



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, June 3, 2024

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook (7:30 PM); Bruce Porter; Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Luke Faust; Kasey Rogers

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

Minutes:

April 29, 2024

On motion by Comm. Porter to accept the minutes of the April 29, 2024 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Barker, 188 Newbridge Road, DEP #301-1222

Coordinator Capone presented the detail about the project, confirming compliance and inviting Dave Cowell from Hancock Associates to provide additional information. Mr. Cowell, representing the Barker family, acknowledged the compliance and requested the Certificate. After confirming no further questions, Chair Henkels opened the floor for comments or questions from the Commissioners and the audience.

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

Congregation B'nai Torah, 225-227 Boston Post Road, DEP #301-0600

Coordinator Capone requested the Commission table this matter to the next meeting until the new project for this site was ready for the issuance of a new Order of Conditions, as both projects were interconnected regarding stormwater management and a Conservation Restriction. Coordinator Capone mentioned the presence of representative from Stonefield Engineering, the engineer for the new project, if anyone had questions.

Chair Henkels then asked for input from the Commissioners. Comm. Holtz inquired about the nature of the Certificate, to which Coordinator Capone provided context about the previous development of the site. Comm. Holtz expressed his opinion to wait for the other project's readiness, a sentiment echoed by Chair Henkels and Comm. Sevier, with Comm. Porter agreeing as well. Coordinator Capone was instructed to table the issue until the next meeting.

Jungalwala, 87 Cudworth Road, DEP #301-1257

Coordinator Capone explained that this item was in a similar position to the previous one, but they were ready to issue the Order of Conditions for the new project at the same address. She suggested tabling the Certificate until after discussing the new Order to address any potential additional questions from the Commission.

11 Allene Avenue, DEP #301-853

Coordinator Capone clarified that this Certificate aimed to resolve an outstanding recorded Order on the property's Deed due to a previous addition to the house, confirming that all conditions had been met.

Chair Henkels invited questions from both the Commissioners and the audience. Comm. Sevier sought clarification, which Coordinator Capone explained, highlighting the separate nature of the prior, completed work compared to the new project.

On motion by Comm. Sevier to issue the Certificate of Compliance, 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 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, February 5, April 29, and May 13, 2024.

Mr. Jungalwala mentioned addressing concerns about the drainage plan's capability by conducting a drainage assessment, which concluded that the 4-foot stone pit would adequately handle rainwater from the roof without causing overflow into drainage easements or wetlands. He shared the study with the Commission and highlighted the conclusion.

Moving on to the second issue of remediation, Mr. Jungalwala explained that they calculated a need for 1,600 square feet of remediation for the 1,400 square foot building and construction area. Working with Coordinator Capone, they determined that planting 17 trees and 37 bushes would fulfill this requirement, with bushes replacing previously removed vegetation and new trees planted in designated areas. He mentioned consulting New England Wetland Plants for deer-resistant plant options and incorporating bluegrass to support the ecosystem.

Coordinator Capone noted that she believed the plan presented by Mr. Jungalwala adequately addressed the initial concerns about easements and included mitigation measures, noting that larger plants would be planted in spring for better growth.

Chair Henkels then invited questions from the Commissioners.

Comm. Holtz inquired about the drainage on the garage, mentioning the assessment pictures showing one pit instead of the previously presented two pits. Mr. Jungalwala explained that the original plan included two pits but after the assessment, they found that one pit would suffice.

Comm. Holtz then asked about the overflow system for the pit. Mr. Jungalwala wasn't certain and deferred the question to Mandy Hicks, his representative from GBI. Ms. Hicks clarified that there would be an overflow system in place designed to handle a 25-year storm, directing water into a catch basin and then into the stone pit before dispersing through a PVC pipe.

Comm. Holtz also inquired about the orientation of the PVC pipe, which seemed to direct water towards the back of the property. Coordinator Capone explained that this orientation made sense given the land's pitch and its alignment with the existing drainage easement.

Comm. Holtz further questioned if New England Wetland Plants had considered sunlight exposure for the proposed plantings. Mr. Jungalwala confirmed that they had accounted for sunlight, categorizing plants for full sun or full shade accordingly.

