



## SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, February 26, 2024

**Present:** David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Bruce Porter; Kasey Rogers (7:02PM); Mark Sevier; and Lori Capone, Conservation Coordinator

**Absent:** Luke Faust

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

### Minutes

#### **January 8, 2024**

On motion by Comm. Cook to accept the minutes of the January 8, 2024 meeting, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

### Wetland Applications

#### **Notice of Intent: 87 Cudworth Lane, DEP #301-1411**

Chair Henkels re-opened the Hearing for the project to construct a garage within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Jehangir Jungalwala was the applicant. This was continued from January 22 and February 5, 2024.

On motion by Comm. Cook to continue the Hearing to March 11, 2024, seconded by Comm. Porter, 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 for the project 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 was continued from October 17 and December 12, 2022.

On motion by Comm. Sevier to continue the Hearing to May 13, 2024, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

#### **Request for Determination of Applicability, 33 Union Avenue, RDA #24-03**

Chair Henkels began the meeting for the project to conduct soil testing within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Ted Pasquarello was the applicant.

Fredric King, of DGT Associates, provided an overview of the two parcels located on Union Avenue. He described their locations, including the entrance to the industrial park and the presence of an old railroad bed and a new rail trail under construction. He mentioned the ownership by the Paris Trust and explained the purpose of evaluating the parcels for potential use and value. Mr. King detailed the soil testing plan, emphasizing minimal disturbance methods and backfilling on the same day to protect the disturbed surface in the wetlands buffer zone.

Following Mr. King's presentation, Chair Henkels asked about the presence of a vernal pool on Lot 4, which Mr. King clarified as essentially dry most of the time. Coordinator Capone then shared her observations about the area's recent clearing and inquired about access to Lot 4 from the Bruce Freeman Rail Trail versus the pavement. Mr. King acknowledged the question and mentioned checking with the relevant authorities for potential alternative access routes.

Coordinator Capone recommended issuing a Negative Determination with special conditions for notification and documentation. Mr. King agreed, and Chair Henkels opened the floor for comments from Commissioners.

Comm. Porter inquired about the number of test sites that would be conducted, to which Mr. King clarified that four test holes would be made.

Chair Henkels then asked if anyone else had comments or questions from the audience. Seeing no response, Chair Henkels proceeded to request a motion to issue a Negative Determination.

With no public comments, on motion by Comm. Holtz to issue a Negative Determination of Applicability #3, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

### **Request for Determination of Applicability, 213 Horse Pond Road, RDA #24-05**

Chair Henkels began the meeting for the project to remove trees within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Thomas & Alana Norton were the applicants.

Mr. Norton, explained the urgent need for tree removal due to safety concerns following significant damage caused by a fallen tree. He emphasized the risk these trees posed to his property and family, particularly with three of them being very tall. He provided details about the drainage area near the property and assured that all tree work would be done with a crane from the driveway.

Coordinator Capone discussed the resource area in question, highlighting its function as a drainage outlet. She mentioned the need for approval from adjacent landowners for tree removal or pruning and outlined the conditions for granting permission, including a preconstruction site visit and photo documentation post-work. Capone recommended issuing a Negative Determination of applicability with specific conditions to ensure compliance and mitigate environmental impact.

Chair Henkels thanked Coordinator Capone for her detailed explanation and opened the floor to questions from the Commissioners. Comm. Holtz raised a query regarding the map symbols indicating tree removal or pruning. Mr. Norton clarified that the trees marked for pruning were in such bad condition that cutting them along the property line would likely lead to their eventual death, making complete removal necessary. He expressed a willingness to leave the stumps intact with a portion above ground.

Comm. Holtz inquired about a tree bordering another property marked for pruning. Mr. Norton explained his intention to prune it to reduce the risk of damage to his shed and noted its significant lean toward his property. Coordinator Capone cautioned against excessive pruning, suggesting a limit of around 25% to avoid killing the tree outright.

The discussion shifted to the specific tree's type, with Mr. Norton confirming it as an oak and sharing concerns about its potential impact on his property. Comm. Porter emphasized the need to prioritize safety, especially regarding trees that pose a risk to structures like houses.

There was debate about the extent of pruning required for safety. Mr. Norton stressed the recent costly damage caused by a fallen tree, highlighting the urgency of addressing tree hazards on his property.

