



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, November 4, 2024

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Luke Faust (7:09 PM); Bruce Porter; Kasey Rogers (7:02 PM); Mark Sevier; Harry Hoffman, Associate Member; and Coordinator Capone, Conservation Coordinator

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

Minutes:

On motion by Comm. Sevier to accept the minutes of the October 7, 2024 meeting, seconded by Comm. Cook, with Comm. Rogers abstaining due to late arrival, 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 was the applicant. This meeting was continued from June 3, 2024.

Mr. Pickford was represented by James Hill and Nicole Hayes, a wetland scientist with Goddard Consulting. Ms. Hayes noted that the Historical Society had approved the plans and that the project had undergone several revisions, including the addition of a stone wall and a significant increase in mitigation plantings from approximately 6 shrubs to about 20. Since she was managing multiple meetings, she turned to Coordinator Capone to provide more details.

Coordinator Capone outlined the three main elements the Commission had been awaiting. This included approval from the Historical Society, which included modifications like adding a retaining wall and slightly raising the grade in the front yard. It also included enhancements to the mitigation plantings, reflected in the updated plans. Lastly, the revised plan shows a proposed dry well behind the addition to handle roof runoff from the new porch.

Coordinator Capone mentioned that soil testing had not been conducted yet to confirm the suitability and sizing of the dry well, but given the sandy, well-draining soil in the area, she expected it to work effectively. She recommended including a condition requiring a test pit to confirm the dry well's capacity once work could commence.

Mr. Hill clarified that the dry well would manage runoff from the addition only, while a swale filled with stone along the front wall would help diffuse additional runoff. He also confirmed that a test pit would be conducted as required.

Coordinator Capone recommended the Commission issue a Negative Determination # 2 and 3, confirming that the project would not adversely affect the Buffer Zone or Riverfront Area, contingent on specific conditions. These included soil testing, implementation of mitigation measures by June 1, 2025, and annual mowing of the mitigation area after October 15 to prevent phragmites encroachment.

Chair Henkels invited Commissioners to ask questions or provide comments on the project. Comm. Faust joined the meeting and announced his presence as a Conservation Commissioner.

Comm. Holtz asked where the 24 mitigation plantings would be located. Ms. Hayes confirmed they would be placed adjacent to the wetland, creating a buffer along the work area.

Comm. Holtz asked if any additional invasive species would be removed. Ms. Hayes stated that they planned to remove some bittersweet from a large tree, as specified in the mitigation plan, but acknowledged that removing

phragmites from the wetlands would be infeasible due to its extent. Coordinator Capone offered to display the mitigation plan, but Comm. Holtz indicated he was satisfied as long as the plantings followed the Commission's guidelines.

Chair Henkels opened the floor for questions from the public, but none 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.

Notice of Intent: 47 Stonebrook Road, DEP #301-1427

Chair Henkels continued the Hearing for the project to upgrade and expand the existing driveway and install a new culvert within the 100-foot Buffer Zone and the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Jianquan Liu was the applicant. This Hearing was continued from October 7, 2024.

Ian Ainslie, of Meisner Brem, shared his revisions to address concerns raised in the prior meeting. The culvert was moved about 10 feet closer to the house, keeping it out of the Town right-of-way per the DPW's requirements. The proposed additional paved area next to the garage was changed to a "grass pave" system, a plastic grid that supports vehicle weight while allowing water infiltration, reducing runoff. A commercial vehicle belonging to the homeowner was illustrated to demonstrate the necessity of the parking space configuration.

Mr. Ainslie explained further changes, including adding a 2-foot-wide, 2-foot-deep infiltration trench along the driveway's low side to manage runoff. Soil tests from the septic system indicated suitable conditions for infiltration. To enhance wetland mitigation, he proposed converting a portion of the lawn within the isolated wetland into a naturalized area with shrubs and conservation seeding. Debris removal from the wetland area was also included. He indicated an existing tree would be preserved if feasible, but acknowledged it might need removal during construction. Lastly, he addressed the Commission's inquiry on the possibility of the wetland being a vernal pool; a wetlands consultant indicated it was unlikely but would require spring evaluation for confirmation.

