



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, April 29, 2024

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Luke Faust; Bruce Porter; Kasey Rogers; Mark Sevier; and Lori Capone, Conservation Coordinator

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

Minutes:

March 11, 2024

On motion by Comm. Porter to accept the minutes of the March 11, 2024 meeting, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

March 25, 2024

On motion by Comm. Faust to accept the minutes of the March 25, 2024 meeting, seconded by Comm. Cook, with Holtz abstaining due to absence, via roll call the vote was unanimous in the affirmative.

April 8, 2024

On motion by Comm. Cook to accept the minutes of the April 8, 2024 meeting, seconded by Comm. Faust, with Porter abstaining due to absence, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Maynard Road, DEP #301-1413

Coordinator Capone stated that the property owner had concerns about liability, leading him to request the Commission to close the Order without any work being completed. She added that the beaver dam would remain as is and not be managed moving forward.

Comm. Sevier asked about the disposition of the applicant, to which the Coordinator explained that the landowner had conversations with the applicant and decided to rescind permission for the work to occur. However, there's an option for an Emergency Permit if flooding becomes an issue in the future.

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

22 Laurel Circle, DEP #301-208

Coordinator Capone explained that this request had some history dating back to 1987, when the construction of the roadway and 22 lots took place. While partial releases were issued for individual lots over time, the roadway itself remained outstanding. She recommended issuing a partial release for this specific lot as it didn't have wetlands but had a drainage easement that would qualify as wetlands today.

Comm. Rogers asked for confirmation that all 22 houses were constructed, to which Coordinator Capone replied in the affirmative.

On motion by Comm. Rogers to issue the Partial 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.

Mr. Jungalwala explained that they wanted to build a detached garage on their 5.4-acre property. He mentioned a previous issue with a building overlapping a drainage easement, which was addressed by revising the plan to stay outside the easement but still within the wetland Buffer. He expressed their intention to seek approval for the revised plan.

Ms. Amanda Hicks elaborated on the plan, stating that it complied with DPW regulations by staying clear of the easement line and implementing erosion control measures such as silt fence blocking to prevent runoff towards the wetlands. She also mentioned their mitigation plan, including the installation of gutters and a French drain to manage runoff towards the wetlands. Chair Henkels inquired about the details of the mitigation plan, particularly the location and flow of the French drain. Mr. Jungalwala explained that the drain would direct water into the ground through layers of rocks and sand.

Chair Henkels sought clarification about any indirect outlets given the sensitivity of the area. He then prompted Coordinator Capone for her comments on the matter.

Coordinator Capone raised concerns about the placement of the garage foundation in relation to the easement line, specifically asking about the overhang of the roof. Ms. Hicks clarified that the garage build would indeed stay outside the easement line, including the roof overhang and awning windows. Coordinator Capone also inquired about the erosion controls and the effectiveness of straw wattles given the slope of the area. Ms. Hicks assured that they had considered this and felt confident in the chosen erosion control measures.

Coordinator Capone then discussed maintenance after construction, particularly regarding vegetation around the building and within the easement area. Mr. Jungalwala mentioned that the current vegetation was mostly brush planted by a previous owner and that he didn't anticipate a need for extensive maintenance post-construction. Coordinator Capone advised consulting with the DPW regarding any maintenance restrictions.

The discussion shifted to the underground infiltration system of the French drain and whether the design could handle the runoff from the garage's large roof. Ms. Hicks proposed submitting a detailed plan for the French drain's mitigation system for the board's approval. Coordinator Capone highlighted the existing lawn area and the need to offset the garage's footprint with mitigation, possibly including plantings.

Mr. Jungalwala explained that while most of the property was wetlands, their project only impacted a small portion, mainly involving already planted areas. Coordinator Capone emphasized the importance of maintaining prior mitigation efforts and potentially adding new mitigation for the current project. Comm. Sevier reminded Mr. Jungalwala that the property being mostly wetlands didn't negate the need for mitigation for their specific changes. Chair Henkels then invited any additional questions or comments.