Comm. Sevier raised a question about the 6-inch pipe's setup for drainage. He asked if the pipe would be open to daylight or if it would be underground. Jungalwala deferred the technical aspect of this question to Ms. Hicks, who confirmed that the 6-inch pipe would indeed be underground, with an opening to daylight for dispersal.

Comm. Sevier then requested further clarification, asking for a section view of the setup. Ms. Hicks mentioned that this information might be in the stormwater calculation documents. Comm. Sevier also inquired about the elevation measurements and how they corresponded to the site plan.

Mr. Jungalwala provided elevation measurements from the site plan, and Comm. Sevier noted some confusion regarding the pipe's placement in relation to grade levels. Comm. Sevier acknowledged the information and indicated that further discussion or investigation might be necessary, suggesting that details could be worked out in the field.

Chair Henkels inquired about the planting timeline and irrigation plans. Mr. Jungalwala explained that due to construction timing, he planned to purchase larger trees in winter for delivery and planting in March, anticipating completion by April. He also mentioned having an in-ground sprinkler system that would need adjustments for the new plantings, ensuring adequate water coverage for the plants.

Chair Henkels sought clarification on the sprinkler system's location, and Mr. Jungalwala indicated that it currently covered the entire grass area but would need modification to accommodate the new plantings and ensure sufficient watering.

Comm. Porter asked about the drainage easement, inquiring about its shape and source of water. Mr. Jungalwala explained that the drainage easement started at the street, wrapped around in an arc shape, and pooled in another area behind his yard. He mentioned there is a berm preventing water from discharging into the wetlands.

Comm. Porter also asked about the soil type in the area, to which Mr. Jungalwala admitted he wasn't sure.

After Coordinator Capone discussed the conditions for the construction, Chair Henkels asked if there were any additional comments or questions from the Commissioners or the public.

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

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

Chair Henkels then addressed the Certificate of Compliance for a previous project, where Coordinator Capone explained the completion of past violations and the work done by Mr. Jungalwala to address them, including removing Japanese knotweed and mitigating plantings.

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

Notice of Intent: 32 Skyview Lane, DEP #301-1416

Chair Henkels resumed the Hearing for the project to remove trees and install a fence within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Irena Webster was the applicant. This Hearing was continued from May 13, 2024.

Joanna McCoy from a Blade of Grass made some adjustments to the design since the last meeting, primarily changing the fence style to a black aluminum picket fence with larger gaps, which meets the pool barrier code. They also added a gate for convenient access on the left side. The plan remains the same regarding the removal of trees within the buffer zone and the layout of the fence. Chair Henkels asked for the most recent illustration, and Ms. McCoy provided the updated diagram, clarifying the changes made.

Coordinator Capone expressed concerns about the sensitivity of the location and the challenges posed by the amount of ledge and lack of topsoil or vegetation in the area where the fence would be installed. She mentioned that installing the fence could change the habitat within the Buffer Zone, especially if it's intended for a dog to run around. She also suggested the possibility of placing the fence higher up on the slope to avoid being on the down gradient side.

Ms. McCoy responded by saying they are open to moving the fence up the slope if that's what the Commission prefers. They had discussed this during the site visit and are willing to adjust the layout accordingly. She also acknowledged that the current layout might not be the final one due to the challenges presented by the ledge and terrain.

Coordinator Capone mentioned the discussion during the site visit about potential additional mitigation or plantings in front of the fence to help stabilize the slope. She noted the challenges posed by the ledge but inquired if there was any consideration for extra plantings besides the proposed plugs.

Ms. McCoy responded affirmatively, stating their openness to planting low bush blueberries, considering there are already many growing in the area. They plan to bring in blueberries at a small size and place them strategically around fence posts or other suitable spots, taking soil conditions into account.

Regarding the future management of the area, Ms. McCoy mentioned that the homeowner intends to weed whack once a year but otherwise maintain the vegetation in place. She highlighted that the current vegetation includes low native grasses and that selective seasonal cutting, mainly in late winter, would be done for perennial growth, ensuring the blueberries aren't clear-cut but rather selectively managed.

