indicated dimensions of 150 feet by 20 feet in the Notice of Intent. Mrs. Gorss clarified that the stated 150 feet pertained to the laydown area for the pipe before insertion, rather than the actual excavation size.

Coordinator Capone further emphasized her concern about potential interference with other culverts in the vicinity and pointed out the existence of several culverts in the area. Mrs. Gorss sought clarification on the specific location of these additional culverts to better understand the potential interference issues. Coordinator Capone referenced a culvert near the beginning of the entrance pipe pit and highlighted its connection across the area. Coordinator Capone explained the presence of two culverts in the area and suggested referring to their Geographic Information System (GIS) for precise locations. She emphasized a specific culvert she was more concerned about, stating its proximity to the planned excavation site.

Mrs. Gorss reassured Coordinator Capone by explaining the standard procedure wherein National Grid typically contacts Dig Safe and designs projects considering the presence of culverts. Despite the culverts not being explicitly shown on the current plan, Mrs. Gorss couldn't envision a scenario where the construction would disrupt them. She mentioned that National Grid would determine the entry and exit pits on-site after conducting exploratory work to assess utility lines' proximity.

Mrs. Gorss acknowledged a possible error in assuming the culverts' positions as entry and exit points, referencing information provided by the construction plans. She clarified that the decision regarding entry and exit pits would be made during the construction phase based on on-site evaluations rather than the assumptions made from the initial plan.

Coordinator Capone inquired about the necessity for dewatering during the excavation process. Mrs. Gorss responded that while dewatering wasn't anticipated, they had established best management practices in place, such as using filter bags surrounded by erosion controls or employing trucks to remove water from the site if necessary.

Coordinator Capone brought attention to the absence of specific indications regarding the location for dewatering practices in the submitted plan, pointing out that the entire area fell within the jurisdiction. Mrs. Gorss acknowledged this and suggested that if dewatering were required, it might occur further up on Union Avenue or be completely removed from the site.

Coordinator Capone then suggested a potential condition to ensure dewatering occurred outside the jurisdiction or using a fractal tank, to which Mrs. Gorss expressed agreement, mentioning they would likely proceed in that manner but welcomed the addition of such conditions.

Coordinator Capone mentioned previous instances where contractors made decisions on-site without necessarily following predetermined plans. Mrs. Gorss emphasized the importance of providing environmental field training to all crews beforehand to ensure they are well-informed and make appropriate decisions during the work. Their discussion emphasized the consideration of potential dewatering needs and the importance of providing clear guidance to contractors to manage environmental aspects effectively during the project execution.

Coordinator Capone raised concerns about the absence of erosion controls shown on the plan and suggested conditioning their implementation to align with the intended approach. Mrs. Gorss confirmed the plan's lack of erosion control representation and agreed with Coordinator Capone's suggestion to condition their inclusion, emphasizing their shared intentions in this regard.

Additionally, Coordinator Capone inquired about the anticipated completion time for the work. Mrs. Gorss responded that she wasn't provided with a specific anticipated completion time, indicating that many gas main replacements were possibly postponed until spring. However, she mentioned the absence of a set starting date for the project. Mrs. Gorss offered to provide notification about the commencement of work, proposing a notification window of approximately 72 hours in advance to accommodate any requests from the concerned party.

Coordinator Capone suggested conditioning the project to occur during a specific time frame, possibly the dry season, to minimize the potential need for dewatering considering the area's sensitivity. However, Mrs. Gorss expressed reluctance towards this condition due to uncertainties about the contractors' schedules and the potential limitations on the project's timing.

Mrs. Gorss highlighted that the Boston Gas Company already had multiple ongoing projects and preferred not to restrict the time of year for this particular project. She emphasized the complexity of managing various ongoing assignments and suggested avoiding constraints on the project's schedule. Their discussion centered around the challenges posed by imposing time-specific conditions on the project and the considerations regarding scheduling constraints for the Boston Gas Company's ongoing commitments.

Coordinator Capone mentioned a condition requiring a prior meeting with the contractor to align with the training provided, ensuring mutual understanding of project expectations. Mrs. Gorss acknowledged this and assured that erosion controls could be installed beforehand to facilitate the meeting.