Comm. Sevier sought clarification about whether Mr. Jungalwala needed to relocate the mitigation elsewhere given the removal of vegetation for the project. Coordinator Capone confirmed that new mitigation was necessary to offset the removed vegetation. Comm. Sevier advised Mr. Jungalwala to find a suitable location on the property not classified as wetlands for this purpose. Comm. Holtz inquired about the property lines, wetlands, and easement boundaries to ensure compliance with planting locations.

Ms. Hicks suggested referring to the revised plans to clarify these boundaries. However, Mr. Jungalwala mentioned that the plans didn't show the entire property. Comm. Sevier emphasized that adding the removed vegetation back to the wetlands wouldn't constitute proper mitigation. Coordinator Capone clarified that while the project area wasn't directly impacting wetlands, it was still within the Buffer Zone, necessitating mitigation.

Comm. Holtz suggested using native plantings to obscure the garage's visibility and asked if they could also be placed in front of trees for additional mitigation. Coordinator Capone agreed, mentioning available lawn space for such plantings. Mr. Jungalwala and Ms. Hicks discussed the idea of using witch hazels in specific areas outside

conservation and easement boundaries. Coordinator Capone requested a clearer understanding of the garage's footprint within the natural space to evaluate the proposed plantings' adequacy for mitigation.

Chair Henkels invited any further questions or comments from the Commission.

Comm. Rogers expressed concern about the garage's proximity to the Easement line, worrying about potential roofline issues or runoff affecting the wetlands. Mr. Jungalwala explained that they had already considered alternative placements but found that the current location was the only viable option that didn't encroach on the drainage easement restrictions. When asked about moving the garage closer to the house, Mr. Jungalwala explained that due to the garage's size and the need for adequate space to maneuver vehicles, it couldn't be relocated any closer.

Coordinator Capone inquired about access to the garage and mentioned a planned 5-foot turnaround area. Mr. Jungalwala elaborated on expanding the driveway to facilitate easier access and maneuvering for the vehicles. Ms. Hicks pointed out the planned turnaround area on the site plan.

Comm. Sevier noted the closeness of the two nearest bays in the garage layout but ultimately accepted Mr. Jungalwala's assurance that he was comfortable with the planned configuration.

Chair Henkels clarified with Mr. Jungalwala about the staging area for the project, which Mr. Jungalwala mentioned would be on the left side where there's flat land. Ms. Hicks elaborated on the staging plans, explaining that there would be a minimal stockpile of clean fill process fill brought in, which would be stored temporarily until the correct inspections were done. Chair Henkels inquired about the stockpiling of soil, and Ms. Hicks confirmed that only clean fill process fill would be used for backfilling with the existing material.

Moving on, Chair Henkels asked Coordinator Capone about the outstanding items from the previous order and the plan moving forward. Coordinator Capone mentioned the successful control of Japanese knotweed and the challenges with plantings due to deer browsing, which led to a discussion about mitigation efforts and the need for more detailed plans for future plantings. Chair Henkels sought clarification on whether the native plantings within the garage footprint would be incorporated into the new plan along with additional plantings like witch hazel.

Regarding coordination with other departments, Mr. Jungalwala mentioned that the Department of Public Works (DPW) had not seen the new plan yet as they believed it was outside the Easement. However, there was a need to discuss erosion control with them, especially given the slope and clearing within their easement. Coordinator Capone emphasized the importance of ensuring DPW's comfort with the construction within the slope and easement.

Chair Henkels highlighted several open issues, including the need for plan revisions regarding plantings and coloration. Coordinator Capone mentioned that the Certificate of Compliance process would be started once the direction of the application was clear.

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

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

Chair Henkels resumed 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. Rogers to continue the Hearing to May 13, 2024, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

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

Chair Henkels resumed 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. Faye Zou was the applicant.

