



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, July 29, 2024

Present: Henkels, Chair; Jeremy Cook (left the meeting at 8:16 PM); Bruce Porter; Luke Faust; Kasey Rogers (7:06 PM); Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Ken Holtz, Vice Chair

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

Minutes:

On motion by Comm. Porter to accept the minutes of the July 1, 2024 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative with Comm. Cook abstaining as he was not in attendance at that meeting.

Wetland Applications:

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 and July 15, 2024.

Coordinator Capone reported that Peter Bemis was present for any questions and clarified that the plan remained as previously presented. The Commission had continued the Hearing to draft the Order of Conditions, which both the Commission and the applicant had reviewed without comments from the applicant.

Chair Henkels then invited comments or questions from the Commissioners and the audience. With no further questions or comments, Chair Henkels called for a motion to close the Hearing.

On motion by Comm. Faust 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. Cook, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 24 Goodnow Road, RDA #24-16

Chair Henkels resumed the meeting for the project to alter the grade within the 100 Buffer Zone within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Goodnow Partners, LLC, was the applicant. This meeting was continued from July 1, 2024.

On motion by Comm. Cook to continue the Hearing to August 26, 2024, seconded by Comm. Porter, with Comm. Rogers abstaining due to technical issues, 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. Porter to continue the Hearing to September 23, 2024, seconded by Comm. Cook, with Comm. Rogers abstaining due to technical issues, 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 August 26, 2024, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 303 Boston Post Road, RDA #24-18

Chair Henkels began the meeting for the project to remove Japanese knotweed within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Harry Hoffman was the applicant.

Mr. Hoffman discussed a knotweed issue on his property, showing a certified survey that indicated the knotweed's location relative to his and his neighbor's properties. He explained that the knotweed had spread since he purchased the property last year, growing an additional 2 feet wide and 3 feet long. Hoffman expressed concern that the knotweed would eventually take over his yard and described his plan to manage it without pesticides. He intended to cut down all the shoots and have a landscaping company dig out the root balls, aiming to minimize land disturbance and avoid using herbicides. He also planned to replant the area with wildflowers, and shrubs.

Mr. Hoffman pointed out a small stream near his property on a Google Maps view and noted that the landscapers did not anticipate issues since they would only use shovels and pickaxes, not herbicides. He emphasized that the project would be minimally invasive.

Coordinator Capone noted that the knotweed was almost outside the 100-foot Buffer Zone but acknowledged that the landscaping work would alter the Buffer Zone area. She supported the project to remove the knotweed and replant with native species. Coordinator Capone asked if Mr. Hoffman had coordinated with his neighbor regarding the knotweed on their side. Mr. Hoffman responded that he was still working on it but hoped to address the neighbor's knotweed if possible. If not, he planned to manage it on his side and significantly reduce the knotweed's presence.

Coordinator Capone recommended a Negative Determination #3 for work in the Buffer Zone, with conditions including a pre-work meeting with the landscaping company, replanting with species from the Commission's Native Plant List, and providing photo documentation of the completed work. She suggested that wildflowers might be a good choice to allow for annual mowing in the fall, which would help suppress any regrowth of knotweed.

Chair Henkels then invited questions or comments from the Commissioners.

Comm. Porter asked about how knotweed spreads. Coordinator Capone explained that knotweed spreads through seeds and rhizomes. Seeds can be dropped into adjacent spaces, and the root system can encroach into nearby areas.

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

On motion by Comm. Faust to issue a Negative Determination of Applicability #3, seconded by Comm. Sevier, with Rogers abstaining due to technical issues, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 41 Possum Lane, RDA #24-19

Chair Henkels began the meeting for the project to replace a deck and construct a patio within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Kristin and Pat O'Brien were the applicants.

Mrs. O'Brien described the existing deck as a safety hazard due to its rotting condition and poor construction. They planned to remove the deck and redesign it to improve functionality and aesthetics. The new design would involve reducing the size of the deck and adding a larger patio area. The existing deck is 15 by 12 feet, while the proposed patio would be 25 by 20 feet, constructed with pervious pavers. They also planned to plant blueberries and native berry plants around the area. They noted that the work would take place on existing lawn and would not involve removing significant vegetation.

