



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, July 15, 2024

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

Absent: Luke Faust

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

Minutes:

On motion by Comm. Cook to accept the minutes of the June 17, 2024 meeting, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Continued Wetland Applications:

Notice of Intent: 150 Prides Crossing, DEP #301-1421

Chair Henkels resumed the Hearing for the project to install a fence after-the-fact within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Tim and Jennifer Shannon were the applicants. This Hearing was continued from July 1, 2024.

Coordinator Capone stated that the only pending item was the DEP number. She had drafted an Order of Conditions, which had been shared with Mrs. Shannon for review.

Chair Henkels inquired if Mrs. Shannon had any comments or questions. She responded with no comments.

Chair Henkels then asked if there were any comments or questions from the Commission members or the audience.

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

On motion by Comm. Cook to issue the Order of Conditions, seconded by Comm. Holtz, 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 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.

George Connors of Connorstone Engineering presented the current status of the plan. He noted outstanding issues included final approval from the Board of Health, which was expected soon, and the Planning Board's approval of the stormwater system. Mr. Connors also mentioned a minor change in plantings from 48 to 64, which would be included in the conditions.

Mrs. Maciel addressed the Commission sought clarification regarding the irrigation system and asked if the Commission would be willing to work with her to establish irrigation outside jurisdiction. She suggested potentially installing irrigation in front of the house and temporary irrigation to ensure the survival of the plants. Chair Henkels acknowledged these comments and confirmed that the Commission was aware of the issue. He assured her that the request would be considered as part of the ongoing discussion.

Coordinator Capone noted that the original plan had included a pool and a shed, which were now eliminated. The revised plan features a patio in the back, which was not part of the previous plan. She described the resource areas as the Riverfront Area and the Buffer Zone. She highlighted that the special conditions included no irrigation on site due to concerns about a steep slope in the backyard. However, she confirmed that installing irrigation in the front area, which was outside of the jurisdiction and relatively flat, should not have negative impacts. She also mentioned that temporary drip irrigation could be used for the mitigation plantings in the back until they were established.

Chair Henkels thanked Capone and asked if any Commissioner had questions.

Comm. Holtz raised a concern about tree removal, asking if there had been adjustments to the plan regarding trees being cleared, particularly in relation to neighboring properties. He inquired if more trees were being retained or if the plan had changed in that aspect. Mr. Connors responded that the plan indicated the large trees to be removed, and the number had been minimized.

Coordinator Capone explained that the original plan proposed clearing very near the neighbor's property, but now the clearing has been significantly reduced. This would create a substantial buffer to the neighbors, with over 60 shrubs planned to be added to the existing trees, enhancing the Buffer Zone.

Chair Henkels then asked about the erosion control measures and if there would be an environmental monitor on site. He expressed concern about the impact of heavy weather on the cleared areas and wanted to ensure erosion control systems were maintained properly. He asked if there was someone from the team or a third party who could report to the Commission on these aspects. Mr. Connors confirmed that they could arrange for a third-party wetland scientist to handle monitoring if required.

Chair Henkels asked the Commission if they felt an environmental monitor was necessary, specifically to report after heavy rain events to ensure erosion control systems were functioning and debris-free. He emphasized that he was not suggesting constant monitoring but rather focusing on periods of heavy weather.

Comm. Sevier inquired about the retaining wall next to the septic field, asking if it would be installed early in the project. He noted that the wall was essential as it would be below the elevation of the leaching trenches, making it one of the first things to be installed. Mr. Connors confirmed that the retaining wall would be installed early to avoid disturbing the leaching system. He mentioned the wall would range from 4 to 8 feet in height, with specific elevations given as 320 at the lower portion, 316 below the wall, and 312 at the other end near the vent.

Comm. Sevier asked if the area around the wall would be flat and if the erosion control measures were shown close to the wall. Coordinator Capone confirmed that erosion controls could be adjusted once the wall was in place to ensure additional controls at the top if necessary. The grading would be flattened to reduce erosion.

Chair Henkels requested clarification on the number of trees being removed. Mr. Connors initially mentioned 70 trees but later corrected this to about 68, with 2 additional dead trees to be removed. Mr. Connors showed the tree locations on the plan. Capone added that the total number of removed trees did not include smaller saplings. The removal area would be confined within the erosion controls.