Coordinator Capone commended the plan revisions, particularly the addition of the grass pave, but noted remaining concerns regarding the driveway expansion's proximity to the wetland. She highlighted the Commission's previous request to ensure sufficient capacity for the culvert, and Mr. Ainslie stated he would prefer two 4-inch culverts, as initially considered, though not currently shown on the plan. Capone also confirmed with Mr. Ainslie that no new measures were included in the plan to address the homeowner's concerns regarding basement flooding.

Coordinator Capone recommended the Hearing be continued to the next meeting to allow time for plan modifications, as they could not accept further revisions after closing the hearing. Mr. Ainslie inquired if a condition specifying the use of two 4-inch culverts could be added to the Order of Conditions rather than revising the plan, leaving the decision to the Commission.

Chair Henkels raised questions about the wetland flagging method, clarifying whether it marked the top of the bank, mean annual high water, or hydric soil levels. Mr. Ainslie explained that the flagging for the bordering vegetated wetland was based primarily on vegetation and soil conditions, aligning with state standards.

Chair Henkels inquired about the maintenance requirements (O&M) of the grass pave system, expressing concern over potential structural deterioration. Mr. Ainslie stated that the grass pave system is largely passive and, due to its permeability, is not prone to clogging like traditional pavers. He displayed an image of the product, describing it as a system of plastic cells that support vehicle weight while allowing grass growth.

Comm. Sevier asked about the outlet location of the 4-inch culvert system. Mr. Ainslie noted the outlet was designed to be at the tree line, angled with a PVC elbow to avoid directing water straight into the wetland. He estimated there was a 15-foot vegetated buffer between the culvert outlet and the wetland to absorb and filter runoff. He offered to add stones if the Commission preferred additional measures to slow the water flow.

Comm. Sevier expressed concerns about potential erosion and questioned the culvert's slope and capacity. Mr. Ainslie clarified that the inlet and outlet elevations allowed for a 2.5% slope over a 46-foot span, a relatively flat gradient. Comm. Sevier suggested that the culvert length could lead to clogging and questioned if the chosen culvert was sufficient for the intended purpose. Mr. Ainslie noted that constraints on raising the driveway level limited culvert size, and he acknowledged these limitations.

Comm. Sevier further inquired about the preservation of a nearby tree, particularly whether its root system could be impacted. Mr. Ainslie indicated that while efforts would be made to retain the tree, the extent of root disturbance may not be clear until construction begins. In response to Comm. Sevier's question about the machinery to be used, Mr. Ainslie anticipated that a smaller "ditch witch" machine would likely be employed to minimize disturbance.

Comm. Faust inquired about the truck parking usage and expressed concern regarding the grass's resilience under a frequently parked vehicle, particularly in wet winter conditions. Mr. Ainslie confirmed that the vehicle would be parked often but would also be used for work, noting that the ground would freeze in winter, and any runoff would be directed to the infiltration trench, avoiding direct flow into the wetland.

Comm. Holtz, who had missed the site visit, asked if any observations were made. Associate Comm. Hoffman shared that parking was limited, especially during winter, so the area would be used for the large truck. He mentioned that while the wetland area was low during the visit, it might overflow under heavy water conditions.

Comm. Porter sought clarification on the pipe details, noting a discrepancy between the initial plan with one pipe and an earlier version with two. Mr. Ainslie responded that after further consideration, he believed two pipes would better manage potential overflow. He requested that it be noted in the record that the plan intended for two identical 4-inch pipes at the same elevation. Comm. Porter confirmed his understanding and asked whether this would be included in the Order of Conditions. Chair Henkels indicated that the Commission would discuss whether to add it to the Order or require an updated plan.

Comm. Holtz requested further clarification on the mitigation area, specifically regarding the shrub plantings. Mr. Ainslie explained that the mitigation area has been expanded to mitigate for all new impervious surfaces. The planting plan, revised according to Sudbury's guideline of four shrubs per 100 square feet, included around 70 shrubs, interspersed with a New England conservation mix. Comm. Holtz noted the significant increase from the previous shrub count, and Ian confirmed that both density and area had increased based on feedback.

Comm. Rogers questioned why the truck couldn't use the expanded driveway area. Mr. Ainslie explained that due to multiple personal vehicles, the commercial vehicle needed to be parked separately to prevent blocking access. Coordinator Capone added that the expanded driveway was also intended as a recreational area for the family's children.