Chair Henkels welcomed further comments from the Commissioners, expressing agreement with Comm. Porter's emphasis on safety but deferring the decision to the Commission regarding the pruning percentage for safety concerns.

Comm. Holtz expressed a disagreement with the approach of automatically removing trees near houses for safety reasons without considering the tree's health. Chair Henkels acknowledged Comm. Holtz's perspective but highlighted the past incidents and risks associated with the specific trees in question.

Comm. Sevier suggested letting Coordinator Capone make the final judgment regarding tree removal or pruning based on discussions with homeowners and arborists. The Commissioners agreed with this approach.

Comm. Rogers echoed Comm. Holtz's caution about generalizing tree removal for safety but supported the decision based on the evidence presented.

With no public comments, on motion by Comm. Sevier to issue a Negative Determination of Applicability #3, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

**Request for Determination of Applicability, 255 Peakham Road, RDA #24-04**

Chair Henkels began the meeting for the project to remove trees within the 100-foot Buffer Zone, pursuant to Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Nick Pernice was the applicant.

Mr. Pernice, took the floor to present his Request, expressing valid safety concerns regarding three large trees in close proximity to his residence. These concerns were amplified by the trees' leaning positions and the potential risks they posed during adverse weather conditions. He provided a detailed presentation, accompanied by visual aids, to clearly illustrate the size and hazardous positions of the trees.

Coordinator Capone offered an assessment that aligned with Mr. Pernice's concerns while also emphasizing his proactive measures in managing the property, including planting native vegetation and addressing invasive species. She concluded that the proposed tree removals would not result in adverse environmental impacts, thus obviating the need for additional mitigation measures.

Chair Henkels thanked Coordinator Capone for her input and then requested comments from the Commissioners regarding the proposed tree removal. Coordinator Capone outlined the method of removal, emphasizing the use of a bucket truck or climbing with ropes to ensure minimal impact on the yard. She recommended issuing a Negative Determination #3, with the condition that she would meet with the tree service beforehand to review the work and ensure compliance.

With no public comments, on motion by Comm. Cook to issue a Negative Determination of Applicability #3, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

**Extensions**

**Department of Public Works, Washington Drive, DEP #301-1344:**

Chair Henkels introduced the Extension Request from the Department of Public Works regarding drainage improvements on Washington Drive. Coordinator Capone provided details about the project, explaining that it involves replacing culverts for drains that are in failure, with the goal of obtaining funding to implement the projects without any changes to the designs.

Chair Henkels suggested going through each Extension request quickly and then making a motion to approve each Extension for one year. He invited comments from the Commissioners regarding the Extension.

Comm. Sevier raised a question about the likelihood of completing the projects within the one-year Extension period and whether more than one year could be granted. Coordinator Capone clarified that while the Department requested a three-year extension, they intend to complete the projects as quickly as possible, with Washington Drive being a critical area where one year should suffice. She also explained that the Bylaw only allows for one-year Extensions.

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

**Department of Public Works, Wolbach Road, DEP #301-1343: Culvert Replacement**

Chair Henkels announced the next Extension Request. Coordinator Capone stated that it involves replacing a historical culvert under Wolbach Row beyond SVT's operations. She mentioned that the challenge with this project lies more in logistics and the implementation strategy, requiring additional thought for successful execution.

Chair Henkels then opened the floor to the Commissioners for any questions or comments. Comm. Porter inquired about potential access issues related to the project and how it might impact the road and access to headquarters.

Coordinator Capone clarified that while the project might involve adjustments to maintain access for houses on Wolbach Row, SVT would still have access. The main concern is ensuring access for other properties along that road during the project.

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

#### **Department of Public Works, Old Sudbury Road, DEP #301-1327: Culvert Replacements**

Chair Henkels proceeded to the next Extension Request, also pertaining to another culvert replacement project.

Coordinator Capone stated that there are two culverts on Old Sudbury Road, with one located just past King Philip Woods, and the other a bit further up the road toward the center of town. The first culvert, situated before Water Row, is more substantial, while the second one is a smaller 12-inch culvert that requires replacement in kind. The Extension Request was primarily due to funding considerations.

Chair Henkels then opened the floor for any questions or comments from the Commissioners regarding this Extension Request. Upon receiving none, he called for a motion to issue the Extension.

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

#### **Department of Public Works, 275 Old Lancaster Road, DEP #301-1342:**

Chair Henkels proceeded to the next agenda item, involving another Extension Request for driveway improvements.