Chair Henkels expressed concern about the potential for significant erosion given the large number of trees being removed and the potential for a "mud pit" condition. Mr. Connors acknowledged the concern but noted that they had experience managing such sites with heavy rainstorms.

Chair Henkels then asked if there were any other questions from the Commission.

Comm. Holtz raised a question about the stormwater drywell, specifically about a catch basin at the end of the driveway that appeared to feed into the dry well. He asked if the catch basin was designed to collect water from the road and if there were concerns that it might overwhelm the dry well. Mr. Connors explained that the catch basin, positioned at the edge of the stone wall, was intended to capture runoff from the driveway before it reached the street. He noted that there was a 2% slope directing water toward the street, and the basin was designed to handle driveway runoff without affecting the street drainage. Mr. Connors pointed out that a gutter line along the street would manage street water separately.

Comm. Holtz then inquired if the gutters from the house were also feeding into the dry well. Coordinator Capone confirmed that there was one line from the front and another from the back of the house connected to the system.

Chair Henkels asked Mr. Connors if the stormwater system was designed to handle a 100-year event and if there was an overflow or secondary system. Mr. Connors confirmed that the system included an overflow from the round manhole, which was designed to manage events larger than the 100-year storm.

Chair Henkels asked Coordinator Capone to clarify the issue regarding the irrigation system. She explained that the request was to install irrigation in the front yard, which is outside of the Riverfront Area and Buffer Zone. She noted that the front yard area is relatively flat after regrading. Additionally, she recommended temporary drip irrigation in the mitigation area at the back to support shrub plantings until they are established.

Comm. Holtz asked if the condition would state that no permanent irrigation systems would be allowed in the rear of the property. Coordinator Capone confirmed that the condition needed to be modified to allow for irrigation outside of jurisdictional areas, rather than prohibiting it entirely on the site.

Comm. Rogers inquired if a temporary irrigation system could be used in the back until the plantings were established, and Coordinator Capone agreed, specifying that it would be a drip irrigation system. Comm. Rogers also suggested including a provision to ensure the system was removed once the plantings were established. Coordinator Capone confirmed this would be addressed during the Certificate of Compliance review.

Chair Henkels asked the Commissioners if there were any other comments. Chair Henkels then inquired if anyone in the audience had questions or comments. After no audience response, Chair Henkels called for a motion to close the Hearing.

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

Chair Henkels noted that Coordinator Capone had sent out draft Special Conditions and asked if there were any questions or comments from the Commissioners.

Comm. Holtz raised a question about whether an Environmental Monitor was required, noting that it was included in the conditions. Coordinator Capone clarified that an Environmental Monitor was not one of their standard conditions, but it was included due to the sensitive location of the project. She explained that initially, a contractor or site member would be designated as the Environmental Monitor, with the possibility of requiring a Wetland Scientist if issues arose.

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: 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, December 12, 2022 and July 1, 2024.

Coordinator Capone noted that since the applicant's last appearance before the Commission, several Commissioners had visited the site to review it. She highlighted that the mitigation plantings were the outstanding issue from the site visit. The previous proposal had called for 500 to 600 square feet of mitigation plantings, which had now been increased to 1,500 square feet to offset the 1,000 square feet of new impervious surface from the carport and driveway extension.

Robert Melvin confirmed that the applicant had provided an updated planting list to the Commission and asked if the list had been received. Coordinator Capone affirmed that the Commission did have the list and that it was found to be satisfactory for the application.

Chair Henkels then asked the Commissioners if they had any questions.

Comm. Porter confirmed that the quantity and choice of species in the planting plan were appropriate. Coordinator Capone agreed that both aspects were suitable for the site.

Chair Henkels asked if there were any further questions from the Commission or the audience. With no additional questions or comments, Chair Henkels called for a motion to close the hearing.

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

Chair Henkels noted that Coordinator Capone had sent out the draft Special Conditions and asked if there were any comments or edits. Coordinator Capone mentioned that the draft included a provision regarding the introduction of new invasive species. She explained that the applicant would be responsible for removing any new invasive species found on site, in addition to the required plantings.

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

Notice of Intent: 94 Puritan Lane, DEP #301-1423

Chair Henkels resumed the Hearing for the project to rebuild a patio and rock wall within the 100-foot Buffer Zone within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Christina McCarthy was the applicant. This Hearing was continued from July 1, 2024.