On motion by Comm. Porter to continue the Hearing to [June 3, 2024], seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Abbreviated Notice of Intent: 69-71 Brewster Road, DEP #301-1414

Chair Henkels opened the Hearing to approve the Bordering Vegetated Wetland delineation, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Yuchun Lee was the Applicant.

Coordinator Capone reported that she hadn't received the data sheets for the delineation yet, indicating the DEP likely hadn't either.

Coordinator Capone then provided a historical overview of the project, mentioning that an Order of Resource Area Delineation was issued in 2014, peer-reviewed by Dave Burke at the time. She explained that a Notice of Intent was filed in 2017 for the construction of a common driveway for two houses, although the work was never commenced, and a Conservation Restriction was also never completed. All permits related to these activities had lapsed over time. She added that there had been an inquiry about a solar field on the property a few years back, but nothing came of it.

Daniel Carr from Stamski and McNary, Inc. introduced himself and mentioned that he was representing the applicant. Mr. Carr explained that the site consisted of two lots located at the end of Brewster Road, extending down to Old Sudbury Road. The purpose of their application was to confirm the location of wetland resource areas on the site, specifically mentioning two areas of wetland: one associated with an intermittent stream and another closer to Brewster Road. He noted that they had delineated only a portion of the wetland closer to Brewster Road.

Mr. Carr acknowledged that Coordinator Capone had some comments about the wetland location, and mentioned that she and Dave Crossman, also present on the call, would be meeting at the site the following day to confirm the wetland flags and ensure everything was in order.

Chair Henkels addressed Alan Corin, asking him to introduce himself and provide his address. Mr. Corin identified himself as residing at 64 Brewster Road, adjacent to the property under discussion. He then proceeded to ask a question regarding specific development plans for the property and whether there would be separate communication if there were plans that did not involve conservation aspects.

Chair Henkels acknowledged Mr. Corin's question and asked if the response provided by Mr. Carr earlier adequately addressed his concerns. Mr. Corin expressed that he believed so but sought further clarification regarding potential development plans that did not include conservation aspects.

Chair Henkels then directed Coordinator Capone to comment on this matter. Coordinator Capone reassured Mr. Corin that regardless of the nature of future developments on the property, he would likely receive communication either from the Planning office or their department. Mr. Corin thanked them for the clarification.

Chair Henkels then greeted Samrat Bose residing at 46 Brewster Road. Mr. Bose mentioned being one of the abutters and expressed concern about potential impacts of the wetland delineation on neighboring properties. He suggested that tomorrow's reassessment of the delineation flags would address these concerns, particularly

focusing on areas pointed out by Coordinator Capone. Chair Henkels assured Mr. Bose that there would be no noticeable impact on neighboring properties due to this process.

Chair Henkels asked if there were any further questions.

Chair Henkels addressed Gordon and Elizabeth Gifford of 187 Old Sudbury Road, who proceeded to express concerns about the septic system and water drainage issues on their property, particularly in relation to the proposed development. Chair Henkels acknowledged Mr. Gifford's concern but mentioned that it might be premature to delve into those details at this stage. He assured them that discussions regarding such matters, would be addressed by relevant departments like the Board of Health and Conservation if the project progressed further. Mr. Gifford also shared a positive note about improved drainage resulting from a neighboring building project, suggesting that proper engineering could lead to positive outcomes.

As there were no further questions from the audience, Chair Henkels sought permission from Mr. Carr and Mr. Nsamba to continue the discussion until the specified date, which was granted.

On motion by Comm. Sevier to continue the Hearing to May 24, 2024, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 225 Boston Post Road, DEP #301-1415

Chair Henkels opened the Hearing to renovate existing building, and install playground areas with associated equipment, parking area and pavement remediation, septic and other utility upgrades and stormwater infrastructure within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Matt Taylor was the applicant.