Additionally, Coordinator Capone inquired about the necessity for test borings to confirm conditions under the river. Mrs. Gorss clarified that while there wouldn't be any test borings specifically under the river, one or two test borings were anticipated to examine utilities around the entry and exit pits but not within the river area itself.

Coordinator Capone raised concerns about encountering bedrock or similar obstacles during the drilling process. Mrs. Gorss noted that if bedrock or obstructions such as ledge were encountered, the drill rigs could navigate through them, albeit at a slower pace. She expressed confidence in the capability of the drill rigs to manage various types of obstacles encountered during the drilling process.

Coordinator Capone inquired about the staging area for equipment at the project's conclusion each day. Mrs. Gorss clarified that at the end of the workday, no equipment would be staged within the roadway or within the Buffer Zones or resource areas. She mentioned that the specific location for equipment staging hadn't been determined yet and typically was decided only a few days before the work commenced. Coordinator Capone expressed the importance of discussing the equipment staging during the pre-construction meeting, citing past incidents where staging occurred without permission on their land. She emphasized the necessity of understanding and adhering to the planned staging to avoid similar issues in the current project.

Coordinator Capone requested that Mrs. Gorss reach out to the Department of Public Works (DPW) to ensure that the 5-foot clearance underneath the bridge would be sufficient for their future bridge replacement plans. She emphasized the significance of confirming that the gas line wouldn't hinder the bridge reconstruction process in the future.

Comm. Sevier inquired if it were possible for the gas pipe to diverge from the road entirely, extending beyond the ends of the red dotted lines. Mrs. Gorss explained that deviating the pipeline from the roadway footprint would likely necessitate additional permits, considering the presence of other utilities within that area. Comm. Sevier speculated that there might be fewer complications if the pipeline were situated elsewhere. Mrs. Gorss acknowledged the unusual nature of such a circumstance, noting she hadn't encountered a similar situation before.

Chair Henkels asked Coordinator Capone to briefly explain the exemption applicable to the utility replacement project. Coordinator Capone clarified that the exemption pertained to the replacement of existing utilities allowed under the State Act. However, she pointed out that their local Bylaw did not permit the expansion of utility infrastructure. Coordinator Capone mentioned that while this project was considered a replacement, it somewhat deviated from the original route, primarily vertically rather than horizontally. Chair Henkels acknowledged the change in the project's vertical route and highlighted the lack of information regarding the culvert's integrity. Coordinator Capone clarified that it was a concrete bridge structure that will require replacement due to identified structural deficiencies but noted the absence of a specific plan or timeline for its replacement.

Chair Henkels inquired if the stream crossing standards needed to be adhered to. Coordinator Capone responded that stream crossing standards were not applicable to the utility project. However, she indicated that when the bridge replacement occurred, it would need to meet stream crossing standards to the maximum extent feasible.

Chair Henkels further asked about potential vernal pools, mentioning an area in the northeast corner and an offshoot near Codjer Lane and Union Avenue that resembled a pond. Coordinator Capone identified the blue area as a dugout area associated with irrigation for Cavicchios, clarifying that it wouldn't be considered a vernal pool but part of the river complex.

Chair Henkels asked Mrs. Gorss about the suitability and benefits of using sodium bentonite in these types of projects. Mrs. Gorss acknowledged she wasn't an expert but explained that sodium bentonite is a naturally occurring mineral widely used in various applications such as monitoring wells and facial treatments. She highlighted its relatively non-toxic nature, its lubricating properties, and its ability to expand when dry, particularly emphasizing its sealing capacity.

Chair Henkels inquired about any mitigation considerations or discussions relevant to the ongoing project. Coordinator Capone mentioned that if there were no adverse impacts on the river, there wouldn't be a significant footprint requiring mitigation efforts. However, she expressed concern about the potential introduction of invasive species in the area due to equipment transport. Coordinator Capone suggested the inclusion of a condition mandating that equipment be certified free of invasive species before being brought onto the site to prevent the introduction of new invasives.

She specifically highlighted her worry about the spread of phragmites, an invasive plant species, mentioning its proximity to Hop Brook and the concern of it encroaching upon the area. Chair Henkels acknowledged Coordinator Capone's concerns and requested further clarification on her point. Mrs. Gorss noted Mr. Tyler's expertise in invasive species management and removal. Mr. Tyler referenced National Grid's best practices regarding the cleaning of machinery to prevent the introduction of invasive species.