Comm. Sevier expressed disappointment that the vehicle would be parked near the wetland, suggesting it might be better if positioned parallel to the driveway. Chair Henkels acknowledged the concern and asked if the Commissioners were satisfied with the revisions. Comm. Sevier recommended adding the dual 4-inch pipes as a special condition, rather than redrawing the plan, and Comm. Faust agreed. Chair Henkels concluded by confirming consensus on including the conditions in the Order rather than requiring a new plan.

Chair Henkels summarized that the Commission was satisfied with the current plan and indicated the next step would involve either requesting a continuation of the hearing until the 18th, when the Order of Conditions would be prepared, or closing the hearing to issue the Order on that date. Coordinator Capone confirmed both options were acceptable.

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

Notice of Intent: 71 Chanticleer Road, DEP #301-TBD

Chair Henkels continued the Hearing for the project to remove trees after-the-fact, renovate a patio, and install plantings within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Aycha White was the applicant.

Thomas White presented the replanting and patio expansion plan. He explained that, as homeowners, they unintentionally encroached on the 100-foot Buffer Zone while removing trees, leading them to consult with Coordinator Capone. The Whites' proposed plan detailed replanting six trees removed within the Buffer Zone, highlighted in orange, and five new trees and shrubs marked in green. Mr. White noted that a local landscape designer assisted in selecting native plant species from the Conservation Commission's recommended list. The plan also proposed expanding their existing patio, specifying materials and dimensions, with the addition of a fire pit, granite blocks for traction, and an adjacent flower bed.

Coordinator Capone provided aerial imagery showing the property's conditions in 2019 and post-tree-clearing in 2024. The 2019 image showed a generally intact buffer zone, with large oak trees but limited understory, and a path down to the patio. She explained the importance of assessing whether the proposed replanting would restore the Buffer Zone's original ecological functions, expressing concern that most proposed trees were small, except for one sugar maple. She suggested the Whites consider a native seed mix for the newly cleared areas and an invasive species management plan to prevent further degradation.

Chair Henkels then invited Commissioners to ask questions or provide feedback on the proposed replanting and Buffer restoration.

Comm. Rogers inquired about the patio's history, asking if it was pre-existing or newly installed by the homeowners and whether it had ever received a permit. Mr. White confirmed that the patio was installed by the previous owner and was already there when they moved in about a year and a half ago.

Comm. Holtz then questioned the reason for tree removal, noting that one tree was dead and asking about the purpose behind removing the others. The Whites explained that the trees were removed to improve their view of the water, aligning their property's appearance with other lots around the pond. They expressed that they were unaware the removal violated conservation rules, as many nearby lots have few or no trees.

Associate Comm. Hoffman raised the issue of the replacement ratio, asking if the restoration plan met the recommended replacement-to-removal ratio. Coordinator Capone confirmed the required ratio.

Chair Henkels expressed concern about the significant loss of canopy due to the removal of six large oak trees. He noted that the proposed mitigation seemed insufficient to replace the long-established canopy loss, which would take years to restore with new plantings. The Whites agreed, acknowledging that the new trees would need considerable time to reach the original trees' height and canopy coverage. Chair Henkels and Comm. Sevier discussed the approximate size of the removed trees, estimating diameters between 12 to 18 inches, while Coordinator Capone shared photographs showing large stumps, reinforcing the scale of canopy loss. Chair Henkels reiterated his concerns about the mitigation plan and invited additional feedback from commissioners.

Comm. Holtz inquired whether the tree stumps were still present or had been ground down. The Whites confirmed that the stumps had been ground and mentioned they had logs from the removed trees, which they had been using for firewood.

Comm. Rogers raised a question about whether information regarding working near wetlands was provided to new homeowners, suggesting this could be part of the process. Coordinator Capone confirmed that such information was indeed provided through a new homeowners' letter. Mrs. White, however, admitted she had not received the letter, but acknowledged it could have been sent during the busy transition into their new home.

Chair Henkels thanked the Whites for their transparency and candor regarding the tree removal process. He then asked Coordinator Capone for clarification on the total area altered, referencing an estimate of 6,000 square feet.

