



## SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, August 12, 2024

**Present:** David Henkels, Chair; Ken Holtz, Vice Chair Jeremy Cook; Luke Faust (left the meeting at 7:32 PM); Kasey Rogers; Mark Sevier; and Lori Capone, Conservation Coordinator

**Absent:** Bruce Porter

The meeting was called to Order by Chair Henkels at 7:02 PM via roll call.

Chair Henkels took a moment to acknowledge the hard work and dedication of town staff and volunteers, emphasizing the importance of their contributions to the community. He specifically highlighted the longstanding partnership between the Town of Sudbury and the Sudbury Valley Trustees and announced that Conservation Coordinator Lori Capone had been awarded the Distinguished Public Service Award for 2024 by the Sudbury Valley Trustees. This award recognizes exceptional leadership in environmental issues at local, state and federal levels.

Chair Henkels praised her commitment to natural resource protection, land stewardship, and education. He encouraged everyone to give a virtual round of applause and expressed appreciation for her efforts. The Commissioners all added their congratulations, commending her for her outstanding work and contributions.

Kirsten Roopenian, 45 Harness Lane, praised Lori for her excellent attitude and the positive impact she has had on the Town. She noted that Coordinator Capone deserved the recognition and highlighted her role in fostering effective partnerships.

### Minutes:

#### July 15, 2024

On motion by Comm. Cook to accept the minutes of the July 15, 2024 meeting, seconded by Comm. Sevier, with Comm. Faust abstaining, via roll call the vote was unanimous in the affirmative.

#### July 29, 2024

On motion by Comm. Faust to accept the minutes of the July 29, 2024 meeting, seconded by Comm. Rogers, with Comms. Cook and Holtz abstaining, via roll call the vote was unanimous in the affirmative.

### Wetland Applications:

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

Chair Henkels resumed 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, Applicant. This meeting was continued from June 3, 2024.

On motion by Comm. Faust to continue the Hearing to September 9, 2024, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

#### Request for Determination of Applicability: Wayside Inn Road, RDA #24-20

Chair Henkels began the meeting for the project to replace a bridge parapet and guardrails 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. Department of Public Works was the applicant.

Darrin Stairs of Woodard and Curran described the project, which involves bridge and guardrail replacement on Wayside Road. He explained that this is a Request for Determination of Applicability (RDA) for work over Hop Brook near Dutton Road. He noted that the bridge had been damaged in 2019, leading to an emergency repair with Jersey barriers, which have been in place for five years. The project now aims to replace these with a more permanent solution.

He explained that the work will focus on the roadway and not on the bridge's superstructure or abutments. The plan includes removing the Jersey barriers and installing cast-in-place concrete bridge rails clad with stone veneer. Granite veneer will also be added below the bridge planks, and a steel-backed timber guardrail will replace the old timber rail. All work will be done from the roadside, away from the waterway. Construction is expected to take 2 to 3 months, with the contractor ready to start once approval is granted.

Coordinator Capone recommended issuing a Negative Determination #2 and 3 for the project, noting that it involves work within the Riverfront Area and Floodplain. She proposed several conditions, including scheduling a pre-construction meeting to review and inspect erosion controls, ensuring no grade changes within the bordering land subject to flooding, and scheduling a final inspection post-completion. She specified that all disturbed areas must be loamed, seeded, and covered with hay, and no mulch should be brought onto the site, referencing a note on the plans about mulch. Chair Henkels thanked Coordinator Capone for her comments and asked the Commissioners for their input.

Comm. Sevier inquired whether the former bridge railing extended as the new railing will and if there was anything unusual about the old railing that led to its failure during a car accident. He wanted to ensure that such a failure would not happen again. Mr. Stairs explained that the old bridge rails were not constructed to withstand vehicle collisions, which was why they failed. The new rails are designed to meet Department of Transportation (DOT) standards, meaning they are reinforced cast-in-place concrete that can withstand vehicle impacts. The limits of the new rails will be the same as the old ones.