Chair Henkels then invited questions from the Commissioners.

Comm. Holtz mentioned a sentiment from the site visit about possibly having the fence located more up the slope rather than down the slope. He also inquired about an existing stone wall and whether the fence would go through the break in the wall as drawn on the plan. Ms. McCoy clarified that the break was existing and discussed the potential for the fence to zigzag back into that space if desired.

Comm. Holtz asked if the stumps were staying and noted that the fence might need to be adjusted around existing stumps. He also brought up the issue of dewatering the pool and expressed concerns about water being removed from the pool and potentially dewatered into the wetland. He suggested including a condition in the Order to ensure that any dewatering doesn't go towards the rear of the property and instead is handled responsibly.

Ms. McCoy mentioned that the pool is a saltwater pool, and the water would likely be removed by the Pool Service Company in the fall, not dewatered into the wetland. Coordinator Capone agreed that a condition should be included in case of any changes in the future regarding dewatering, ensuring that it doesn't impact the Buffer Zone.

During the discussion, Comm. Sevier raised concerns about the potential uncertainty regarding the exact location of the fence. He referenced a past issue with a fence where there was confusion about its location and emphasized the importance of avoiding such uncertainties. He expressed discomfort with conceptual lines on a drawing and suggested having known points or measurements to ensure clarity about the fence's path before installation.

Ms. McCoy acknowledged these concerns and mentioned that they intended to measure out and set up temporary markers to establish the fence's exact location before installation. Comm. Sevier suggested using points on the left and right sides of the house to triangulate and determine the fence's position accurately.

Coordinator Capone proposed to meet with the fence company to lay out the exact location before installation, aiming to address any concerns about changes from what was approved by the Commission.

Chair Henkels asked if there were any plans to enhance the mitigation measures. Ms. McCoy mentioned using *Carex pensylvanica*, a grass which is already growing in the area, as well as lowbush blueberries as additional mitigation measures. She explained that there were no plans for irrigation in the area, except for initial establishment watering.

Coordinator Capone confirmed that the success rate required for the mitigation measures was 100% for two growing seasons, along with two years of invasive species management within the fenced area and just outside the specified blue area on the plan. Ms. McCoy then shared the plan again to clarify the areas designated for mitigation measures.

After this discussion, Chair Henkels asked the Commissioners if they had any other questions.

On motion by Comm. Sevier to close the Hearing, seconded by Comm. Holtz, 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.

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

Chair Henkels resumed the Hearing for the project to renovate an 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. This Hearing was continued from April 29 and May 13, 2024.

On motion by Comm. Cook to continue the Hearing to June 17, 2024, seconded by Comm. Sevier, 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 for the project 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 and May 13, 2024.

On motion by Comm. Sevier to continue the Hearing to June 17, 2024, seconded by Comm. Cook, with Comm. Porter abstaining due to technical issues, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 5 Hunt Road, DEP #301-1380

Chair Henkels resumed 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 Hearing was continued from October 17 and December 12, 2022.

On motion by Comm. Cook to continue the Hearing to June 17, 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. Sevier to continue the Hearing to July 29, 2024, seconded by Comm. Holtz, 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. Sevier to continue the Hearing to July 29, 2024, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 29 Twin Pond Lane, RDA #24-11

Chair Henkels commenced the meeting for the project to remove five trees within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Sanjay Patel was the applicant.

Sanjay Patel discussed multiple trees on his land, including a maple tree that died recently, two dogwoods, and two hemlock that were not doing well. He shared photos of these trees and expressed concerns about their condition and the potential risk posed by the dead maple tree.

Coordinator Capone noted that while these trees are not desired to be removed, they need to be taken down due to their condition, likely affected by the wetter environment over time. The removal process will involve a crane on the driveway to avoid machinery in the backyard. The stump of the maple tree will remain in place, cut flush without grinding to minimize disturbance to the wetland area.

She also mentioned an area that looks like a garden within the wetland area, which violates the original Order of Conditions prohibiting lawn expansion beyond the existing area. She suggested removing it from the wetland and revegetating this area and to comply with regulations.