Coordinator Capone noted that some Commissioners had visited the site and that it was a unique condition. She confirmed that the construction for the patio had been understood with the contractor present at the last meeting. The proposed boardwalk would be wooden on cinder blocks, causing minimal ground alteration.

The focus was on the backyard lawn, where a prior Order had prohibited formal lawn establishment. The area, which is mowed 2 to 3 times a year and used for recreation, was not considered a formal lawn. Coordinator Capone recommended including a condition in both the Certificate of Compliance for the prior Order and the new Order that would specify the allowable uses for this space. The condition would permit mowing 2 to 3 times a year but prohibit fertilizers, pesticides, structures, or fill, ensuring the area could naturally revert to wetlands if left undisturbed.

Chair Henkels thanked Coordinator Capone for the update and invited questions from the Commissioners.

Comm. Holtz noted that the special conditions related to the lawn area had not been distributed ahead of time and requested Coordinator Capone to articulate these conditions when the time came.

Chair Henkels asked if there were any other questions from the Commissioners. Mrs. McCarthy indicated she had no additional comments. Chair Henkels then inquired if there were any questions from the audience and called for a motion to close the hearing.

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

Coordinator Capone proceeded to review the Order, noting the findings and conditions, including mitigation for invasive species and restrictions on lawn establishment.

Chair Henkels asked Christina McCarthy if she had any comments or questions about the Order. McCarthy had none. Chair Henkels then asked the Commissioners and the audience for any further comments before calling for a motion to issue the Order of Conditions as outlined.

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

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

Chair Henkels resumed 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. This Hearing was continued from June 3 and June 17, 2024.

Montgomery Nsamba, of Stamski and McNary, presented the revised plan. He explained that following a site walk with Coordinator Capone, two additional areas had been designated for potential plantings. Two native

evergreen species, Eastern Red Cedar and Balsam Fir, were added to the restoration plant list. A note was also included on the plan specifying that soil erosion controls would be installed if heavy machinery was used for planting, although Mr. Nsamba did not anticipate the need for such machinery.

Coordinator Capone expressed confusion regarding the area behind the bike path, which she had discussed with the owner. She mentioned that the area was a natural forest, and no additional modifications were deemed necessary there. Capone noted that some erosion controls would be needed between the new plantings and questioned that the woody debris removal would likely require machinery.

She also addressed a potential additional planting area at the back, which was discussed during the site visit. This area, currently overrun by bittersweet, would benefit from the evergreen trees to provide screening. The applicant planned to manually manage the bittersweet. Coordinator Capone also mentioned a pine tree that was leaning towards the house and would be problematic in the future. The homeowners requested its removal. Mr. Nsamba agreed to include the tree removal in the plan if the Commission approved it.

Coordinator Capone clarified that the tree was on town property and that the town did not wish to remove it due to its condition. The cost of removal would be borne by the applicant if the Commission approved it.

Chair Henkels invited questions and comments from the Commissioners.

Comm. Holtz proposed extending the planting area north up to the property line, suggesting that some of the other areas should be eliminated in favor of this expanded planting area. Coordinator Capone agreed that the plan did not reflect this accurately and recommended updating it to show plantings along the property line.

Comm. Sevier inquired about the specifics of the plantings, such as the number and type of plants. Coordinator Capone estimated that 5 to 7 evergreen trees (a mix of Eastern Red Cedar and Boston Fir) should be planted along the lot line.

Chair Henkels expressed concern about the potential impact of removing invasive species on newly planted vegetation. Coordinator Capone indicated that aggressive management of the invasive species was necessary to protect the new plantings.

Comm. Holtz asked if the Commission should continue the Hearing for more detailed plans or if the current plan could be updated and signed. Coordinator Capone outlined two options: marking up the current plan per the discussion and including the updated details in the conditions, or continuing the Hearing to have the applicant submit a revised, stamped plan. Chair Henkels agreed with the need to address the details but noted it shouldn't necessarily delay the decision.

Jeffrey Gray, representing the applicant, confirmed the goal of creating a screening barrier with 4 to 7 trees and managing the invasive bittersweet. He indicated readiness to proceed with the work as soon as approval is given.

Comm. Sevier suggested that the Commission could approve the project based on the current discussion, with Coordinator Capone marking up the plan, with the changes detailed on the as-built plan. This would allow the project to proceed without delay. Chair Henkels asked the Commissioners for their thoughts on proceeding with this approach.