Coordinator Capone provided details, explaining that the project aimed to convert a split entrance into a single entrance and modify the entranceway accordingly. She noted that all the planned work had been completed except for the installation of gates to prevent traffic from accessing certain areas behind the building. The delay in completing this last task was attributed to difficulties in securing vendors for the gates during the COVID-19 pandemic. However, she expressed confidence that this remaining element would be addressed within the next year.

Chair Henkels invited any questions or comments from the Commissioners regarding this Extension Request. With none forthcoming, he called for a motion to issue a one-year Extension.

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

#### **Other Business**

##### **GIS Maps and the Commission's Jurisdiction**

Chair Henkels began the discussion on the Town's Geographic Information System (GIS).

Coordinator Capone began by explaining how the GIS system is accessible on the town's website, specifically under the maps section. She highlighted that there are two main types of maps available: town-wide maps and stormwater maps, with the latter containing additional utility information like culverts and infrastructure.

She then demonstrated how users can navigate the GIS system and showcased various layers within the GIS maps, including streams, wetlands, floodplains, natural heritage areas, and conservation restrictions. She emphasized that nearly 50% of the town falls under the Commission's jurisdiction due to wetlands, Buffer Zones, Riverfront Areas, and other protected zones.

She also mentioned the availability of aerial photos and a tool called pictometry, which allows users to visualize properties over time. Additionally, she introduced MassMapper, a state program similar to the town's GIS system, providing more detailed information about properties across the entire state.

During the tutorial, Capone addressed questions about the maintenance of GIS data, its accuracy regarding wetlands delineation, and the use of USGS maps when filing for a Notice of Intent with the Conservation Commission.

Henkels expressed appreciation for Capone's comprehensive tutorial, and he invited any questions from the Commissioners regarding the GIS system and maps. There were none.

### **Conservation Department Initiative**

Chair Henkels began the discussion on other business related to Conservation Department initiatives. He turned the floor over to Coordinator Capone to provide updates on various ongoing projects and initiatives.

She began by discussing the updated trail maps and the development of posters for kiosks that would provide comprehensive information about each property, including history, rules, regulations, and trail maps. She mentioned the inclusion of QR codes on the posters for reporting trail issues and accessing digital trail guides.

She then discussed Joe Miller's efforts, including obtaining an herbicide application license for managing invasive species like phragmites and mugwort. She also mentioned the initiation of a native plant nursery to support restoration projects and increase biodiversity, with a focus on the Davis Farm Pollinator Garden.

She highlighted other initiatives such as chainsaw training for trail maintenance, monitoring conservation restrictions (CRs), use of the Carding Mill building for woodworking projects, and the upcoming King Philip Woods project. She also mentioned plans for bird boxes, historical signage for the Bruce Freeman Rail Trail, and creating a bird feeder video resource for the community.

Henkels expressed appreciation for Capone's and her team's exceptional work and invited comments from the Commissioners. There were none.

### **Earth Day 2024**

Chair Henkels brought up the next item on the agenda, which was Earth Day 2024. Coordinator Capone provided details, mentioning that Earth Day falls on April 20th from 10 AM to 2 PM. This year, the event will be held at Peter Noyes School, unlike the previous year's location at the library.

She mentioned that Chair Henkels had managed the table with a volunteer last year and hoped to find someone available on April 20th to either man the table or split the time to cover the effort. She encouraged everyone to check their calendars and consider volunteering for the event.

Comm. Rogers expressed interest in helping out. Coordinator Capone assured her that she would put together all the necessary materials and set up the table the day before, so all the volunteer would need to do is stand there and engage with attendees.

Comm. Rogers confirmed that she would likely be available and asked to be kept informed once the details are finalized.

### **Lincoln-Sudbury Adult Education Program: Neela Zoysa**

Chair Henkels introduced the discussion on the Lincoln-Sudbury Adult Education class and walk to be run by Neela Zoysa. Coordinator Capone provided details about the two courses sponsored by the Commission. The first course is an online wildflower course scheduled for April 11th, and the second course is a guided tour of Tippling Rock on April 26th.

Coordinator Capone mentioned that outdoor education has been well received, and Ms. Zoysa is excited about the positive response. Although Comm. Faust also has a bird class, it wasn't part of the sponsorship request.

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

### **Adjourn Meeting**

On motion by Comm. Porter to adjourn the meeting at 8:40 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.