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

Request for Determination of Applicability: 72 Wayside Inn Road, RDA #24-12

Chair Henkels commenced the meeting for the project to construct a porch, ramp and steps within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Steve Pickford was the applicant.

Nicole Hayes, a wetland scientist with Goddard Consulting, stated that the work would be approximately 72 feet from the Bordering Vegetated Wetland Area and 196 feet from the River. She shared a plan showing the location of the proposed three-season porch, ramp, and steps, noting that the wetland was flagged and the mean annual high water of the River was within the Wetland. The closest part of the project to the River was 196 feet away, placing it in the outer Riverfront Area, and about 72.4 feet from the delineated wetland resource. The work would take place within an existing lawn, involving minimal ground disturbance as no trees would be removed, and the porch would be built on a slab.

For mitigation within the Buffer Zone and outer Riverfront Area, the applicant proposed removing invasive Japanese knotweed along the wetland line and planting three highbush blueberries and three sweet pepper bushes to improve the Buffer Zone and provide more habitat.

Coordinator Capone noted that the original application did not include mitigation, which Ms. Hayes had now presented. She inquired about the management technique for the Japanese knotweed. Ms. Hayes suggested hand removal to avoid impacting the wetland, digging the roots with shovels and replanting the shrubs. Coordinator Capone questioned the density of the knotweed area and whether manual digging would be sufficient. Ms. Hayes estimated the Knotweed area to be a strip about 3 to 5 feet wide, distinct from the lawn area.

Coordinator Capone recommended the Commission work with the consultant to evaluate the knotweed removal and mitigation details during a pre-construction meeting. She suggested the Commission issue a Negative determination numbers 2 and 3, given the project's location in the Riverfront Area, with conditions for a pre-construction meeting and photo documentation post-completion to ensure compliance with the Determination.

Chair Henkels invited any additional comments or questions from the Commissioners.

Comm. Holtz questioned whether the design was jurisdictional for the Historical Commission and if it would need to change per their specifications. Ms. Hayes responded that she would need to look into it further and think about the matter.

John Drobinski, representing the Wayside Inn, stated that they would go through a permitting process with the Historic District Commission and the Historic Commission. He mentioned having had a preliminary meeting with

the Building Inspector, Fire, and Public Safety Departments. He acknowledged that there would be an additional process beyond the current discussion and assured that any conditions from these processes would be incorporated into the final plan.

Comm. Holtz asked about the design of the porch and requested a picture. He inquired whether the porch would have a flat or sloped roof and if it would tie into an existing gutter system. Comm. Sevier asked if the porch would have a roof. Ms. Hayes stated she was not aware of the specific design details.

Mr. Drobinski confirmed that the porch would be integrated into the existing roof, with proper drainage and stormwater runoff management. He offered to share the architectural drawings with the Commission. Comm. Holtz then asked about the wetland area with the knotweed, requesting a picture or confirmation if it needed to be inspected in the field. Ms. Hayes did not have a picture but indicated that the knotweed could be seen along the wetland line.

Chair Henkels asked about the square footage of the knotweed area. Ms. Hayes estimated it to be a 3- to 5-foot strip between wetland flag 103 and 108, which Comm. Sevier suggested could be about 100 feet long, resulting in approximately 300 to 400 square feet. Chair Henkels then invited any further questions from the Commissioners.

Comm. noted Comm. Porter's question about impervious surface. Comm. Porter asked for the amount, and Ms. Hayes responded that 443 square feet of work would be in the Buffer Zone and 37 square feet in the 200 Riverfront Area, totaling approximately 470 square feet.

Comm. Porter inquired about the influence of this on the overall plan and whether mitigation was necessary. Comm. Sevier assumed an infiltration setup with roof and downspouts would be provided. Comm. Porter asked where these would be located, and Coordinator Capone asked Mr. Drobinski if the design had progressed enough to determine this.

Mr. Drobinski stated that, based on the roof slope, runoff would go to the south in the drawing. He was unsure if the existing storm roof runoff went to an infiltration system or ran on the surface and needed to check the plans. Coordinator Capone asked about incorporating an infiltration system, to which he replied he wasn't sure and would need to review the site visit details.