Comm. Porter suggested a more efficient approach for incorporating changes into original documents. He proposed focusing on the overall goals first and addressing the details later. Chair Henkels inquired whether the Order would include a provision for the new schematic and a deadline for its completion.

Comm. Sevier discussed the possibility of using an "as-built" plan. He mentioned that if approval could be given that night, it would avoid delays from having to redraw plans. Coordinator Capone indicated her comfort with this approach. Chair Henkels then asked the Commissioners if they had any additional questions.

Comm. Holtz inquired about the planned vegetation north of the track, specifically whether the area would include only trees or if shrubs would also be planted. He questioned if the number of trees and shrubs would be sufficient. Coordinator Capone expressed concern that shrubs might be overtaken by bittersweet, given the area's

primary purpose for screening. She noted that while shrubs could be planted in front of the trees, it would be difficult to maintain them with the current presence of bittersweet. Comm. Holtz acknowledged that if only trees were planted, homeowners would need to manage the bittersweet to protect the new trees. Comm. Sevier suggested that homeowners, with proper attention and effort, could manage the bittersweet.

Chair Henkels then asked if there were any other questions from the Commissioners or the public.

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

Chair Henkels then addressed the Order of Conditions, noting that Coordinator Capone had sent it out for review. He asked if there were any comments or questions. Jeffrey Gray indicated he was fine with the conditions.

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: 104 Plympton Road, DEP #301-1420

Chair Henkels resumed the Hearing for the project to construct an addition, swimming pool, fencing, driveway, and walkway, reconstruct a deck, and relocate a shed within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Andrew and Emily Bouley were the applicants. This Hearing was continued from June 17, 2024.

Peter Bemis provided an overview of the project, noting that wetlands had been flagged by Norse Environmental Services, which differed from the suggested wetland line originally submitted. He explained that the project would honor the delineated wetland limit, acknowledging the manicured lawn adjacent to the natural wooded wetland.

Mr. Bemis also described the project's vegetation plan, including planting a row of various maple trees and birches near the home, while leaving a moss-covered area natural. He detailed plans to eliminate manicured lawn and roots, planting native wildflowers in the fall, and managing the area to prevent invasives.

He outlined the limit of work, including maintaining the erosion control line and constructing a swimming pool and associated dewatering plan. The pool construction would involve removing the lawn layer and using a double barrier to filter water back into the ground.

He discussed the construction of a permeable deck, walkway, and driveway using permeable pavers, with a crushed stone area to manage excess stormwater. He also described the proposed retaining walls and the home addition, which would include a 12-foot garage bay and a family room above. The existing deck would be reconstructed with a modified stair placement, and roof stormwater would be redirected to an infiltration system. The existing shed would be removed and relocated near the pool.

He concluded by noting that proper mitigation and protection measures were included, such as installing waddles along the edge to ensure wildflower establishment. He offered to answer any questions and mentioned a specific planting plan for the pool area. Chair Henkels asked the Commissioners for their comments.

Comm. Holtz questioned why there were two separate infiltration systems on the south side of the house rather than one larger system. He suggested that combining them might be more efficient. Mr. Bemis responded that combining the systems could be an option. He explained that the two systems were sized based on the roof area they served, and there was enough capacity with the two chambers. He noted that the elevation difference between the two systems was minor, but he was open to the suggestion if it was preferred.

Chair Henkels invited Mr. Bemis to show the planting plan. Mr. Bemis shared the planting plan, which included native plantings around the pool area to provide a buffer and screening. He indicated the locations of the permeable patio units and the block wall.

Mr. Bemis noted that the project involved a pre-existing home with a historical limit of work that had evolved over time. He explained that the proposal included significant mitigation measures, such as creating a permanent

Buffer Zone with diverse habitat, and emphasized the long-term benefits of the project. Chair Henkels thanked him for the presentation and requested comments from Coordinator Capone.

Coordinator Capone noted that while she had recently received the plans and needed more time for a thorough evaluation, she felt the concerns raised by the Commission had been addressed. She expressed a need for a confirmatory test pit for the southern infiltration basin to ensure it functions properly and is above groundwater elevation. She also suggested adding signage to indicate the purpose of the trees to future owners, in addition to the perpetual condition in the Order of Conditions.

