



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, March 25, 2024

Present: David Henkels, Chair; Jeremy Cook; Luke Faust (7:14 PM); Bruce Porter; Kasey Rogers (7:05 PM); Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Ken Holtz, Vice Chair

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

Minutes:

On motion by Comm. Porter to accept the minutes of the February 5, 2024 meeting, seconded by Comm. Sevier, with Comm. Cook abstaining due to his absence at said meeting, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

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

Chair Henkels discussed the project to replace a culvert. Coordinator Capone stated that there was an area that needed fixing before the Certificate could be issued. Chair Henkels acknowledged the need for deferring this matter to another time.

Wetland Applications:

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

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

On motion by Comm. Rogers to continue the Hearing to April 8, 2024, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 502 Concord Road, DEP #301-1398

Chair Henkels resumed the Hearing for the project 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. Cook to continue the Hearing to April 29, 2024, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

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

Chair Henkels resumed the Hearing for the project 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. Faye Zou was the applicant.

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

Request for Determination of Applicability, 36 Plantation Circle, RDA #24-08

Chair Henkels commenced the meeting for the project to restore existing lawn area within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Jianhong Pei was the applicant.

Coordinator Capone explained that the property in question had recently changed hands and had been subject to discussions in previous Commission meetings due to an outstanding Order from 1997 regarding house construction. This Order required a Conservation Restriction (CR), including the placement of concrete bounds. Upon the new owner's inquiry about the Order, a site visit was conducted to assess compliance. During this visit, Coordinator Capone noticed that a significant area of approximately 3,500 square feet within wetlands jurisdiction and the Conservation Restriction had been cleared, likely around 2012 before the prior owner took possession.

Coordinator Capone informed the owner of this violation, leading to the removal of a swing set and tree structure from the restricted area. Additionally, debris piles within the restriction were cleaned up. The Commission discussed the situation, agreeing to allow a brush pile to remain but requiring the removal of a landscaping pile within the Restriction. Coordinator Capone collaborated with the prior owner to develop a restoration plan presented during the meeting. This plan involved planting 40 native shrubs in the cleared area, which remained in its natural rocky state, minus the removed trees. Coordinator Capone recommended smaller shrubs due to the rocky terrain, aiming to fill the voids and supplement existing trees. She assured the Commission that annual or biannual reviews of the CR would ensure the restoration's success and prevent future encroachments.

Chair Henkels inquired about the status of the Certificate of Compliance, which Coordinator Capone confirmed was still outstanding. She explained that following two years of monitoring the newly planted shrubs, the Commission would be able to release the Order of Conditions.

Chair Henkels thanked Coordinator Capone for her summary and opened the floor to the Commissioners for questions or observations, receiving none. Mrs. Pei, the property owner, was invited to share comments. She assured the Commission that she would follow their instructions to complete the project.

Chair Henkels then prompted the Commissioners for any further questions or comments.

Mark Sevier asked Coordinator Capone about the difficulty of planting shrubs given the rocky soil. Coordinator Capone reassured him that although there were rocks present, they didn't appear to be extensive ledges. She explained that the shrubs, at 3 to 4 feet in height, should be small enough to fit between the rocks. However, she suggested working with a landscaper and noted that the Commission might be flexible if planting became challenging. Coordinator Capone expressed confidence that the ground was soft enough and had sufficient planting areas for the 40 shrubs.

Chair Henkels thanked Comm. Sevier for his question and asked if there were any further inquiries from the Commissioners or the audience. None were forthcoming,

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.

Emergency Certification

Lotus Blossom Restaurant: 394 Boston Post Road:

Chair Henkels commenced the discussion for the emergency repairs needed for a failed septic system at 394 Boston Post Road.

Coordinator Capone explained that in 2019, the Conservation Commission had issued an Order of Conditions for replacing the septic system, which had experienced repeated issues with grease. Despite some repairs being carried out, the leach field remained unchanged. Recently, raw sewage began surfacing through the pavement,

prompting a site closure until the situation was addressed. The Board of Health emphasized the need for swift repairs, leading Coordinator Capone to issue an Emergency Certificate to expedite the process without repeating the Notice of Intent process.

Construction began the previous Monday, involving the removal and replacement of the failing components. Coordinator Capone noted that the project aimed to prevent future failures through proper maintenance. Chair Henkels inquired about the duration of the Emergency Certificate, which Coordinator Capone confirmed allowed for 30 days.