Coordinator Capone confirmed that the estimate was based on aerial photos from July, and Chair Henkels noted that the 5,000 square-foot threshold did not apply because the area was not within the Riverfront Area.

Comm. Porter emphasized the significant environmental impact of the tree removal and inquired about the standard replacement ratio. Coordinator Capone explained that while there is no hard-and-fast rule, a typical replacement guideline suggests planting one tree or four shrubs per tree removed to avoid net loss of the Buffer Zone's ecological value.

Comm. Holtz suggested replacing some of the removed trees with larger species, such as oaks or maples, to better mitigate the loss of the large oak trees that were removed. The Whites acknowledged the suggestion and explained that while the initial goal was to open up the view and match the aesthetic of other nearby properties, they were open to planting larger trees if it would address the mitigation concerns. However, they expressed hesitancy about planting more oak trees, as they had just paid for their removal, and also voiced concern about the financial burden of planting a large number of trees. The Whites emphasized their willingness to consider further recommendations on suitable replacements.

Comm. Faust asked if there was any historical data or precedent for similar situations around the pond, noting the cleared lawns extending up to the water. Coordinator Capone responded that she had only looked at the specific lot in question and had not researched other properties around the pond. She added that the lot was likely developed in the 1970s, and further research would be needed to determine any past actions taken by the Commission in the area.

Chair Henkels informed the Whites that the Hearing would need to be continued due to the lack of a DEP file number. He suggested that the Hearing would likely reconvene on November 18. He further indicated that the Commission would expect an enhanced mitigation plan, as the current mitigation plan seemed insufficient given the significant loss of canopy from the removed oak trees. He asked Coordinator Capone if she could assist the Whites with improving the mitigation proposal, and Capone agreed.

Comm. Rogers then asked if the patio would be expanded and whether additional mitigation would be required for this work. Mr. White clarified that the patio's current square footage was included in the mitigation calculations, but if it were expanded, the total replacement area might exceed the necessary square footage. Comm. Rogers also inquired about the disturbance caused by the patio extension, specifically how much land would be affected and if heavy machinery would be involved. Mr. White explained that the extension would measure 6.5 feet by 22 feet and that the area was mostly dirt at the moment. He added that a landscape construction company would likely use machinery, such as a bobcat, to do the work, and that they had refrained from planting trees in the area to avoid damage once the patio construction began.

Comm. Sevier confirmed that machinery would likely be used, and Mr. White acknowledged that it would be necessary for the work, though they had avoided starting any planting until the patio extension was completed.

Comm. Sevier emphasized the importance of having a detailed plan for the patio installation, including how erosion controls would be installed and where materials would be stockpiled. He pointed out that such a plan would typically be required to ensure compliance with regulations and avoid issues in the field, as contractors often act according to convenience unless explicitly instructed. He advised the Whites that the plan should specify the stockpiling area and machinery to be used, and he cautioned that without such a plan, it might be difficult for the Commission to approve the work.

Mr. White responded that while they hadn't initially planned to build the patio, they had decided to address the issue while going through the approval process. He acknowledged the need for a plan and mentioned that the patio was close to the 100-foot buffer zone but could store materials outside of it. He agreed to amend the plan to include details about the construction process.

Comm. Sevier suggested that it would be prudent to return with a more detailed plan, including the restoration and patio construction details, to avoid any confusion. He noted that the Commission's role was to ensure

compliance with the regulations, and without a plan, there could be complications. The Whites agreed to amend the plan and return to the next meeting with the necessary details.

Comm. Rogers raised concerns that the patio might be located within the 100-foot Buffer Zone, to which the Whites confirmed that it was indeed in that area. Coordinator Capone briefly discussed the satellite image, which showed the patio near the water.

Comm. Sevier reiterated his point that a comprehensive plan, including restoration work, should be provided, and the Whites agreed to withdraw the patio request for now if needed to focus on the restoration.

Chair Henkels asked Coordinator Capone about the process for amending the permit in the future, specifically regarding the patio. Coordinator Capone explained that the patio could either be included in the current application with a provision to amend the Order later, or it could be excluded, and a separate application could be submitted when they were ready to proceed with the patio. The Whites inquired about the costs associated with submitting a separate application, particularly regarding filing fees. Coordinator Capone clarified that the fees related to the removal of trees in the resource area had already been accounted for and that submitting a new patio application would involve a lesser fee.