Comm. Sevier asked if the guardrail was designed to prevent direct impacts. Mr. Stairs confirmed that the new guardrail is continuous and integrates with the concrete abutment, functioning as a rub rail to help deflect vehicles.

Chair Henkels asked if any soil would be brought in for the project. Mr. Stairs confirmed that no soil would be brought in.

Chair Henkels then inquired about the staging area for the construction. Mr. Stairs indicated that the contractor plans to use half of the roadway for staging.

Chair Henkels asked about the depth of the fill for the posts that support the guardrail. Mr. Stairs explained that the concrete bridge rail will be anchored to the bridge itself, and the guardrail posts, which are up to 6 feet long, will be driven into the ground.

Chair Henkels then questioned whether test pits would need to be sampled. Mr. Stairs replied that they would not.

Chair Henkels invited questions from the Commissioners and the audience. No further questions were raised.

On motion by Comm. Holtz to issue a Negative Determination of Applicability #2 and 3, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

[Luke Faust left the meeting at this point]

### **Request for Determination of Applicability: 92 Blueberry Hill Lane, RDA #24-21**

Chair Henkels began the meeting for the project to replace the patio and walkway, install a french drain, repair a retaining wall, remove trees, and install native plantings within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Stephen Ruddy was the applicant.

Mr. Ruddy summarized the situation at 92 Blueberry Hill Lane, a single-family residence built in 1963. The house is a two-story raised ranch, with one story visible from the front and one story partially underground due to a significant slope in the side yard. Wetland resources are located to the west and south of the house, including a vernal pond to the left of the house and a culvert that drains the wetland to the west.

Ruddy explained that they hired Robial Water Limited to conduct an existing conditions survey and an engineering assessment to propose a solution for managing surface water around the rear foundation of the house. The key issue is water infiltration into the foundation from a damaged concrete patio that slopes towards the foundation. This has led to water entering the finished space, raising concerns about potential mold growth.

To address these issues, the proposal includes installing a shallow French drain along the back of the foundation, with a perforated pipe to catch surface water. The water would be directed underground and then daylighted to a riprap field. Additionally, a rain garden will be installed downstream from the riprap field to manage any remaining water. The plan also involves replacing the damaged concrete patio with a porous paver patio and replacing the existing paver patio with a matching porous paver patio.

Downspouts will be tied into the drainage system to manage rainwater effectively. Ruddy highlighted that the proposed solutions aim to address water management and surface conditions while improving the overall functionality of the site.

Chair Henkels asked the Commissioners for their questions or observations on this part of the application before moving on to the next item.

Comm. Holtz asked for clarification on the rain garden and riprap field. He questioned whether the rain garden would include a basin to hold more water, given the slope of the area and the risk of runoff entering the resource area. He wanted to understand if the water would infiltrate before reaching the wetland. Mr. Ruddy explained that the riprap field is intended to disrupt water flow to prevent erosion before the water reaches the resource area. The rain garden, proposed to be around 100 square feet and sunken about a foot or 15 inches into the ground, would handle any overflow. Mr. Ruddy believed this setup would allow water to infiltrate and prevent further erosion into the resource area.

Comm. Holtz sought clarification on the dimensions of the rain garden, confirming it would be approximately 100 square feet in size rather than a specific 10 by 10 area. He also asked about the components of the rain garden, inquiring whether it would consist of water-loving plants or include additional features like rocks. Mr. Ruddy responded that the rain garden would be a depressed area with a variety of water-loving plants, with the plant selection reviewed by the Conservation Office before installation. The rain garden would not include additional rock features, as the riprap field was considered sufficient to manage water flow.

Comm. Sevier inquired whether the engineer provided any estimated flow calculations for the water being directed to the riprap field and rain garden. He noted the potential issue of handling significant volumes of water, such as from a heavy rainstorm, and asked if the design included any berms to act as a pond for water infiltration. Mr. Ruddy replied that there were no specific flow calculations provided by the engineer. The riprap field was intended to break up the water flow, and the rain garden was added as an additional measure to capture and infiltrate water before it reached the wetland area. Mr. Ruddy indicated that the rain garden was designed to handle water infiltration, but he did not have detailed schematics of the hillside design.