She also inquired about the pool fence, confirming that it was represented by the blue line on the pool plan, which also indicated a contour interval. Mr. Bemis confirmed that the fence would be placed at the center of the wall and that no additional fencing would be installed that might impede habitat.

Comm. Holtz asked about the size of the shed being repurposed as a pool house, inquiring if it was under 16 feet long. Peter Bemis confirmed that it was under the 200 square foot threshold set by regulations.

Chair Henkels requested clarification on the difference between mean high annual and estimated seasonal high groundwater. Mr. Bemis explained that recent rain had affected the water tables. He noted that while their readings were reliable, they expected the groundwater level to be higher in the spring or after snowmelt. He described the test pit site as having gravel where oxidation indicators were not evident. He expressed confidence in their readings and mentioned that they planned to continue the work into 2024, especially for restoration in the buffer zone.

Chair Henkels thanked Mr. Bemis for the clarifications and asked if they could continue the hearing until July 29, 2024. Peter Bemis confirmed their agreement.

On motion by Comm. Holtz 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: 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 was the applicant. This meeting was continued from June 3, 2024.

On motion by Comm. Porter to continue the Hearing to August 12, 2024, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 74 and 80 Maynard Road: Bonnie Brook Realty Corp., DEP #301-1341

Chair Henkels resumed the Hearing for the project to construct a roadway and associated drainage system and utilities in 100-ft Buffer zone and Adjacent Upland Resource Area for a 6-lot residential subdivision, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. John Derderian was the applicant. This Hearing was continued from June 7, August 9, September 27, 2021, August 22, 2022 and July 24, 2023.

On motion by Comm. Cook to continue the Hearing to August 26, 2024, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Shannon, 150 Prides Crossing, DEP #301-0940

Coordinator Capone explained that this was an Order of Resource Area Delineation (ORAD) confirming the wetland boundaries for the horse corral hearing from earlier in the night. She noted that now that an Order of Conditions had been issued for the work conducted in the Buffer Zone, the Commission could issue a Certificate of Compliance to close out the ORAD.

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

McCarthy, 94 Prides Crossing, DEP #301-396

Coordinator Capone explained that this was an Order of Conditions to construct an addition off the back of the house. She referenced the hearing held earlier for the patio and walkway and mentioned that now, with clarification on the lawn in the back, she recommended the Commission issue a Certificate of Compliance for the prior project from 1994, with a modification in the special perpetual condition regarding the lawn discussed earlier that night.

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.

New Wetland Applications:

Request for Determination of Applicability: 1011 Concord Road, RDA #24-17

Chair Henkels began the meeting for the project to replace existing fence and install new fence within the 100-foot Buffer Zone and Bordering Land Subject to Flooding, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Allison Goldfarb was the applicant.

Mrs. Goldfarb presented information on her fencing proposal for her property. She introduced the context by showing pictures of the animals and professionals that would live on the farm and explained the relevance of the fencing materials to her plans. Goldfarb described the property, noting its elongated shape and the presence of wetlands. She mentioned the existing split rail fencing, which varies in condition, and detailed the layout of the property, including the location of a pond and wooded areas.

She then outlined the proposed fencing plan, highlighting her preference for a no-climb wire mesh fence, which is 5 feet high with 2-inch by 4-inch openings. This type of fence is intended to keep horses and dogs in and predators out. She specified that the fence posts would be pressure-treated, 8 feet tall, and installed 3 feet into the ground. She also detailed plans for four gates fitted with woven wire mesh.

Ms. Goldfarb provided a Google Earth aerial view of the property, indicating areas for new fencing and split rail fencing. She proposed moving the new fence line 5 to 6 feet upland from the existing split rail fence along the wetland side to create a grassy corridor and prevent encroachment of invasive species. She explained that this setup would also offer a wildlife path between the wetlands and pasture.

Mrs. Goldfarb justified her choice of mesh fencing over board fencing by noting its effectiveness in containing her dogs and preventing access to predators and smaller wildlife. She also addressed future development concerns at a nearby property, suggesting that the mesh fencing would deter unauthorized visitors. Additionally, she pointed out the cost-effectiveness and durability of mesh fencing compared to alternatives.

Coordinator Capone noted that lifting the fence off the ground was initially considered. However, with the planned mowed path and the forested area north of the field, Capone felt that raising the fence might negatively impact wildlife. She indicated that the proposed setup would provide sufficient egress and movement for wildlife and thus expressed no concerns with the current proposal.