Chair Henkels suggested that the Whites and their team work with their landscape designer to finalize the mitigation planting plan and return with additional details on the patio. He also asked if they wanted to set the next hearing for November 18th, to which the Whites agreed. Coordinator Capone emphasized that there was no rush and that the patio work would not be happening until the spring, giving the Whites and her team ample time to prepare.

The Whites then clarified the next steps, indicating that they would revise the mitigation planting plan and provide more details on the patio. They also asked for confirmation on the specific questions to address regarding the patio, including material storage, machinery use, and erosion control. Comm. Sevier reiterated that the plan should include these details and could be presented without an engineer, though a more detailed plan similar to what the previous applicant submitted would be ideal.

Chair Henkels then asked for permission to continue the Hearing until November 18th, which the Whites agreed to. Coordinator Capone asked if any abutters had comments or questions, but no one responded.

On motion by Comm. Faust to continue the Hearing to November 18, 2024, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 71 Robert Best Road, RDA #24-29

Chair Henkels resumed the meeting for the project to install plantings within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Cenk Baskaraca was the applicant.

Mr. Baskaraca, the homeowner at 71 Robert Best Road, presented an application to install evergreen trees at the rear of his property to provide privacy from a nearby Eversource bike trail. He explained that the trees would shield views into his bathrooms and pool area, facing the trail. He showed a map of his property and highlighted the planned tree placement in a 50–60-foot section along the back, within the fenced area of his backyard. Baskaraca specified that he planned to plant 10 trees: six Eastern Hemlocks and four *Tsuga canadensis*, both native species suitable for the area. The trees would initially be about 6-7 feet tall, with expected growth of approximately a foot per year. He confirmed that no machinery would be used in the planting process, only manual labor.

Coordinator Capone supported the proposal, noting that the addition of native trees would benefit the wetland and that the existing vegetation between the planned tree placement and the wetland would prevent any erosion impact. She recommended that a tree company consult with her before installation and suggested a follow-up email with a photo to confirm the placement.

Chair Henkels asked if there were any questions or conditions to consider, and Coordinator Capone reiterated her recommendation to meet with the contractor and receive a photo confirmation of the tree planting. With no further questions from Commissioners or the public, Chair Henkels requested a motion.

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

Request for Determination of Applicability: 25 Briant Drive, RDA #24-31

Chair Henkels began the meeting for the project to construct an addition on the existing deck within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Gerardo Hernandez Omana was the applicant.

Mr. Hernandez, the resident at 25 Briant Drive, presented a proposal to add a three-season room over part of his existing deck for protection against mosquitoes. He clarified that the structure would not involve heating, air conditioning, or insulation—only a roof and screened enclosure. His home, built 24 years ago, is within the 100-foot Buffer Zone of a nearby drainage pond, which collects runoff from surrounding streets. He provided background on the site, noting that a rock wall separates his property from the conservation area, a boundary he has maintained responsibly since purchasing the property.

Mr. Hernandez explained that he previously expanded his deck, receiving approval from the Commission with assurances that no part of the structure would encroach closer to the wetland area. The current proposal maintains the same footprint, with no new foundation work. He plans to install gutters and manage runoff responsibly, minimizing environmental impact. All work will be done by hand, avoiding any use of heavy machinery.

Coordinator Capone supported the project, acknowledging that Mr. Hernandez was well-informed about conservation requirements. She highlighted that the deck has stone underneath that currently manages roof runoff. She confirmed no vegetation would be removed and recommended a Negative Determination of Applicability with standard conditions: that she meet with the contractor before work begins and receive post-construction photos confirming compliance with the Determination.

Chair Henkels thanked Mr. Hernandez for his thorough presentation and invited questions from the Commissioners.

Comm. Holtz clarified his understanding of the proposed rainwater management, asking if Mr. Hernandez planned to add a new infiltration system, such as a Cultec chamber, or would use the existing gravel base under the deck. Mr. Hernandez confirmed that all rainwater would drain into the existing gravel base without additional installations. When Comm. Holtz inquired if the basement had any water issues, Mr. Hernandez reassured him that the basement remained dry and unaffected by water runoff.

