



## ***SUDBURY CONSERVATION COMMISSION MINUTES***

### **Meeting Minutes of Monday, November 27, 2023**

**Present:** Chair Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook (7:02 PM); Luke Faust; Comm. Rogers; Mark Sevier; Coordinator Capone, Conservation Coordinator

**Absent:** Bruce Porter

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

#### **Minutes**

On motion by Comm. Faust to accept the minutes of the October 2, 2023 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Faust to accept the minutes of the October 30, 2023 meeting, seconded by Comm. Cook, with Rogers abstaining due to absence at said meeting, via roll call the vote was unanimous in the affirmative.

#### **Wetland Applications:**

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

Chair Henkels re-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. Mrs. Faye Zou was the applicant.

On motion by Comm. Cook 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: 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. Mrs. Yang Jin and Mr. Scott Tingley were the applicants. The Hearing was continued from October 30, 2023.

On motion by Comm. Cook 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: 41 Hopestill Brown Road, DEP #301-TBD**

Chair Henkels re-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 & Brian Acampora were the applicants. This Hearing was continued from November 13, 2023.

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: Union Avenue & Codjer Lane, DEP #301-1406**

Chair Henkels re-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. This Hearing was continued from November 13, 2023.

Chair Henkels sought Coordinator Capone's comments on the draft she had disseminated to the Commissioners. In response, Coordinator Capone affirmed that she had also furnished the same draft to the applicant for prior review. She delved into the specific conditions delineated in Part 2, primarily addressing the construction-related concerns. Coordinator Capone emphasized the safeguarding of the stream during construction, the designated storage locations for equipment during nighttime to avoid jurisdictional areas or unauthorized land usage, and adherence to a spill plan in case of any potential incidents.

Coordinator Capone asserted that these were the crucial conditions but also mentioned the presence of Ms. Carolyn Gorss, available to address any inquiries regarding the outlined conditions. Chair Henkels then expressed gratitude towards Coordinator Capone before turning the floor over to Ms. Gorss.

During the discussion, Ms. Gorss expressed her appreciation to Chair Henkels and Coordinator Capone for their collaboration. She introduced herself as part of the BSC Group, representing the Boston Gas Company for the project under consideration. Reviewing the outlined conditions, she focused on specific points for clarification.

Referencing Part 2, section G of the conditions, she highlighted the need for direct oversight from the conservation office during the directional drill. Ms. Gorss sought Coordinator Capone's availability for this oversight, acknowledging the day-long duration of such drills and offering prior notice to accommodate her schedule. Following this, she raised a query regarding Part 5, inquiring about the requirements for a Certificate of Compliance accompanied by as-built plans. Expressing uncertainty about the Gas Company's provision of as-built plans, she suggested an alternative: utilizing an environmental resource map similar to the previously submitted Notice of Intent.

Coordinator Capone responded positively, noting that a bit more detail on the actual installation in the environmental resources map would be acceptable. Ms. Gorss assured that she could provide the necessary specifics, detailing the installation and removal aspects comprehensively. Satisfied with the answers provided, Ms. Gorss concluded her queries, confirming that those were her primary concerns.

Chair Henkels acknowledged Ms. Gorss' contributions, expressing gratitude for her comments, and invited other Commissioners to share their input on the matter under discussion.

Chair Henkels addressed the audience, inviting anyone with comments or questions to raise their hand for immediate attention.

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

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

### **Notice of Intent: 68 Willard Grant Road, DEP #301-1408**

Chair Henkels opened the Hearing to remove trees within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Mr. William Loughlin as the applicant.

Mr. Loughlin introduced himself as residing at 68 Willard Grant Road, expressing his intent to remove trees posing a threat to his home within the Buffer Zone. Beginning his presentation, Mr. Loughlin navigated through locational details. He highlighted his residence's location on Willard Grant Road, just north of Route 117, showcasing a surveyor's rendering of the wetlands' boundary in relation to his home and the trees under discussion. He provided further graphical elements detailing the local and DEP wetlands, emphasizing the trees' locations within the context of the wetlands' perimeter.

Mr. Loughlin then presented images of the trees in question, admitting his lack of expertise in estimating their height but suggesting they were approximately 60 feet tall. He used red arrows to indicate the specific trees and their positions within the property, culminating by displaying two trees situated deepest into his property, delineating the edge of his lawn.

Upon concluding his presentation, Mr. Loughlin welcomed questions and clarifications. Chair Henkels thanked him for the informative presentation and requested the date of the survey used, seeking additional information for reference purposes.

Chair Henkels prompted Coordinator Capone for her comments regarding the site and the proposed tree removal. Coordinator Capone acknowledged the steep embankment leading to the stream, emphasizing its heavily wooded nature between the lawn area and the resource area. She clarified that the trees marked for removal were situated at the top of this slope, with their stumps intended to remain in place to preserve the embankment's stability. However, they would be cut flush to the ground.