Mrs. Gorss mentioned the inclusion of Best Management Practice (BMP) pages in their Notice of Intent and suggested that if interested, she could provide information about National Grid's best practices regarding invasive species management. She offered to include this information in the Environmental Field Inspection (EFI) training and forward it to the group.

Chair Henkels agreed that having this information would be beneficial, acknowledging that it might already be standard practice but confirming its necessity, particularly in response to Coordinator Capone's previous concern about the potential introduction of invasive species from off-site sources.

Chair Henkels addressed Coordinator Capone, mentioning the need for additional details regarding the project. Coordinator Capone responded that further clarification could be obtained during the pre-construction meeting when the contractor is on-site or engaged, suggesting that most questions had been answered during their discussion.

Chair Henkels sought confirmation regarding how these details would be handled, asking whether they needed confirmation via a plan or another method. Coordinator Capone specified that it would be helpful for Mrs. Gorss to confirm the location of the entry pit, which was the most significant modification in the plan. She also mentioned the importance of including Best Management Practices (BMPs) for invasive species but didn't foresee any other plan modifications unless there was a request for the layout of erosion controls on the plan.

Chair Henkels invited questions or comments from the audience regarding the ongoing discussion or the project. Upon no response, he directed the question to the Commission. After seeking comments from the Commission and receiving none, Chair Henkels suggested closing the hearing, requesting a motion to do so.

Coordinator Capone requested the hearing be continued to allow time to draft the Order of Conditions. Mrs. Gorss agreed to the necessity of continuing the discussion to the next meeting.

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

Certificate of Compliance:

Maple Meadows Condominium, 35 Maple Avenue, DEP #301-1243:

Chair Henkels initiated the discussion about the meadow restoration project at the Maple Meadows. He remarked positively about the remarkable progress achieved in the area. Coordinator Capone acknowledged the uniqueness of the situation. She suggested involving the representative in the discussion due to his pivotal role and extensive contributions to the project over the past five years. Chair Henkels expressed admiration for the representative's work and directly addressing him to join the meeting.

Mr. Scott Fisher from SWCA, an environmental consulting firm, introduced himself to the group. He explained their role in aiding Maple Meadows to address an old Order of Conditions related to a Conservation Restriction (CR) for the development. He emphasized his tenure on the project since 2018 and highlighted the key components of the operational maintenance plan required within the conditions. These included the absence of invasive species and the establishment of 90% target meadow species after four growing seasons.

He provided a chronological overview of events, starting with the issuance of the original Order in December 2018, subsequent mowing activities, monitoring procedures, and site visits conducted periodically since March 2019. He referenced the most recent inspection in late June 2023, mentioning an ongoing second mowing in 2023 that was yet to be assessed at the time of the meeting.

Using visual aids, Mr. Fisher illustrated the transformation of the area from its previous condition to its current state, showing the removal of woody material, historic agricultural debris, and the evolution of the meadow. He pointed out the challenges of eradicating invasive species without the use of herbicides and highlighted areas that still contained non-desirable species.

Mr. Fisher mentioned the success in reducing invasive species presence across the area, noting that over 83% of the CR area was now dominated by desirable species, indicating a shift to an open meadow habitat. Maple Meadows aimed to continue annual mowing as part of their ongoing commitment, seeking a Certificate of Compliance to proceed with their plans.

Chair Henkels praised Mr. Fisher's presentation, lauding the remarkable transformation achieved within the project, acknowledging it as a phenomenal turnaround.

Chair Henkels turned to Coordinator Capone, seeking her input on the discussion. Coordinator Capone echoed Mr. Fisher's sentiments, acknowledging that Maple Meadows had diligently followed the Commission's directives to the best of their abilities. She agreed that eradicating 100% of invasive species solely through mowing was an unattainable goal. However, she commended Maple Meadows for making significant progress in enhancing biodiversity on the property and preventing further spread of invasive species through continuous mowing.