Chair Henkels opened the floor for questions from other commissioners and the public but received none.

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

Notice of Intent: Harvey's Farm Lane (Lots 1 and 2, ROW), DEP #301-1429

Chair Henkels opened the Hearing for the project to improve the existing roadway and associated stormwater infrastructure to service a new agricultural operation, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Phil Mastroianni was the applicant.

Vito Colonna of Connerstone Engineering presented the project. Alongside him were Nick Mastroianni and wetland scientist John Rockwood from EcoTec. Mr. Colonna explained that the subdivision, originally permitted around 2005, featured a 500-foot long, 14-foot wide cul-de-sac, which later received a Certificate of Compliance. However, the lots were never developed, and the current proposal seeks to use the site for agricultural purposes rather than residential.

The prior year, Mr. Colonna's team had sought to widen the roadway to 18 feet per the Planning Board's request for improved fire access and proposed cleaning overgrown stormwater basins. With the current agricultural

proposal, they are requesting a new Notice of Intent for changes primarily related to the roadway. Additional adjustments included flaring the pavement entrance for truck access and constructing a new detention basin designed as a wetland to enhance habitat and manage stormwater more effectively.

Mr. Colonna pointed out that two wetlands impact the project: one near the road and another behind the project, identified by the Conservation Coordinator during the Planning Board's review. He also noted measures to retain the 100-foot Buffer from the rear wetland.

The project's stormwater management plans include a large bioretention basin on the rear of the site, providing extensive filtration and runoff control, and the constructed wetland basin in the front, which will treat runoff from the road and agricultural areas.

Chair Henkels asked for clarification regarding the presence of a Buffer Zone or Riverfront Area at the rear of Lot 2, mentioning a possible stream system. Mr. Colonna confirmed that the stream was far enough from the site that the 200-foot Riverfront Area did not extend into it. Chair Henkels noted his own GIS measurement, which was approximately 185 feet, and then shifted focus to the constructed wetland area, inquiring about its anticipated success rate and longevity.

Mr. Colonna clarified that the constructed wetland would function as a stormwater basin, incorporating wetland plantings rather than serving as a traditional wetland replication area. Coordinator Capone shared that the Commission had permitted a similar, larger project in the past, and suggested reviewing its Order of Conditions as a possible reference for this project.

Chair Henkels next estimated that Lots 1 and 2 combined covered approximately five acres, with both areas currently forested. He questioned whether the increase in stormwater management infrastructure was a response to the canopy loss. Mr. Colonna agreed, noting that converting the forested area to nursery stock and paving would impact stormwater management. The newly added detention basin would address the increased runoff from these changes and provide needed treatment for the roadway as well.

In conclusion, Chair Henkels verified that the applicant had incorporated peer review recommendations into the stormwater management plan, and Mr. Colonna confirmed, noting they awaited a final letter confirming all peer review items were addressed.

Coordinator Capone then brought up concerns about invasive species, noting significant growth around the disturbed driveway area and asking how these would be managed during removal to prevent spreading. Mr. Colonna suggested creating an invasive management plan, including categorizing invasives like bittersweet and establishing disposal protocols. She emphasized that ongoing site management, particularly for areas near Sudbury Valley Trustees (SVT) property, would be necessary to prevent spreading invasives into the neighboring forest area.

Coordinator Capone mentioned that the existing Order of Conditions prohibits fertilizer or pesticide use in Buffer Zones, and Mr. Colonna confirmed that this would continue. She inquired about de-icing materials for the driveway, recommending calcium or magnesium-based products over sodium chloride, and Mr. Colonna agreed. For snow management, Coordinator Capone emphasized that snow storage would need to be at least 50 feet from wetlands, avoiding stormwater areas. Additionally, Coordinator Capone sought clarification on the presence of ledge and whether blasting would be necessary. Mr. Colonna responded that initial tests indicated excavators could manage the material without blasting.

Coordinator Capone noted that she would meet with the wetland scientist to assess the wetland boundary and verify the Riverfront Area. She also requested a project phasing plan, asking for written confirmation of intended activities. Mr. Mastroianni, confirmed that phase one would include all infrastructure, with phase two focused on constructing a garage.