Coordinator Capone highlighted the prevalence of burning bush in the understory, which had spread from the property. Mr. Loughlin, in response to the tree removal proposal, had agreed to manually eliminate these escaped burning bushes between the tree removal area and the resource zone. She estimated their height to be around 8 feet, expressing confidence in their removal without causing significant disturbance.

Regarding the trees marked for removal, Coordinator Capone indicated they were tall pines leaning toward the structure but didn't express any major concerns beyond those addressed. When prompted by Chair Henkels if she had anything further to add, Coordinator Capone confirmed she had no additional points to raise.

Chair Henkels then invited the Commissioners for their input on the matter.

Comm. Holtz expressed concerns about the potential regrowth of the burning bush in the understory even after its current removal. He suggested conditioning the removal to allow ongoing action against this invasive species in perpetuity. Coordinator Capone readily agreed to the proposal, indicating willingness to accommodate this condition.

Following this exchange, Chair Henkels invited further questions or comments from the Commission.

Chair Henkels addressed the audience, inquiring if anyone present had a question regarding the ongoing discussion.

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

Chair Henkels acknowledged the previous discussions and turned the conversation to the Commissioners, seeking their comments or questions after reviewing the draft for the Order of Conditions. He specifically inquired if Mr. Loughlin had also had the chance to review it.

Mr. Loughlin confirmed that he had reviewed the draft and raised queries regarding the waiting period or when work could commence. Coordinator Capone clarified that the Order of Conditions would be issued the following Monday, needing time to acquire Commissioner signatures and send the necessary forms. She explained the mandatory 10-day appeal period after issuance, after which work could commence.

Upon clarifying the waiting period, Mr. Loughlin expressed satisfaction and moved on to another query about a pre-work meeting, involving Coordinator Capone's office. Coordinator Capone assured him of the need for a meeting before tree work commenced, emphasizing the importance of alignment between the tree service and the office to avoid complications.

Mr. Loughlin then raised concerns about the stipulation that the crane used should be situated on the driveway. He mentioned the absence of a consultant's assessment but stated he would address this concern in the pre-construction meeting if needed.

Coordinator Capone reassured him that cranes often had significant reach, but if necessary, they could discuss alternative locations during the pre-construction meeting to ensure suitability. Mr. Loughlin indicated that he had no further questions after this clarification.

Chair Henkels then turned to the Commissioners, asking if they would like to motion to issue the Order of Conditions.

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

## **Request for Determination of Applicability, 333 Boston Post Road, RDA #23-15**

Chair Henkels initiated a discussion on the Request for Determination of Applicability to install a storage container within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Mr. Jeffrey Corey was the applicant.

Mr. Leo Santos provided detailed information during his presentation. He introduced himself, stating his name, address, and affiliation as the manager for Aspire Electric LLC. Mr. Santos highlighted their previous presentation before the ZBA (Zoning Board of Appeals) regarding the issue of securing a long-term permit for a storage container on their property. He mentioned the need to involve the Conservation Commission in the review process.

Mr. Santos mentioned collaborating with Coordinator Capone to compile necessary documents for the Conservation Commission application. He noted that the storage container complied with zoning laws but acknowledged its proximity to the 100-foot Buffer Zone near wetlands. Using online mapping tools, they estimated the container's distance from the river at slightly over 200 feet but acknowledged its placement near the wetland border.

Expressing the company's intent, Santos reiterated their desire for a long-term storage permit, clarifying that the container would solely house electrical building materials as they operated as electrical contractors. He emphasized that all materials would be stored inside a brand-new container, ensuring it complied with external appearance standards.

Following Mr. Santos's presentation, Chair Henkels expressed gratitude for the comprehensive information provided. He then turned to Coordinator Capone, prompting her for comments or thoughts on the matter.

Coordinator Capone described the property layout, outlining the peculiarities of its design. She noted the property line's unique positioning, highlighting the front-loading parking slots located in front of the building and the lot line immediately behind them. She mentioned the presence of pavement on one side of the building and delineated the various features like the septic system, a small yard area, the wetland at the back, Wash Brook on the side, and Hop Brook.

Coordinator Capone identified the proposed placement of the storage container, which she clarified as having been previously vegetated, mainly by Japanese knotweed. She confirmed that the only alteration to the vegetation was the removal of this invasive plant to accommodate the storage container, causing no harm to the surrounding resource area.

Having inspected the inside of the storage container and not finding any concerns, Coordinator Capone recommended to the Commission that a negative Determination of Applicability be issued, approving the storage container under certain conditions. She proposed restrictions against storing hazardous materials or fluids inside the container and emphasized the prohibition of modifying the surface where the container sits without prior Commission approval.

Following Capone's comprehensive insights, Chair Henkels expressed gratitude for her detailed assessment and then turned to the Commissioners for further discussion or input on the matter.