Coordinator Capone noted that the property was developed before the Wetlands Protection Act and the Bylaw were in place, and it was almost completely flat. She did not foresee issues with runoff from the new patio, which would be constructed with materials that allow for infiltration. She recommended installing erosion controls around the patio area during construction as a precaution and meeting with the contractor to finalize details about the patio block. She also requested photo documentation of the completed patio to ensure it met the Determination.

Chair Henkels then asked if there were any questions from the Commissioners or the audience. He inquired if Kristin and Pat O'Brien knew the location of their septic system, to which they responded that it was in the front of the house.

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

Other Business:

Invasive Japanese Hops Remediation Discussion: Bruce Freeman Rail Trail

Coordinator Capone reported that the office was contacted about the presence of Japanese hops along the Bruce Freeman Rail Trail. Her team confirmed that Japanese hops was widespread along the trail's shoulders. She informed the contractor and Solitude, who handles invasive species management, to discuss strategies for addressing the infestation. The Order of Conditions includes a provision for managing new invasive species. Coordinator Capone emphasized the importance of eradicating the hops before it goes to seed, as it can spread by wind. She also contacted the Eversource team to check if they were encountering the same issue, but they had not started spreading this same loam due to seasonal restrictions. She noted that the Japanese hops was also present in the wetlands replication area but was generally confined to the trail's shoulders. She believed that eradication could be successful if addressed promptly.

Chair Henkels acknowledged the urgency of the situation and asked Keith Gazaille to introduce himself and explain his role. Mr. Gazaille from Solitude Lake Management stated that his company was contracted by A.A. Will Corp to manage invasive species on the project. His responsibilities included documenting invasive species and developing management practices. Although Japanese hops was not identified during the initial spring mapping, it was now confirmed and abundant, particularly in the southern half of the corridor. He noted that the infestation might be more severe in that area due to the recent application of loam and seeding. He described the growth as varied in width and density, with some areas having extensive infestations. He mentioned that he was preparing a map of the infestation locations and would provide it to the Commission. He agreed with Coordinator Capone's assessment that the growth was mostly confined to areas where loam had been spread.

Chair Henkels inquired about the immediate plan and its details concerning the control of an urgent situation. Mr. Gazaille responded that the team had planned to address the issue today but was delayed due to rain, which affected the herbicide application. They now plan to be on-site the following day, assuming favorable weather, to prioritize addressing Japanese hops.

Mr. Gazaille outlined two primary strategies for control. The first involved herbicide application using triclopyr, a chemical similar to 2,4-D, known for its selectivity towards dicot species, which would help preserve established grasses. The application would be broad, covering the southern portion of the corridor using a handgun sprayer for precise control, as opposed to a boom sprayer. The second strategy would involve low-volume foliar applications with backpack sprayers for less dense infestations in the northern section and manual hand-pulling in areas with plantings to avoid non-target impacts.

Mr. Gazaille also mentioned that any flowers removed would be bagged and disposed of properly, potentially through burning. Chair Henkels requested documentation of how these plants are eliminated and asked if triclopyr had been used previously along the site. Mr. Gazaille confirmed its past use for cut stump applications and shared experience from a project near the Tufts boathouse along the Medford River, where similar methods were used with favorable results over a decade ago.

Chair Henkels inquired about the presence of a representative from BETA Group Inc. Jonathan Niro, Senior Project Scientist, confirmed his presence and explained that BETA Group Inc. is contracted by MassDOT as the environmental monitors for the project. He noted that they have been providing regular reports, either weekly or after a quarter inch of rain, whichever occurs first. Mr. Niro described the reports as focusing primarily on stormwater pollution prevention, including erosion and sediment controls, soil stabilization, and ensuring construction is in accordance with the plan. He confirmed that approximately 13 reports had been submitted since early May, with the most recent report dated July 22.

Chair Henkels asked if Mr. Niro was working alone or with specialists. Niro clarified that either he or a colleague conducted the site inspections, starting at the southern end of the corridor.