Chair Henkels asked for an overview of the proposed erosion controls. Mr. Colonna described how the erosion barrier would encapsulate the work area, running along the entire site perimeter and wrapping around the basins and property lines.

Chair Henkels expressed a primary concern about the impact of the site's elevation and tree removal on erosion, specifically in areas downgradient, outside of the Buffer Zone. Chair Henkels noted the steep drop in elevation and questioned how the project plans to protect the basins and prevent erosion, especially in large storm events, before additional site controls and vegetation are established.

Mr. Colonna acknowledged the elevation challenge and described plans to install a temporary basin early in the project. This basin would handle peak flows and sediment until permanent controls and plantings were in place. He further explained that temporary basins would be one of the first steps to help protect downgradient areas, with a final cleaning and planting after construction.

Chair Henkels asked about the current condition of the basins, to which Mr. Colonna responded that they were in fair condition, with minimal sediment and a mix of native and invasive wetland plants. He noted that future work would involve removing invasive species while retaining native plants, overseen by a wetland scientist. He also stated that the berms around the basins were stable with no visible erosion issues.

Chair Henkels then emphasized the importance of having a clear action plan for phase one of the project, in response to Coordinator Capone's earlier request. He sought confirmation on the project's structured approach to sedimentation and erosion control, specifically in relation to the temporary basin and additional barriers along property boundaries.

Mr. Mastroianni agreed and discussed additional measures to protect neighboring properties. He suggested the berm along the property boundary as an extra barrier to channel water flow. He also committed to increasing erosion controls if necessary, particularly under wet seasonal conditions, until plantings and meadow mix were established.

Comm. Sevier inquired when the wastewater management system for the project would be installed, to which Mr. Colonna responded that it would only be implemented once construction of the barn commenced.

Comm. Porter then asked about the volume and management of waste generated from the project, specifically regarding the removal of grasses and weeds. He questioned how the waste would be managed and whether it would be stored on-site. Mr. Colonna and Mr. Mastroianni explained that the waste would be composted and either repurposed on-site or sold as a product.

Comm. Holtz sought clarification on the types of waste involved, asking if the waste would primarily consist of yard waste and invasive plants. Mr. Mastroianni confirmed that the waste would mainly include plant material and leaves, which would be composted in small windrows. These windrows would be turned over to create compost, then stored in bins to keep the product dry and prevent runoff.

Comm. Porter further asked if non-native species would be included in the compost. Mr. Mastroianni confirmed that invasive plants, such as bittersweet, would be carefully monitored to avoid reintroduction through compost. He detailed that the composting process would involve tracking batch records, maintaining specific temperature levels to kill harmful pests, and ensuring no invasive species were added. He added that they had initiated registration with the state for composting, with checks and balances in place, including Standard Operating Procedures (SOPs) and temperature monitoring, to meet compliance standards. He mentioned a representative from the state composting registry would inspect and eventually license their composting setup after evaluating its structure and procedural integrity.

Chair Henkels announced that the matter would be continued, mentioning several outstanding items that Mr. Colonna and Mr. Mastroianni would address. Chair Henkels then invited comments from the audience.

Ron Eisenstein, an abutter from 107 Old Sudbury Road, expressed concerns about tree removal in the area between his property and another abutter, Connie Stewart's, noting the protection the trees currently offer due to the steep slope. He asked if the trees would remain or if clear-cutting would remove them all. Mr. Colonna assured him that the dark green areas on the map, which include these trees, would remain intact.

Mr. Eisenstein also raised concerns about potential erosion on the slope near Ms. Stewart's property, given its steepness. Mr. Colonna explained that the plan included a berm along the property line near Ms. Stewart's area to divert stormwater away, addressing her concern about runoff pooling in her backyard. Chair Henkels asked for further clarification on the berm's structure, and Mr. Colonna detailed that it would be a landscaped berm extending around the corner, providing both erosion control and additional screening. He added that Mr. Mastroianni was coordinating with Ms. Stewart to choose plantings for the berm, ensuring it met her preferences.