Chair Henkels sought clarification regarding potential reapplication in case of unforeseen issues, to which Coordinator Capone affirmed and expressed confidence in completing the work within the allotted time. Chair Henkels requested a brief overview of the wetland areas affected by the project, and Coordinator Capone described the Bordering Vegetated Wetland and nearby stream, indicating that the project would likely impact the outer riparian zone, which is currently a parking lot.

Chair Henkels then invited questions or comments from the Commissioners.

Comm. Sevier expressed concern about potential future problems with the septic system, questioning if the previous repairs were effective. Comm. Rogers suggested that the issue might have stemmed from the leach field installation, directing the inquiry to Coordinator Capone, who estimated that the leach field was installed around 2005, making it nearly 20 years old.

On motion by Comm. Sevier to ratify the Emergency Certificate, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Other Business:

Conservation Commission Associate Member Discussion:

Chair Henkels introduced Karl Fries, who had applied to become an Associate Member of the Conservation Commission. Coordinator Capone provided a brief introduction, mentioning that she and Chair Henkels had met with Mr. Fries, finding him suitable for the role. Chair Henkels then invited Mr. Fries to introduce himself and share his interest in joining the Commission.

Mr. Fries introduced himself, stating his residence and explaining his motivation for applying. He expressed a passion for conservation, stemming from his love for outdoor activities such as skiing and hiking. He also highlighted his professional background in finance and investment management, emphasizing his interest in environmental issues and his current involvement in integrating environmental advocacy into investment processes.

Chair Henkels thanked Mr. Fries for his introduction and invited Commissioners to ask questions or share comments.

Comm. Rogers thanked Fries for his willingness to serve and raised a question regarding his multiple committee applications. Fries clarified that he had applied to various committees based on his interests and skills but was not intending to serve on all of them due to bandwidth constraints, especially with a newborn at home. He explained that he was primarily interested in serving where he could make the most impact and acknowledged that most committees were already full.

Comm. Rogers then explained the role of Associate Membership, highlighting its value as a learning opportunity to understand Commission operations, issues, and regulations, as well as a pathway to full membership when space becomes available.

Comm. Porter thanked Mr. Fries for his relevant experience and asked him to elaborate philosophically on why he believed he was fit for the role, focusing on his approach rather than concrete experience. Mr. Fries responded by expressing a sense of responsibility towards community service and a desire to leave places better than he found them. He emphasized a deep connection to the outdoors and the importance of preserving it for both its natural benefits and its role in bringing people together. He stressed the need to become better informed about conservation issues and to contribute the best perspective to help the Commission achieve its mission. He also

mentioned the importance of each member bringing a unique perspective and skill set to the Commission, expressing a willingness to understand how he could complement the existing team.

Comm. Faust asked Mr. Fries if he had any favorite recreation spots in town and if he had explored any local properties. Mr. Fries mentioned Tippling Rock, Town property on the Bay Circuit Trail, near Route 20. He explained that it was one of the first places he and his wife explored when they moved to Sudbury, and it had since become a favorite spot for visitors as well. He described it as an easy hike with rewarding views of Boston from higher elevations, providing a unique perspective of the landscape. He expressed appreciation for the natural beauty of the area, especially considering the dense tree cover in the town.

Comm. Cook shared the practical challenge of juggling family responsibilities during meetings, particularly with young children needing attention. He noted the advantage of online meetings, which provided flexibility for both Commissioners and residents.

Comm. Rogers echoed this sentiment, emphasizing the convenience of virtual meetings and how they improved accessibility for both Commissioners and members of the community. She acknowledged the importance of balancing commitments across multiple committees, highlighting the need for effective time management.

Comm. Faust offered a broader perspective, reflecting on the diverse range of projects and issues encountered throughout the year. He emphasized the educational value of serving as an Associate Member, particularly in gaining insights into the intricacies of wetland applications and environmental regulations. He underscored the importance of each member's unique perspective and experience in contributing to the Commission's work.

Mr. Fries expressed his interest in the legal and ethical considerations discussed during past meetings, particularly in cases involving multiple stakeholders and competing interests. He commended the Commission for its adept handling of complex situations and expressed his eagerness to contribute to such discussions in the future.

Chair Henkels concluded the discussion by expressing his excitement about the potential motion to admit Mr. Fries to the Commission. He invited any Commissioners to propose the motion, signaling the next step in the process of considering Mr. Fries' application.

On motion by Comm. Cook to recommend Karl Fries to the Select Board and Town Manager for appointment as an Associate Member, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Coordinator Capone, affirmed that she would convey the recommendation to the Select Board promptly.

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 7:40 PM, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.