



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, April 8, 2024

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Luke Faust; Kasey Rogers; Mark Sevier; and Robert Bosso, Conservation Assistant

Absent: Bruce Porter; and Lori Capone, Conservation Coordinator

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

Minutes:

On motion by Comm. Cook to accept the minutes of the February 26, 2024 meeting, seconded by Comm. Holtz, with Faust (absent) abstaining, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Department of Public Works, Concord Road, DEP #301-1280:

Chair Henkels stated that this project involved the replacement of a culvert and the reconstruction of existing headwalls, including the removal of sediment from the existing culvert that conveys Cold Brook under Concord Road.

All the work has been completed, and the Conservation Coordinator is confident that the site is stable. Chair Henkels asked if there were any questions or comments regarding this matter.

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

Wetland Applications:

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

Chair Henkels resumed the Hearing 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 Hearing was continued from January 22 and February 5, 2024.

On motion by Comm. Holtz to continue the Hearing to April 29, 2024, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Notice of Intent: Lot 2 Brimstone Lane, DEP #301-1409

Chair Henkels resumed the Hearing to construct a new single-family home with associated pool, shed, stormwater management system, yard and landscaping within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Carrie Maciel was the applicant. This Hearing was continued from December 18, 2023 and February 5, 2024.

On motion by Comm. Cook to continue the Hearing to April 29, 2024, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability, 96 Willard Grant Road, RDA #24-09

Chair Henkels commenced the meeting for the project to install a fence, raised beds, small water feature, patio, garden, irrigation system, and lighting system within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Dianne McCarthy was the applicant.

Comm. Rogers abstained from acting on this application due to having a personal relationship with the applicant.

Ms. McCarthy detailed the proposed changes, starting with the driveway on the right side where the most significant work would be done. She described plans for a garden, patio, stairs, native plantings, low-voltage lighting, and a metal fence for their dog's safety. She also mentioned adding lattice under the deck for storage purposes.

Moving to the other side of the house, she discussed adding a gravel turnaround near the garage, removing a pergola, creating a small water feature with existing rocks, and adding native plantings.

Chair Henkels requested clarification on the fence's location, which Ms. McCarthy explained would run behind the house, providing space for their dog to move around. He then invited questions from the Commissioners.

Comm. Holtz inquired about the proposed fence, specifically if there were any trees or obstacles in the way of its installation. Ms. McCarthy clarified that the area where the fence would be placed was open space without any trees or shrubs obstructing it directly. However, she noted the presence of some white pines nearby but assured that they wouldn't need to be removed or trimmed for the fence installation.

Comm. Holtz expressed concern about the potential impact of tree roots on the fence posts but Ms. McCarthy reassured him that the area was clear and they didn't expect any issues with digging the fence posts.

Comm. Holtz then asked about the layout of the patio and garden, noting that part of the patio seemed to overlap with the existing driveway being removed. Ms. McCarthy confirmed this, explaining that they were converting part of the driveway into a garden with mulch, stepping stones, and plantings. She also clarified that the fence would not go through the garden but would be adjusted around it.

Chair Henkels inquired about the logistics of the project, particularly where the staging area would be located and where materials would be deposited and moved. Ms. McCarthy explained that they planned to use the area where they were removing the driveway as a staging area initially, and as they progressed with the patio construction, they would move away from that area.

Regarding the stairs leading up to the deck, Ms. McCarthy estimated that there would be around 7 to 8 steps, ending directly on the patio without requiring Sonotubes or footings. She also mentioned that the septic system was within the planned patio area but reassured that they had identified its location and would use a special stone for easy access if needed.

Chair Henkels also brought up recommendations from the Conservation Coordinator, regarding pre-construction meetings, landscaping per the plan with native plants, and photo documentation post-completion. Ms. McCarthy acknowledged these conditions without any issues.

Chair Henkels then opened the floor for any final questions from the Commissioners or the audience. There were no further questions.

On motion by Comm. Holtz 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, Maynard Road (Bonnie Brook Parcel), DEP #301-TBD

Chair Henkels opened the Hearing for the project to periodically remove debris from a beaver dam by hand to reduce flooding, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Doreen Neale was the applicant.

Mrs. Neale then introduced herself, describing the flooding issue on their property. She mentioned that their property backs up to John Derderian's Bonnie Brook parcel and explained how the creek behind their house, which used to be modest, has turned into a substantial body of water due to multiple beaver dams in the area.

She elaborated on the extent of the flooding, noting that they now have two to three feet of ponded water in some areas, stretching back to neighboring properties. She also mentioned the beaver dam located on Mr. Derderian's land and the impact it has had on their property, causing significant flooding and damage to trees.

Mrs. Neale expressed her desire to manage the beaver dam manually to prevent further flooding and stagnant water, which has led to mosquito issues. She emphasized that they don't want to eliminate the beavers entirely but seek a solution to maintain their property without it being underwater.