Mr. Niro confirmed familiarity with invasive species and acknowledged noticing Japanese hops on-site. However, he explained that BETA Group Inc. was brought into the project later and was under the impression that invasive species management was handled by Solitude. He noted that Japanese hops was not yet listed as an invasive species but agreed to monitor aggressive vegetation more closely going forward.

Chair Henkels expressed disappointment that Japanese hops were not identified sooner, highlighting the plant's rapid growth and potential impact on resource areas and residences. He emphasized the need to trace the source of the infestation to prevent future occurrences.

Chair Henkels stressed the importance of fulfilling obligations under the Order of Conditions and concluded by inviting questions from the Commissioners.

Comm. Sevier asked if there were any additional observations or issues that should be known, beyond those discussed tonight. Comm. Cook suggested that the concern was about any issues not classified as invasive or detrimental to the project plan. Mr. Niro responded that aside from the Japanese hops, there were observations of Japanese knotweed and glossy buckthorn, which had been treated and would continue to be managed per the plan. He noted that all observations were detailed in their reports, including photographic documentation.

Chair Henkels asked if there were any further questions, and Comm. Cook emphasized the importance of avoiding omissions in the future.

Comm. Faust inquired whether the Japanese hops issue was specific to Sudbury or if it had spread to neighboring towns, particularly regarding the fill used. Mr. Gazaille indicated that there were occurrences in Concord and confirmed that similar management plans were in place for the newly constructed sections of the trail in Concord.

Comm. Rogers inquired about the status of the seeding in the Concord section compared to the southern portion of the project. Mr. Gazaille clarified that the Concord section was recently loamed and seeded, about 6 to 8 weeks ago, which might explain the differences in plant maturity and seed occurrence. He noted that there might not have been enough time for all seeds to germinate yet.

Comm. Rogers then asked if the loam for both sections came from the same source. Mr. Gazaille confirmed that it did. Comm. Rogers also questioned how to prevent similar issues in the future, specifically regarding the screening of loam. Mr. Gazaille acknowledged that while strategies like allowing soil to lie dormant to identify seeds exist, there's no effective way to fully screen for all potential seeds in the soil.

Comm. Rogers also inquired about the herbicide application strategy. Mr. Gazaille explained that the primary goal for the first year is to control the plants before they produce viable seeds, with follow-up inspections and management likely necessary to prevent future infestations. He added that an addendum to the management plan would be prepared to address the presence of Japanese hops.

Chair Henkels asked Coordinator Capone if an amendment to the plan was necessary. Lori Capone responded that no formal amendment was required since the existing invasive species management plan already includes provisions for herbicide treatment.

Comm. Sevier asked Mr. Gazaille whether the entire length of the project had been completed with soil placement. Mike Rennie (A.A. Will Corp) clarified that about 99% of the project was complete. Comm. Sevier then questioned if the situation with the soil was essentially a case of dealing with problems as they arise due to limitations in screening.

Mr. Gazaille acknowledged that once the soil is in place, the focus shifts to managing any issues that arise. He explained that while vegetative propagules can be screened out, seeds like those of Japanese hops are more difficult to manage. He mentioned that ensuring composting temperatures are high enough might help reduce seed viability but noted the challenge in regulating and documenting these variables at composting facilities.

Comm. Rogers expressed concern about preventing similar issues with future projects, such as the Mass Central Rail Trail. She asked if there was a way to understand the provenance of the loam used and prevent a recurrence. Mr. Gazaille indicated that efforts were being made to review past projects to identify strategies for preventing similar occurrences and improving understanding of how these invasives are introduced.

Comm. Rogers acknowledged the extensive remediation required and the use of herbicides, emphasizing the necessity despite the unfortunate situation.

Comm. Porter inquired about the impact on public safety related to herbicide control efforts and plant management. Mr. Gazaille explained that efforts would be made to keep the public away from areas where active spraying occurs. Signage and possibly police details would be used to manage access and ensure safety.

Comm. Porter also asked about the application methods, which Mr. Gazaille clarified as linear but varying in volume and strategy depending on the density of the invasive plants. A larger volume application would be used where the infestation is dense, while a spot application would be used for more sporadic occurrences.

Comm. Porter expressed concern about the rapid growth of the invasive plants in the spring and the potential for them to outpace control efforts. Mr. Gazaille agreed that spring growth could be a challenge and emphasized the importance of early identification and management.