Comm. Holtz questioned if it was premature to move forward with a Negative Determination, given the lack of details, and suggested waiting until after the Historic Commission review. He asked if there was a pressing need for immediate action.

Mr. Drobinski noted that historically there was a porch at this location, which they are aiming to recreate as it existed before the fire in the early 1950s. Comm. Sevier expressed agreement with Comm. Holtz, indicating that while not opposed to the concept, they lacked sufficient detail to provide a Negative Determination. Comm. Holtz reiterated that he was not opposed but felt they were missing important details.

Chair Henkels concurred with Comm. Sevier and Holtz, stating that more details were needed, preferably provided before the next Hearing. He suggested that additional information from the Historical Commission could be beneficial. Comm. Porter agreed with the sentiment.

Comm. Sevier emphasized that although the porch's historical existence was noted, the current work must comply with today's standards. He reiterated that the Commission was not opposed but needed more details to make a decision. He asked Coordinator Capone to specify what additional information was needed.

Coordinator Capone proposed continuing the discussion until after the Historical Commission review, ensuring no additional changes were required. She requested detailed plans for the knotweed removal and replanting, a narrative of the process, and information on the drainage and potential on-site infiltration system for the new roof.

Mr. Drobinski agreed to provide the requested information and appreciated the comments. Chair Henkels clarified that the discussion would continue once the necessary details were available.

Coordinator Capone explained that if the applicant waived the 21-day time period to issue a decision and agreed to continue the matter to a future date, they could do so. She estimated the needed information might take about a month to gather. Mr. Drobinski agreed to this timeline and suggested continuing the matter to a future meeting.

Coordinator Capone proposed continuing the discussion to a meeting scheduled for July 1st. Mr. Drobinski found this agreeable, although Comm. Sevier expressed concern about the feasibility of having all necessary feedback by then, suggesting it might be optimistic. Drobinski acknowledged the need to consult with the architect and confirmed the plan to check the design process.

After some discussion, it was agreed that continuing the matter to July 1st would be acceptable, with the option to extend if necessary. Chair Henkels confirmed the need for a motion to continue the matter until July 1st.

On motion by Comm. Porter to continue the Hearing to July 1, 2024, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 21 Henry's Mill Lane, RDA #24-13

Chair Henkels commenced the meeting for the project to construct a fence within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Valentina Barboy was the applicant.

Mrs. Barboy explained her intention to build a fence for pet containment and child safety, positioning it behind existing landscaping to preserve the aesthetics. She mentioned the proximity of the wetlands and the challenges of adjusting the fence's location without disturbing vegetation. She presented a rough drawing and explained her measurements and intentions based on GIS maps. She emphasized the need to avoid encroaching on the neighbor's property while maintaining the required distance from the wetlands.

Coordinator Capone noted that maintaining a 50-foot offset from the wetlands would place the fence in front of the landscaping. She explained that placing the fence behind this landscaping would not result in any new alteration of the buffer zone as the fence could be installed without removing any vegetation. She recommended a meeting with the fence company and possibly landscapers to ensure the fence is installed as far from the resource area as practicable.

Ms. Barboy clarified the process of clearing the path for the fence with landscapers before the fence company's installation. Coordinator Capone agreed to coordinate with the landscapers for this purpose.

Comm. Henkels then opened the floor for questions from the Commissioners.

Comm. Henkels invited questions from the audience, specifically directing attention to Coordinator Capone for any conditions associated with the proposal. Capone mentioned the need for a pre-construction meeting with both the landscapers and the fence company to ensure compliance with the Determination and document the work.

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

After the vote, Valentina Barboy asked about the process for removing dead trees from her yard. Comm. Henkels advised her to reach out to Coordinator Capone for specific guidance on handling the dead trees.

Request for Determination of Applicability: 21 Woodside Road, RDA #24-14

Chair Henkels commenced the meeting for the project to widen a driveway, rebuild a wall, replace steps, and relocate a shrub within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Mark Row was the applicant.