Comm. Sevier expressed concern that the riprap alone might not be sufficient to stop the flow of water and suggested that a berm might be necessary. He mentioned that having estimates of potential water flow and additional storage volume might be important for managing peak storm events. He noted that without these considerations, water would likely run downhill due to the slope.

Coordinator Capone responded to Comm. Sevier's concerns by noting that the consultant had a good understanding of the water flow involved. She assured that the rain garden would be designed as a depression in the most level part of the lot, and that the calculations for both the gutters and French drain would be considered. She mentioned that the rain garden's purpose was to handle storm events, not continuous flow, and emphasized that the sandy soil would facilitate good infiltration. She expressed confidence in working with the consultant to ensure the rain garden would effectively manage water without causing erosion.

Chair Henkels then invited the audience to ask any questions related to this aspect of the project. After confirming there were no immediate audience questions, he requested that Mr. Ruddy continue with the rest of his presentation.

Mr. Ruddy summarized the second activity, which involves repairing and maintaining the CMU block retaining wall behind the concrete patio. He explained that the wall has been slightly dislodged and that the repair work

would involve removing a small section of the wall, replacing the blocks, and applying a protective stucco coating and a new cap. This work is important to maintain the structural integrity of the wall, which supports a hill and is near the septic system's drain field. He also noted that the erosion controls proposed for the first activity would apply here as well.

Chair Henkels then invited comments from the Commission on this aspect of the project.

Comm. Sevier asked about the method for excavating behind the CMU wall for reinstallation. Mr. Ruddy explained that a skid steer would be used, which would minimize soil displacement. He noted that the removal of the existing blocks would likely be done manually, with debris loaded into the skid steer for removal from the site.

Matt Junod, owner of JHS Landscape, confirmed that the removal would be done by hand and the materials would be transported using a small 60-inch wide skid steer to minimize impact on the hillside. He added that a mini excavator would also be used, and all wall work would be done manually.

Coordinator Capone inquired about the exact location and size of the section to be removed and replaced. Mr. Junod clarified that the left side section of the wall, approximately 12 to 14 feet long, which has peeled away from the main wall, would be rebuilt and reinforced.

Chair Henkels then asked if there were any further comments from the Commissioners.

Mr. Ruddy presented the third activity, which involves installing safety fencing on each side of the driveway culvert. The current situation lacks adequate protection, with minimal fencing on the west side and no protection on the right side. The proposed fence would be similar to the one on the new rail trail, featuring 6x6 pressure-treated posts connected with spans to ensure structural integrity and safety.

Coordinator Capone commented that the installation of the posts might be challenging due to the steep slope. She suggested working with the contractor to ensure proper installation without causing siltation to the resource area. She also noted that the installation area is primarily on the neighbor's property, and requested an email or acknowledgment from the neighbor confirming their approval of the work.

Mr. Ruddy addressed the issue of lot lines, noting that the lot line shown was not consistent with the lot lines issued by the town when the house was built. He confirmed that the resident next door had been consulted and would provide written approval. Mr. Ruddy stated that the driveway was entirely on their property according to the town's lot lines.

He then discussed the problem with several trees located on the hill behind the house and one dead tree on the east side. He reported that there had been multiple incidents of damage to the chimney and roof due to these trees, and a recent tree fall had damaged the patio. He explained that the trees had extensive branches reaching over the house and were a safety concern. Ruddy proposed removing four trees behind the house and one dead tree on the east side. He noted that these trees were close to the 100-foot wetland boundary. To maintain transparency, he also mentioned the intention to remove one additional tree outside the 100-foot buffer zone, totaling five trees.

Coordinator Capone responded, acknowledging that the trees were a hazard, especially given the slope and the proximity to the leach field. She expressed no concerns about the tree removal, noting that the stump would remain and that removal with a crane would be necessary due to the slope and root systems potentially affecting the septic system.

Comm. Holtz asked if the tree that recently fell on the patio was one marked for removal or a different tree. Mr. Ruddy indicated that, based on its location, it was likely from one of the trees proposed for removal. He clarified that it was a large, rotted branch, not the entire tree, which fell during recent rains.