Chair Henkels asked if spot treatments and backpack spraying would be used, to which Mr. Gazaille confirmed both methods would be employed. Chair Henkels also inquired about potential impacts on the plantings along the trail, and Coordinator Capone confirmed that hops would be hand-pulled away from plantings to avoid affecting them.

Chair Henkels also asked if police assistance had been arranged to direct traffic, which Mr. Rennie confirmed was in place. Mr. Gazaille indicated that work would start at the southern end of the trail and move northward, with the initial focus on areas with the highest density of invasive species. He planned to join the team by noon after starting in Connecticut.

Comm. Sevier asked whether it would be more effective to focus efforts on the fastest-growing invasive species first. Mr. Gazaille responded that while the primary focus would be on Japanese hops, managing all invasive species concurrently would be more efficient given the project's scope and timeline.

Chair Henkels then invited Ms. Smoot to make any observations or comments.

Ms. Smoot, a landscape architect from MassDOT, provided updates and insights regarding the invasive plant management. She highlighted that the invasive plant strategy includes scheduled visits and inspections by the contractor, ensuring that the timing of actions is appropriate. Smoot addressed concerns about checking the soil for invasive plants, noting that it is not possible, and emphasized that the landscape section is involved in managing native seeds to prevent the growth of invasives. She also mentioned that MassDOT tracks loam suppliers and will follow up on them. Ms. Smoot shared that a similar issue with Japanese hops was resolved in a previous project, providing some reassurance.

Chair Henkels thanked Ms. Smoot and all attendees for their contributions, emphasizing the importance of moving forward. Coordinator Capone, echoed the sentiment, expressing gratitude to MassDOT for their prompt action and to the residents for their vigilance. She affirmed the thoroughness of the discussion and the commitment to eradicating the invasive species and ensuring follow-up in future years.

Comm. Sevier raised concerns about defining and managing invasive species, especially those not officially listed. He questioned whether other undesirable plants could be specified and if the process for addressing such

species could be expedited. Mr. Niro from BETA Group Inc. responded, explaining that the definition of "invasive" can vary and that commissions sometimes use specific lists or general terms to address invasives. He noted that addressing aggressively growing species, regardless of their official status, is crucial. Mr. Niro also assured that updates on treatments and progress will be provided in reports to keep the commission informed.

Ms. Smoot clarified that Japanese hops, like mugwort, falls into a gray area concerning invasiveness. She noted that although it may not be officially listed, such plants are still managed under project specifications to ensure they don't interfere with native planting.

Chair Henkels then concluded the meeting, thanking everyone for their participation. He confirmed that no official vote or action was needed from the Commission.

Comm. Cook announced his departure and sent an email to follow up on his absence. The meeting ended with acknowledgments and a focus on continuing the work to manage the invasive species.

Agricultural License Agreement: Cavicchio Greenhouses, Inc., Lincoln Meadows South

Coordinator Capone provided an overview of the draft 5-year Agricultural License Agreement with Cavicchio for their operations at Lincoln Meadows South. The agreement includes a payment of \$150 per acre per year for approximately 14 acres of property. The draft has been reviewed by Town Counsel and Paul Cavicchio, with no further comments.

Chair Henkels asked the Commissioners if they had any questions, observations, or comments regarding the agreement, and invited audience members to raise their hands or use the chat box for questions.

On motion by Comm. Sevier to issue the License Agreement, seconded by Comm. Porter, with Cook not present, via roll call the vote was unanimous in the affirmative.

Notice of Violation:

71 Chanticleer Road: Unauthorized Tree Removal within the Buffer Zone

Coordinator Capone updated the Commission on a Notice of Violation issued for unauthorized tree removal within the Buffer Zone at 71 Chanticleer Road. She mentioned that a new tree company in town had also been notified about the regulations. The homeowners have engaged a landscape architect and requested additional time to develop a revegetation plan with native plants and trees. They asked for a continuance until August 26 to present their plan at the first September meeting.

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 8:18 PM, seconded by Comm. Faust, with Cook not present, via roll call the vote was unanimous in the affirmative.