Mr. Row outlined two main aspects of his project. Firstly, he aimed to widen the existing driveway to create an additional parking space, proposing to use asphalt to match the current driveway. Secondly, he planned to replace deteriorating concrete steps and a porch with granite steps and brick pavers. Additionally, he intended to relocate rhododendrons from one area to another on the property.

Coordinator Capone mentioned that there were discussions about mitigating the new driveway with a potential pollinator garden or other efforts. Mr. Row elaborated on the pollinator garden idea but clarified it was not part of the initial project scope. Coordinator Capone inquired about any mitigation plans for the driveway expansion, to which Mr. Row mentioned using native species as part of the landscape design.

Comm. Sevier then inquired about documenting the mitigation for the driveway expansion. Comm. Henkels suggested making it a condition and determining the type and location of the mitigation. Comm. Capone added that the mitigation should be where the project's impact is most significant, suggesting it should be comparable in size to the driveway expansion and located between the work area and the wetlands.

Mr. Row asked if using a permeable surface would be sufficient mitigation, to which Comm. Capone responded that while porous surfaces are better, natural vegetation should still surround it. Comm. Sevier clarified that a pollinator garden would make more sense in Mr. Row's situation.

Comm. Holtz inquired about the damage to the trees that were removed from the area where the driveway extension was proposed. Mr. Row explained that during a storm, one tree snapped and fell into another, so both trees were removed as part of the cleanup.

Comm. Holtz also asked about locating the Buffer Zone line for the vernal pool. Comm. Capone indicated that the work area would be within a hundred feet of the vernal pool, as determined based on an old survey plan.

There was then a discussion about the perpetual condition regarding the 100-foot Buffer Zone associated with the vernal pool. Comm. Holtz questioned whether to vote on the request in front of them or continue the discussion. Comm. Capone clarified that the decision depended on whether the proposed project would negatively impact the wetland area.

Comm. Sevier mentioned that the work was primarily in previously disturbed areas and suggested that processing the application as a Request for Determination might be more practical, but obtaining more detail and possibly mitigation measures would be necessary. Chair Henkels agreed with the need for more detail and possible mitigation, aligning with Comm. Holtz's view.

Chair Henkels asked Mr. Row if he could provide additional details or plans within the next two weeks, as mentioned earlier in the meeting. Mr. Row confirmed that working with a landscape architect would yield a plan in that timeframe.

Comm. Sevier agreed with Comm. Holtz's and suggested having Mr. Row bring back the plan for review, with input from Coordinator Capone regarding mitigation measures.

Comm. Henkels proposed continuing the discussion to the next meeting on July 1st, 2024, and sought Mr. Row's permission, which was granted.

On motion by Comm. Cook to continue the Hearing to July 1, 2024, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Notice of Intent, 73 Hickory Road, DEP #301-1417

Chair Henkels opened the Hearing for the project to replace septic system and remove a radio tower within the 100-foot Buffer Zone, 200-foot Riverfront Area, and Bordering Land Subject to Flooding, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. David Hoaglin was the applicant.

Jack Maloney from Dillis & Roy presented a revised plan based on comments received by the Coordinator and DEP. He explained the revised location, its size, the existing septic system in failure, and the proposed replacement with a treatment tank and leach field. He also mentioned the removal of an invasive burning bush and the removal of a ham radio tower with guy wires.

Coordinator Capone noted the floodplain and asked for updated fill calculations, which Jack provided, showing a substantial reduction in fill compared to the original plan. She also mentioned the riverfront area designation based on GIS data but stated it wouldn't change the conditions for the project. She expressed that the project was an improvement over existing conditions and didn't require additional mitigation.

Comm. Henkels then asked for questions from the Commissioners.

Comm. Porter inquired about safety measures during the removal of the 70-foot ham radio tower. Mr. Hoaglin explained that it's a standard operation in the ham radio community, where the tower's 10-foot sections are lowered one by one using a gin pole.

The participants agreed to a continuance, and there are no additional questions or comments from the commissioners or the audience.

On motion by Comm. Porter to continue the Hearing to June 17, 2024, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent, 86 Robbins Road, DEP #301-1418

Chair Henkels opened the Hearing for the project to replace a septic system within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Joanne Bennett was the applicant.