Chair Henkels thanked Mrs. Neale for her input, acknowledging the severity of the situation and the need for a collaborative approach to address the beaver dam and flooding issues effectively.

Chair Henkels elaborated on the assessment of the beaver dam issue during their visit to the site with the Conservation Coordinator. They observed modest water flow at the dam and noticed a significant growth in the wetland area, especially towards the northeast side of the property.

During their visit, Chair Henkels took a rough measurement using a stick and estimated the water to be around 2 feet deep, extending 12 feet out from the dam. He also mentioned that the water level had risen quickly over a short period, overtaking a considerable area.

He discussed potential solutions such as trapping the beavers or using beaver deceivers but pointed out challenges due to the water depth and other factors. He highlighted the ecological importance of beavers as keystone species and mentioned that the water level was too shallow for installing deceivers effectively.

Finally, he concluded by mentioning that he and Conservation Coordinator recommended filing a Notice of Intent to allow for minimal manipulation of the dam height, considering the challenges posed by the current water conditions. He then opened the floor for questions from the Commission.

Comm. Sevier inquired about the practical approach to managing the beaver dam manually. Chair Henkels confirmed that the idea was indeed for the Neales to manually remove sticks and mud periodically to keep the water level down. He clarified that this process wouldn't involve removing everything at once but rather cautiously removing parts of the dam.

Chair Henkels provided additional details about the dam's dimensions, mentioning that it was approximately 10 feet wide and around 2-2.5 feet deep. He noted that during their visit, the water depth was not significant, about a foot and a half just before the dam. He explained that beaver activity leads to an increase in wetland area and that this approach aimed to mitigate potential future damage without an immediate flood threat.

Comm. Sevier then asked about the practical tools needed for this task, mentioning bow saws and shovels. Chair Henkels responded that such tools could be used, but Mrs. Neale clarified that they initially thought the water influx was due to natural factors, but later realized it was from the beavers. She explained that they would remove sticks and debris by hand to allow for water flow, especially after storms when the water backed up considerably.

Mrs. Neale emphasized that the area was previously dry land where they used to walk and bike, but now it was completely inundated. She described the dam as more loose sticks and leaves rather than a well-constructed barrier. Comm. Sevier acknowledged her explanation and expressed gratitude for the clarification. Chair Henkels then opened the floor for any additional comments or questions.

Chair Henkels sought input from Comm. Rogers regarding potential unintended consequences of removing parts of the dam and causing flooding downstream. Comm. Rogers expressed satisfaction with Comm. Sevier's addressing of this concern and agreed that cautiously removing small portions of the dam should create a sustainable flow without causing flooding downstream.

Chair Henkels asked Mrs. Neale if they could proceed with a vote to approve the plan. She confirmed, noting that there were currently no flooding issues to adjacent properties. Chair Henkels highlighted Coordinator Capone's perspective that once the rain subsides, the system should return to equilibrium without excessive management.

Finally, Chair Henkels invited any additional questions or comments from the Commission.

Comm. Faust asked about the proposal's impact on the water level in relation to the wetland line, wondering if there would be any standing water left. Chair Henkels clarified that there would still be plenty of water, as they were discussing managing the water level, not eliminating it entirely.

Comm. Holtz raised a point about the uniqueness of the situation, where the landowner wasn't the one proposing the action. He inquired if the landowner was okay with the proposal. Mr. Derderian introduced himself as the landowner and mentioned his willingness to cooperate and be a good neighbor. He explained that he didn't want to harm the beavers and was trying to help without exposing himself to liability. He also mentioned ongoing dealings with the Planning Board regarding the property's development and potential transfer to the town.

Chair Henkels thanked John for his comments and asked if there were any further questions from the Commission or the audience.

Mrs. Neale offered to answer a question that had been raised. She explained that there was an established creek bed along Wake Robin that allows water to flow freely, so the water management they were proposing wouldn't cause flooding in anyone's yard.

Chair Henkels thanked Mrs. Neale for her comment and asked the Commission if they had any further questions. Getting no response, he sought a motion to close the Hearing.

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

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

Enforcement Order:

33 Union Avenue:

Chair Henkels commenced a discussion regarding a water main break during the installation of a septic tank and pump chamber, resulting in substantial erosion and sediment entering the wetlands. This project should have filed Request for Determination of Applicability. The Commission were not aware of the project until the water main break occurred.

The contractor worked with the Conservation Coordinator to finish the project quickly to prevent further erosion. However, weather conditions were not favorable, and erosion controls were impacted by truck deliveries. The initial damage was caused by the water main break.

On motion by Comm. Faust to issue the Enforcement Order to remove sediment from the stream, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Adjourn Meeting

On motion by Comm. Holtz to adjourn the meeting at 7:47 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.