Chair Henkels confirmed with Mr. Colonna and Mr. Mastroianni to continue the hearing to November 18, 2024, following the scheduled site walk to allow updates to the invasive removal and mitigation plans.

On motion by Comm. Cook to continue the Hearing to November 18, 2024, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 90 Longfellow Road, RDA #24-32

Chair Henkels began the meeting for the project to remove a play area, construct a greenhouse with associated utilities, and install native plants and a vegetable garden within the 100-foot Buffer, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Stefanie & Michael Reinhorn were the applicants.

The Reinorns, of 90 Longfellow Road presented their project proposal, noting they had lived in their home for 22 years. They explained that part of their planned improvements would occur within the Buffer Zone, including the installation of a greenhouse that would partially cross into this area. Additionally, they planned to convert the current play area, composed of railroad ties and pea stone, into a lawn and to replace their vegetable garden with raised beds surrounded by a cedar fence.

They also described their ongoing efforts to control non-native invasive plants such as bittersweet, multiflora rose, and garlic mustard on their property, as well as their plans to replant native shrubs and trees per the Conservation Commission's list. They clarified that the greenhouse would use helical piles and a wood foundation with a pea stone floor, repurposing materials from the former play area, and that the construction would be done by hand, using a bobcat only for lawn seeding.

Coordinator Capone commented that the project appeared to be low-impact and an improvement over current conditions. She suggested the need for potential erosion controls depending on the timing and extent of the disturbance, particularly for the spring. Capone recommended issuing a Negative Determination of Applicability Number 3 with standard pre-construction and post-construction conditions.

Chair Henkels then opened the floor for questions from Commissioners and the audience. Hearing none, he requested a motion.

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

Notice of Intent: 32 Emerson Way, DEP #301-1431

Chair Henkels opened the Hearing for the project to install a patio and pergola, repair a fence, repair an eroded area, and install native plants within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Frank Vincentelli was the applicant.

Mr. Vincentelli and Monique Solanilla, homeowners at 32 Emerson Way since 2019, presented their project, which had two primary areas of focus. First, they described the need to address erosion caused by a sandy landfill beneath their house. The proposal includes grading the area to ensure proper soil stability, planting vegetation to prevent further erosion, and creating a smooth surface suitable for lawn growth. This work would span approximately 130 feet along their property line, with additional native plants to be added.

Second, they proposed constructing a 20 by 14-foot concrete foundation for a wooden pergola, intended as a space for Ms. Solanilla to enjoy morning sun. The pergola would be located 90 feet from the wetland, minimizing its impact on the environment.

Coordinator Capone provided comments on the project, stating that she had visited the site and noted the removal of a pool outside jurisdiction. While some earthwork had already occurred, it was mostly completed without significant impact on the wetlands. She explained that the lawn had been seeded, native plants had been installed, and a new fence, similar to the existing one, was proposed with no substantial ground disturbance. Coordinator Capone indicated that the pergola, situated far from the wetlands, would not negatively impact the area, and the project had generally adhered to erosion control measures.

Coordinator Capone also mentioned a concern raised by Ms. Solanilla regarding a dead tree near the fence, which they wanted to remove. The tree was about 40 feet from the wetlands, and Coordinator Capone indicated that felling it should not pose a problem.

Chair Henkels then noted that a continuation was required until the next meeting on November 18th, 2024, due to the absence of a DEP file number. Mr. Vincentelli agreed to the continuance.

On motion by Comm. Porter to continue the Hearing to November 18, 2024, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

9 Southwest Circle, DEP #301-0395

Coordinator Capone explained that this matter had previously been before the Commission regarding tree removal. The only outstanding condition from the original order was the installation of boundary markers, which had been addressed in the new Order of Conditions. However, since the DEP had not yet issued a project number for the new Order, she confirmed that they were ready to issue the Certificate of Compliance for the previous Order.

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

Other Business:

Meeting Schedule

The Commission discussed the meeting schedule for 2025. Coordinator Capone provided the schedule and asked if there were any issues or missed holidays that should be addressed. Chair Henkels asked for feedback on whether to finalize the schedule at the current meeting or wait until the next one.

The Commission approved the schedule.

Capone also reminded the Commission about a site visit scheduled for the following morning at 331 Hudson Road.

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 9:20 PM, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.