Vito Colonna from Cornerstone Engineering presented a comprehensive plan for addressing septic system issues. He began by explaining the current situation, highlighting that the property houses a four-bedroom residence situated centrally on the lot. A notable feature of the property is an intermittent stream toward the rear, accompanied by Bordering Vegetated Wetlands (BVW).

Mr. Colonna mentioned that a consulting team had surveyed the wetlands in April, accurately locating and depicting them on the plan. These wetlands are primarily situated in the rear area of the property. He also described the existing landscape, noting a tree line along the back that transitions from natural wooded areas to developed, primarily lawn-covered spaces closer to the front.

The main focus of the proposal was to address the failing septic system, which currently comprises a tank and leach field in the back of the property. The plan involves replacing the septic tank in a similar location to maintain plumbing coordination. Additionally, a pump chamber will be installed to facilitate pumping wastewater to a new leach field in the front yard, strategically positioned outside the 100-foot Buffer Zone.

Mr. Colonna emphasized that this proposed solution represents a significant improvement over the existing conditions. He highlighted the limited options due to the property's layout, indicating that the proposed plan optimally addresses the septic system's needs while minimizing environmental impact.

Coordinator Capone provided her comments, expressing no significant concerns about the proposed work. However, she noted the need to confirm whether the intermittent stream falls under local Bylaw definitions, particularly regarding its intermittent status. While considering the project as a Riverfront one under local Bylaws, she clarified that this classification doesn't alter the performance standards or associated conditions of the proposed work.

The Commissioners did not raise any questions or provide additional comments during this part of the meeting.

Chair Henkels addressed the audience, asking if anyone had questions or needed clarification.

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

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

Notice of Intent, 11 Allene Avenue, DEP #301-1419

Chair Henkels opened the Hearing for the project to construct a detached garage within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Jeffrey Gray was the applicant.

Daniel Carr from Stamski and McNary introduced himself as representing Jeff Gray. He proceeded to share his screen to present the plan for a 20,000 square foot lot. He mentioned the presence of mean annual high water associated with Run Brook off the property to the west and Bordering Land Subject to Flooding outlined on the plan. He pointed out the 100-foot buffer, the 100-foot inner riparian zone, and the 200-foot outer riparian zone on the property.

The proposal involved building a detached garage that replaces an existing garage. He indicated the increase in impervious structure on the property, which was approximately 476 square feet. He also discussed the proposed stormwater controls, including a drip edge and infiltration trench along the edge of the roof, as well as gutters and downspouts to direct runoff.

To mitigate the additional impervious area, they proposed approximately 700 square feet of native plantings behind the shed and along the rear corner. Mr. Carr highlighted that the garage was positioned as far from the river as possible on the site, despite a previous zoning setback denial.

Following his presentation, Chair Henkels requested comments from Coordinator Capone. She confirmed that the proposed garage and impervious surfaces remained below the Rivers Act threshold, making the garage permissible. However, she suggested increasing the number of plants proposed for mitigation, especially considering the area cleared outside the lot, which appeared to be a bike path and a violation of the Rivers Act.

She recommended restoring the cleared area and removing any dumped material as part of the project. She proposed continuing the meeting to allow for an adequate mitigation and restoration plan to be provided.

Chair Henkels then opened the floor for questions from the Commissioners.

Com. Holtz expressed his agreement with Lori Capone's suggestion regarding the restoration of townland being separate from the mitigation for the garage construction.

Comm. Sevier raised a question about the number of vehicles in the driveway, wondering if the property was of a commercial nature due to the number of vehicles. Mr. Carr clarified that it was a residential property with a standard 3-car garage.

Chair Henkels then asked if there were any other questions from the Commission, to which there were none. He proceeded to request a continuation of the meeting, proposing two dates - the 17th of June and the 1st of July. Mr. Carr confirmed that the 17th of June would work well for him. However, Coordinator Capone mentioned that she would need the plan back the week before the meeting on the 17th of June.

On motion by Comm. Porter to continue the Hearing to June 17, 2024, 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 9:11 PM, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.