Chair Henkels then invited questions from the Commissioners.

Comm. Holtz inquired about the decision to extend the no-climb fence up to the barn while using split rail fencing on the other side. He suggested that the fence line from the pasture to the barn could create a barrier for wildlife and asked if it could be modified to be more passable, perhaps by lifting the fence off the ground while still preventing human access. Mrs. Goldfarb confirmed that the no-climb fence was intended to ensure the safety of horses and to keep people out from the adjacent property. She explained that the area from the pasture to the barn would be an external boundary for the horses. She noted that the split rail fence was in reasonable condition and a tree line in that area would not pose significant issues. She clarified that the mesh fence would sit at ground level but could be adjusted. She emphasized the importance of keeping the dogs in the fenced area to prevent them from reaching Concord Road.

Comm. Holtz also asked about the installation of the fence posts, specifically whether they would be pounded into pre-dug holes. Goldfarb confirmed that the posts would be pounded into holes dug for that purpose and then the holes would be filled.

Comm. Rogers asked if the fence would be electrified. Goldfarb responded that it would not be.

Comm. Porter inquired about the standard height of the gap between the ground and the bottom of the fence. Mrs. Goldfarb explained that it is typically about an inch or less, with the fence designed to sit close to ground level and a total height of 5 feet.

Comm. Sevier questioned the presence of a fourth gate. Goldfarb listed the locations of the gates, confirming that there are three gates planned: one near the barn, one by the tree line for access to the bee boxes by the pond.

Chair Henkels asked if there were any further questions from the Commissioners or comments from the audience.

Chair Henkels asked Coordinator Capone if she had any specific conditions to attach to the Negative Determination of Applicability. Coordinator Capone requested a pre-installation meeting with the fence company to discuss the placement of the fence, as well as documentation of the final installation to confirm compliance with the Determination.

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

Notice of Intent: 170 Greystone Lane, DEP #301-1422

Chair Henkels opened the Hearing for the project to construct an addition and expand the septic system within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Peter Wykoff was the applicant.

Matthew Marro of Matthew Marro Environmental Consulting presented the project, which includes a 389-square-foot addition and a new septic system. He outlined the riverfront areas on the plan, including the 200-foot Riverfront area, the 100-foot Buffer Zone.

Mr. Marro calculated the 10% threshold for riverfront redevelopment, noting that the total riverfront area on the lot is 52,466 square feet, with the existing degraded area amounting to 6,604 square feet. The proposed redevelopment would exceed the 10% threshold by 1,357 square feet. According to the Bylaw, a 2-to-1 mitigation ratio requires a 2,714-square-foot planting area. Mr. Marro discussed the mitigation plan, which includes planting shrubs away from a drain line and posting signs marking the mitigation area. He also noted that the project has a DEP number and that the DEP had no comments on it.

Coordinator Capone commented on the area in question, asking if it would be mowed to maintain it as an open meadow and referenced a condition that it should be mowed once a year in the fall. She inquired about the future management intentions for the mitigation area.

Mr. Marro agreed that the area should be mowed once a year in the fall and noted that it is supposed to be left in a naturalized state.

Coordinator Capone continued, mentioning that the rest of the addition and the septic system being proposed are in existing disturbed areas. She noted that besides the impervious surface, there is no real new alteration to the Riverfront Area. She stated that the mitigation provided offsets both the addition and the existing structure that exceeds the 10% limit, making it a permissible project.

Comm. Holtz raised concerns about the planting area going through a drainage easement. He asked how the posts would be handled if they are to be placed in or around the easement area. He also questioned the placement of signage and whether the signs or plantings would intrude into the drainage easement. Mr. Marro clarified that the planting area would be designed to avoid the drainage line itself. The shrubbery and signage would be placed around the drainage easement but not within it. He explained that the signage would be positioned to ensure visibility for residents and to mark the boundary without interfering with the drainage function.

Comm. Holtz also asked if the area shown as a channel in the plan was part of the drainage easement. Mr. Marro confirmed that the area was indeed part of the drainage system and emphasized that no structures would be placed within the easement.

Paul Campbell of Chess Engineering, land surveyor and civil engineer record for this project. clarified that the drainage easement on the property extends across the entire east and south portions, including the areas marked on the plan. He assured that the proposed landscaping, including the plantings and signage, would not interfere with the drainage easement as the drainage pipes are located about 7-8 feet below the surface. This depth ensures that neither the plantings nor the posts would reach or disturb the drainage pipes.