Coordinator Capone highlighted concerns about phragmites, an invasive species, encroaching on a different part of the property, including a small stand within the meadow area. She expressed worries about the potential negative impact this could have on the progress achieved so far. Additionally, she mentioned the existence of turtle nesting habitats within the meadow and recommended measures to preserve these areas, suggesting continuous mowing after July 30 and manual removal in feasible areas, particularly around retaining walls that were not mowed.

Mr. Fisher responded, reassuring the Commissioners about the turtle nesting areas' preservation. He mentioned the sandy soil and indicated that the residents strongly supported maintaining these spaces for turtle nesting.

Regarding other concerns, Mr. Fisher discussed areas affected by bittersweet vines, emphasizing the need to manage these to prevent their encroachment on the meadow and the conservation area's trees.

Further, Mr. Fisher addressed the phragmites issue, mentioning its presence near the wetland area and expressing challenges in mowing due to wet conditions. He admitted a lack of comprehensive documentation regarding the specific phragmites stand under discussion but affirmed that herbicide applications might be necessary if it posed a significant problem, as the area was challenging to mow effectively.

Chair Henkels thanked the speakers and opened the floor for questions from the Commissioners.

Chair Henkels directed a question to Coordinator Capone, inquiring about the potential protocol for addressing phragmites. He sought clarification on the steps or protocol to handle the phragmites successfully. Coordinator Capone mentioned that the phragmites' presence within the CR area was relatively small and could potentially be managed manually. However, she indicated that a more successful approach would likely involve herbicide treatment, given the small size of the current stand. She also highlighted a separate, larger phragmites population outside the CR that was growing rapidly, indicating the need for herbicide treatment due to its substantial size.

Mr. Fisher chimed in, sharing a photograph displaying the phragmites patch for the Commissioners' reference. He pointed out the specific location of the phragmites, emphasizing its presence at the base of two buildings in the image.

Chair Henkels sought clarification from Coordinator Capone regarding the process for voting on and approving the Certificate of Compliance. He aimed to clarify whether addressing the phragmites issue would necessitate a separate Order.

Coordinator Capone confirmed Henkels' understanding, explaining that the current Certificate of Compliance could be voted on and approved independently. However, any future actions related to managing phragmites would indeed require a separate order or permit, distinct from the ongoing Certificate. Henkels thanked her for the clarification, inviting any questions from the Commissioners or the audience.

In response, Comm. Rogers expressed admiration for the remarkable transformation of the site, remembering their initial inspection years ago and congratulating Maple Meadows on the impressive progress. Henkels and others echoed these sentiments, recalling specific aspects of the site and acknowledging the residents' commitment and care in developing the meadow. Mr. Fisher also acknowledged the residents' involvement and their dedication to establishing the meadow.

Chair Henkels thanked the Commissioners for their participation and efforts in the discussion. He then called for a motion to issue the Certificate of Compliance.

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

Chair Henkels commended Mr. Fisher for his exceptional work. Mr. Fisher expressed gratitude to the Commissioners and Coordinator Capone for their time, concluding the meeting on a positive note of appreciation for everyone's efforts and contributions.

Fisher, 109 Concord Road, DEP #301-1346:

Chair Henkels initiated the discussion on a completed project concerning the replacement of a septic system. Coordinator Capone confirmed that the property was in compliance and ready for the Certificate of Compliance.

Chair Henkels invited comments from the Commissioners or the audience. He then inquired if there were any individuals in the audience who wished to provide comments or questions.

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

Other Business:

2024 Meeting Schedules

Chair Henkels initiated a discussion on a draft of the 2024 Conservation Commission meeting schedule. He thanked Coordinator Capone for taking charge of this aspect.

Coordinator Capone explained that the aim was to establish dates for the upcoming meetings in 2024 and secure Zoom meeting links, allowing time for commissioners to review the proposed dates, ensure no conflicts, and verify against holidays. She encouraged anyone with any conflicts or suggestions for modifications to notify the team to accommodate everyone's schedules.

Finally, Chair Henkels asked Coordinator Capone if there were any other items or information she needed to share with the group. Coordinator Capone responded that she had nothing further to add.

Adjourn Meeting

On motion by Comm. Cook to adjourn the meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative. The meeting was adjourned at 8:54 PM.