Comm. Rogers initiated a discussion about the base for the storage container, seeking clarification. Mr. Corey responded, confirming that the container would sit directly on the ground without any additional support.

Comm. Rogers continued by inquiring about potential issues with runoff from the parking lot. Mr. Corey responded, suggesting that the runoff situation would likely remain similar to the existing conditions.

Mr. Corey mentioned that due to the parking lot's design on a significant hill leading up to Route 20, runoff was a consistent occurrence and wouldn't change with the placement of the storage container. He emphasized that the container, made of sturdy solid steel, sat about 10 inches off the ground, ensuring it wouldn't flood during storms. He highlighted the steel's thickness, stating that it was built to last without rusting, degrading, or puncturing.

Following this discussion, Chair Henkels inquired if any other Commissioners had further questions before proceeding.

Chair Henkels opened the floor to the audience, inviting any questions or comments through the raised hand feature or the chat box for prompt assistance.

Not receiving any responses from the audience, he proceeded to address the Commission regarding a vote to issue the Negative Determination, specifying conditions related to the workers' presence within the resource area, the Riverfront, and the Buffer Zone. He reiterated Coordinator Capone's outlined conditions, emphasizing the prohibition of storing hazardous materials or fluids inside the container and the directive that the container's placement surface should not undergo modification.

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

### **Request for Determination of Applicability, 46 Washington Drive, RDA #23-16**

Chair Henkels initiated a discussion on the Request for Determination of Applicability to install a porch within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Mr. Wenes Negreli was the applicant.

Mr. Negreli introduced himself, stating his name and address as the applicant proposing construction work. He outlined the proposed project, which included the construction of a front porch extending six feet from the front exterior wall towards the street and the addition of a dormer on the second floor. Mr. Negreli explained that he submitted the application to the town and sought guidance from Coordinator Capone, who visited the site, inspected it, and advised him to apply for the current application.

Mr. Negreli addressed concerns regarding water runoff from the gutters on the dormer, stating that new plans had been submitted to collect this water and redirect it away from the wetlands, ensuring it discharged toward the street and the side of the garage. He emphasized the intention to store all construction materials inside the existing two-car garage, intending to implement erosion control measures and use a dumpster to collect debris during construction. As a licensed contractor, Mr. Negreli assured the Commission that even excavated soil would be contained in the dumpster to mitigate any risk of rainwater carrying it away from the intended areas.

Following Mr. Negreli's presentation, Chair Henkels thanked him for the detailed information provided and prompted Coordinator Capone for any additional comments or thoughts on the matter.

Coordinator Capone proceeded with her presentation by sharing her screen to provide the Commission with a visual overview of the site. She highlighted a pond across the street and a stream called Dudley Brook originating from that pond, running along the property's side. Coordinator Capone noted the gentle slope toward the wetland from the outlined project site in red, emphasizing the ground disturbances for the footings and a slight extension of the existing impervious surface.

Coordinator Capone explained the existing gutter on one side of the house that currently terminates into a dry well, indicating plans to connect it with the new gutter mentioned in the project. She pointed out the grassy area in the front yard, mentioning the landscaping plants required from a prior application, which had been temporarily moved to the backyard and would be reinstated in front of the new porch after construction. She highlighted efforts by the applicant to plant native trees and shrubs along the lawn's edge to act as a buffer for the wetland, stating that due to these actions, she did not see the necessity for additional mitigation.

Chair Henkels inquired about a proposed staging area, which to which Coordinator Capone replied that it was not shown on the plan. He then prompted the Commission for any questions before extending an invitation to the audience for inquiries, noting the absence of questions from the attendees.

Chair Henkels then requested a vote from the Commission to issue a Negative Determination of Applicability with specific conditions, including the requirement for photo documentation to be provided during the project's progress to confirm compliance with the Determination.

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

### Certificate of Compliance:

#### **Loughlin, 68 Willard Grant Road, DEP #301-318**

Chair Henkels brought up an Order from 1999 concerning a home extension, driveway alteration, and other structural modifications that had been completed as per the plan. He added that the site has been stabilized.

Coordinator Capone clarified that they were addressing the cleanup of files with a new application and had noticed an outstanding Order of Conditions. She requested that Mr. Loughlin file a Request to close this older Order, and he promptly did so.

Chair Henkels then inquired if ideally, Mr. Loughlin would file both items with the Registry, to which Coordinator Capone agreed. Finally, Chair Henkels sought a motion to issue the Certificate of Compliance for the completed work.

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:

Coordinator Capone took the opportunity to share that they had created a new invasive species page on their website. She suggested that it could serve as a helpful guide for homeowners, potentially offering information or resources related to invasive species management and control.

### Adjourn Meeting

On motion by Comm. Sevier to adjourn the meeting, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative. The meeting was adjourned at 7:38 PM.