Comm. Sevier expressed concern that if the Department of Public Works (DPW) needed to perform maintenance or repairs in the future, the newly planted area could be affected or removed. Paul Campbell reassured the group that such maintenance would involve significant excavation elsewhere, potentially not impacting the specific planting area.

Mr. Marro added that the mitigation area is strategically placed to blend with the existing naturalized areas of the property and that the likelihood of the DPW needing to dig up the mitigation area immediately after planting is low. He also emphasized that the plantings are designed to integrate well with the existing landscape and are not positioned in high-traffic or maintenance-prone areas.

Comm. Sevier mentioned that understanding the situation was crucial and expressed that they were processing the information during the meeting. Mr. Marro acknowledged the complexity of redevelopment projects, indicating that he shared the same challenges in comprehending the details.

Mr. Campbell contributed that the Department of Public Works (DPW) would need to file their own Notice of Intent and comply with the Order of Conditions on the property. He clarified that any future actions by the DPW would not affect compliance with the current requirements, including plantings.

Chair Henkels asked Coordinator Capone for her comments on the matter. Coordinator Capone noted that, having just reviewed the plan, she had concerns about the shrub plantings being within the easement. After discussing with Mr. Marro, she recommended placing shrub plantings on the house side to avoid interference with the easement. This approach would allow any necessary future alterations to be more easily restored if only wildflowers and grasses were affected, as opposed to trees and shrubs. She also suggested that signage be placed outside the drainage easement to prevent future removal or modification.

Chair Henkels then inquired if the Board of Health had approved the plan. Coordinator Capone confirmed that they had.

Chair Henkels asked if the plan required any modifications. Coordinator Capone responded that signage and shrub locations could be addressed in a special condition to ensure they are positioned at the edge of the drainage easement.

Chair Henkels asked if there were any additional questions or comments from the Commissioners or the audience.

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

Coordinator Capone noted that the conditions were standard. She reiterated a previous concern about the potential for invasive species due to soil exposure from the large area being opened up. She recommended adding a condition for mowing the mitigation area to maintain it as a meadow and ensuring that shrubs and signs are located at the edge of the restoration area and outside the drainage easement. Chair Henkels asked if there were any comments or questions from the Commissioners.

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

Extensions:

Order of Resource Area Delineation: 74-80 Maynard Road, DEP #301-1220

Coordinator Capone explained that the Order of Resource Area Delineation (ORAD) for Bonnie Brook had been open for a long time, and the request was to extend it while the Notice of Intent process was completed. She noted that there had been significant beaver activity, resulting in increased wetness in the area. The beaver dam management previously applied for was closed, leaving the area to reach a new equilibrium. The open space parcel, which includes the beaver dam area, is now likely underwater with minimal upland areas remaining. Capone confirmed that she walked the property and validated that the wetland boundary related to development is still applicable.

Capone recommended issuing a one-year extension for the ORAD but stated that when the property returns for further review, the wetland line and open space benefits need re-evaluation to reflect current conditions.

Comm. Holtz asked for clarification on how the increased wetness affects the validity of the delineation. Capone explained that the line itself has not migrated, although the area has become wetter. The area proposed for development remains suitable, while the open space has become more inundated. She suggested that the Wetland Scientist should reevaluate the delineation to assess the current value of the open space for the Commission.

Chair Henkels inquired if the Extension could be granted and if a site visit should be planned if the Extension request is made again in the future. Capone confirmed that the Wetland Scientist should evaluate the site first, followed by a site visit by the Commission to determine any significant changes in boundary or delineation.

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

Order of Conditions: 74-80 Maynard Road, SWAB #190211

Coordinator Capone explained that this Order of Conditions pertained to conducting test pits within the Buffer Zone for septic systems and stormwater management. Due to changes in hydrology and groundwater elevations from flooding, additional testing might be required, necessitating the Extension of this Order.

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

Order of Conditions: 239 Concord Road, DEP #301-1351

Coordinator Capone explained that this was the first request for an Extension of the Order of Conditions, initially issued three years ago and set to expire in September. The work, which includes an addition, landscaping, and invasive species management with restoration with native species, had not been conducted due to impacts from COVID-19 and financial constraints. They requested a one-year Extension to complete the project.

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

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 9:18 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.