Mr. Josh Kline mentioned the project's history dating back to 1998, and described the existing conditions of the site, including wetlands, buffers, and impervious surfaces. He highlighted the proposed changes to reduce impervious surfaces, upgrade the septic system, improve stormwater management, and enhance landscaping with native plants.

Coordinator Capone provided additional context about the Conservation Restriction associated with the property and its current status. She also mentioned ongoing discussions with the Planning Board regarding drainage and traffic issues.

Mr. Kline addressed concerns about the existing overgrown detention basin, explaining that they recommended leaving it natural due to its functioning as a detention feature. He also acknowledged deviations from the original plan regarding a shed and transformer on the property.

Coordinator Capone raised a concern about Japanese knotweed on the property and suggested its management as part of the redevelopment process.

Chair Henkels invited questions from the Commissioners.

Comm. Holtz from the Conservation Commission raised concerns about proposed changes to the driveway alignment. He asked about moving the driveway westward and its potential impact on the riverfront area. Mr. Kline explained that there were discussions about this during the hearing, but ultimately, moving the driveway would create various issues, including disturbance in the Buffer area, reduced sightlines, and increased driveway slope.

Comm. Holtz also inquired about public access to the Mass Central Rail Trail, noting that there's currently no access in the neighborhood. He suggested that this project might provide an opportunity to explore public access to the rail trail and address invasive species in the conservation restriction area. Coordinator Capone mentioned that the area to the rail trail is entirely wetlands, which would pose challenges in terms of filling or impacting wetlands for access. Additionally, she noted that public access might conflict with the intended use as a school.

Comm. Holtz further questioned the requirement for public access in the Conservation Restriction and expressed interest in visiting the site. Chair Henkels agreed and invited other Commissioners to ask questions or share their thoughts.

Comm. Porter asked about the current septic system's location, its issues, and whether it had been in use recently. Mr. Kline explained that the existing septic system is located in a specific area on the site and that the proposed system is planned to be installed in the same location. He mentioned that their office did not design the septic system for this project but that it had already been approved by the Board of Health due to issues with the system's capacity and the need for upgrades. Mr. Kline also mentioned that the leach field would be excavated and reconstructed as part of the project.

Mr. Kline explained the anticipated grading work for the project, mentioning that there would be disturbance in various areas such as reconstructing curbing, resurfacing the parking lot, excavating for the septic system, removing the parking area and shed, and creating an emergency egress path. He also discussed the erosion control measures, including silt fences, inlet filters, tree protection fencing, and a stabilized construction entrance.

Chair Henkels turned to the Commissioners for their input, indicating that he was fine with Coordinator Capone directing the site visit. Comm. Holtz expressed that while additional perspectives are beneficial, it's not necessary for Mr. Kline or a representative to attend since Coordinator Capone is already familiar with the site. Mr. Taylor confirmed that he could arrange the site visit and expressed flexibility in terms of scheduling, stating that any day and time would work for him.

Comm. Porter inquired about the previous history of the property, specifically whether it had been abandoned or if there were concerns about past activities affecting safety and environmental factors. Mr. Taylor explained that the property hadn't been abandoned but had been used by the temple, although not on a weekly basis. He clarified that the temple was consolidating its congregation to another site and looking to sell the property. He reassured that the property had been maintained and continuously in use.

Chair Henkels prompted the audience to raise their hands for public comments.

Chair Henkels then inquired about the status of the stormwater plan and whether a peer review had been completed or was necessary. Mr. Kline informed that a stormwater peer review had been approved by the Planning Board, with the first review already completed and their office addressing the comments for resubmission. Chair Henkels thanked Mr. Kline for the update and confirmed the continuation until May 13, 2024.

On motion by Comm. Holtz 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: 53 Thunder Road, RDA #24-10

Chair Henkels commenced the meeting for the project to convert existing deck into a sunroom and storage within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Hanmeng Liu was the applicant.