Mr. Ruddy introduced a final item, stating the intention to replace existing shrubs and bushes around the new patio with native plantings to attract pollinators and wildlife. He provided a photograph of the current plantings to be replaced. He emphasized their commitment to seek written approval from the Conservation Office before purchasing or installing any plants to ensure they are suitable for the site.

Coordinator Capone added that the property also includes forsythia and wisteria, which had previously been granted permission to manage. They plan to cut these plants and leave the stumps without using herbicides, aiming to exhaust the root system and then infill with native plants.

On motion by Comm. Sevier to issue a Negative Determination of Applicability #3, seconded by Comm. Cook, with Comm. Faust not present, via roll call the vote was unanimous in the affirmative.

### Other Business:

#### **Conservation Commission Associate Member Discussion: Harry Hoffman**

Coordinator Capone introduced Harry Hoffman, noting that he had previously submitted an application for a project to manage Japanese knotweed on his property and replace it with native species. She explained that Robert Bosso had initially met with Mr. Harry on site and discussed his potential interest in joining the Commission. After meeting with Harry and discussing his background and interest, Capone and Chair Henkels invited him to the meeting to consider his appointment as an Associate Member. Capone also mentioned that Karl Fries, another candidate for an Associate Member position, was pending a legal opinion regarding his simultaneous service on the Finance Committee.

Chair Henkels welcomed Mr. Hoffman and asked him to introduce himself.

Mr. Hoffman introduced himself, noting that he had moved to Sudbury from Philadelphia last August. He had spent over a decade in the Massachusetts area and had chosen Sudbury for its natural beauty, nature trails, and school systems. He highlighted his enjoyment of outdoor activities and mentioned his involvement with the Sudbury Valley Trustees and Native Plant Trust. Professionally, he had experience in higher education information technology, which he felt could be beneficial to the Commission. He expressed a desire to be active in the community and contribute, particularly given his recent move from a small backyard in Philadelphia to a larger property in Sudbury.

Chair Henkels responded positively and invited the Commissioners to ask questions or make comments.

Comm. Holtz asked Mr. Hoffman about his preferred approach as an Associate Member, outlining two options: either being a passive member who listens and participates minimally until becoming a full member or being an active participant who engages regularly in meetings. He emphasized the value of participation for learning and suggested that engaging actively is more beneficial than remaining passive.

Mr. Hoffman responded that he preferred to be hands-on and engaging. He stated that he would ask questions and participate actively to contribute effectively, rather than just observing. He expressed a commitment to being involved and making the most of his volunteer time.

Comm. Holtz agreed with Mr. Hoffman's approach, encouraging active participation. He noted that learning and contributing are more challenging over Zoom compared to in-person meetings but still important.

On motion by Comm. Sevier to recommend Harry Hoffman as an Associate Member, seconded by Comm. Holtz, with Comm. Faust not present, via roll call the vote was unanimous in the affirmative.

Comm. Rogers suggested that Mr. Hoffman attend the Massachusetts Association of Conservation Commissioners (MACC) Fall Meeting, which offers valuable resources and courses on regulations. The conference will be held at Holy Cross in Worcester, and there are also virtual options available. Chair Henkels confirmed the location and advised visiting the MACC website for more details.

Coordinator Capone provided updates on the Japanese knotweed situation and algal blooms. She noted that the algal blooms were ongoing at both Sewataro and Hop Brook ponds. The advisories would be removed once it was deemed safe. She mentioned that there had been no fish die-offs reported, even in heavily affected Hager Pond.

Comm. Holtz asked if the algal blooms posed a threat to ducks and other waterfowl. Chair Henkels added that he had noticed a lack of waterfowl at both ponds, with those at Hager Pond mostly congregated on the beach side. This observation led him to believe that the birds might be avoiding the affected areas.

### Adjourn Meeting

On motion by Comm. Cook to adjourn the meeting at 8:15 PM, seconded by Comm. Holtz, with Comm. Faust not present, via roll call the vote was unanimous in the affirmative.