Ms. Liu explained their plan to convert the existing deck into a sunroom and utilize the space below for storage without increasing the house's footprint. She also provided visuals of the backyard, including a stream, wetland, and current layout.

Chair Henkels commended Ms. Liu on their presentation and then turned to Coordinator Capone for her comments. She noted that the deck was in a sunken area and highlighted the request to move the staircase to the back. She sought clarification on the width of the stairs and the impact on the landscape, as well as details about drainage and mitigation measures.

Coordinator Capone also raised the issue of a yard debris pile in the wetland adjacent to the property, requesting its cleanup as part of the project. Ms. Liu acknowledged and agreed to address the cleanup. Coordinator Capone expressed overall support for the project pending clarification on drainage and footings from the architect.

Ms. Liu mentioned that their architect, Kai Yin Yip, was present to address questions about the project. Mr. Yip confirmed that the stairs would fit within the existing gap and discussed the drainage plan for the downspout,

indicating it would tie into the existing extension on the left side of the property and drain onto the lawn. Coordinator Capone sought clarification on the drainage location and expressed concerns about potential erosion. Mr. Yip explained that tying the downspout to the left was preferable to avoid potential issues with freezing and to drain into the lawn rather than the driveway. Comm. Holtz inquired about the reference to the left and whether both downspouts would be used. Mr. Yip clarified their preference for tying into the existing downspout on the left, as it drained into the lawn.

Coordinator Capone noted that this location was further away from the wetland and mentioned potential erosion concerns but suggested solutions like crushed stone or surface infiltration. Chair Henkels then asked if there were any further questions from the Commission.

Chair Henkels proposed issuing a negative Determination of Applicability contingent upon additional details requested by Coordinator Capone. Coordinator Capone outlined three recommendations: scheduling a preconstruction meeting with herself and the contractors, removing the yard debris pile by hand, and providing photo documentation post-construction to confirm compliance with the determination.

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

Enforcement Order:

33 Union Avenue

Coordinator Capone explained that the Enforcement Order had been issued about three weeks prior, and since then, the contractor had completed the restoration work promptly after finishing the septic system. They cleaned out the debris and sediment discharged into the stream, although the area still required some care due to ongoing erosion from delivery truck activities, unrelated to the applicant's actions. Capone recommended lifting the Enforcement Order.

Chair Henkels sought comments from the commission, noting the improvement in sedimentation but acknowledging that ongoing erosion remained a concern.

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

Other Business:

Conservation Commissioner Appointments

Coordinator Capone explained that three Commissioners—Comm. Holtz, Comm. Sevier, and Comm. Porter—were up for reappointment for another three-year term at the end of May. Coordinator Capone confirmed that all three Commissioners were willing to continue their roles.

On motion by Comm. Cook to make a recommendation to the Select Board, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Subcommittee Appointments

Coordinator Capone explained that there were three subcommittees—Land Acquisition Recommendation Committee, Rail Trail Advisory Committee, and Community Preservation Committee (CPC)—and that Comm. Rogers, Comm. Holtz, and Chair Henkels were currently serving on them, respectively. Coordinator Capone inquired if there should be any changes or continuations in these roles.

Comm. Rogers mentioned that while her role on the Committee wasn't very labor-intensive, she was open to giving someone else the opportunity if they were interested. Comm. Faust expressed interest in future years. Chair Henkels then asked for a motion to recommend Comm. Rogers continue as the representative to LARC.

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

Next, Chair Henkels mentioned his role on the CPC and expressed willingness to continue but also welcomed others to take on the role if interested.

On motion by Comm. Sevier to appoint Chair Henkels, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Lastly, Comm. Holtz explained his role on the Rail Trail Advisory Committee, which oversees both the Bruce Freeman Rail Trail and the Mass Central Rail Trail. He expressed continued interest despite the workload.

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

Adjourn Meeting

On motion by Comm. Sevier to adjourn the meeting at 9:07 PM, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.