

SUDBURY CONSERVATION COMMISSION

Minutes of the Meeting Held Monday, Nov. 19, 2007

Present: Greg Topham, Chairman; Ted Pickering, Vice-Chairman; Richard O. Bell; Parker Coddington; John Sklenak; Chris McClure; Debbie Dineen, Coordinator; Victoria Parsons, Technical Assistant

WPA & Bylaw Request for Determination: Lots 4 & 5 Fairbank

Present: Sean Hale; Beth Cosgrove

Mr. Hale presented a plan showing the access route for soil testing only on Lots 4 & 5 Fairbank Road. The only access is through the inner riverfront area. One tree will have to be removed to allow the equipment into the site.

The Coordinator informed the Commission that the ANR plan for Lots 4 & 5 was recorded July 8, 1996. Lots recorded prior to August 1, 1996 have an alternative analysis scope that is limited only to these lots. Therefore, the only access is as proposed through the inner riverfront. She noted the ANR plan shows a conservation restriction over the proposed access area.

Beth Cutting explained that the CR was never recorded as Lots 4 & 5 Fairbank were not part of any of the Run Brook subdivisions. It was not clear to the Commission if the CR was valid because it was shown on the recorded plan; and/or if the CR on Lots 4 & 5 were offered at the time of subdivision approval of Run Brook II, III, or IV as mitigation for a major wetland crossing.

Following further discussion, it was voted unanimously to: “ issue a negative Determination contingent upon confirmation that the CR shown on the ANR plan is not recorded or referenced as required in the Orders of Conditions for Run Brook II, III, or IV subdivisions or the Order for Lot 3 Fairbank Rd.” Motion by T. Pickering; 2nd by J. Sklenak. Unanimous in favor

Minutes

On a motion by G. Topham, 2nd by J. Sklenak, the Commission voted unanimously in favor of approving the Minutes of **10/15/07** as drafted.

WPA & Bylaw Certificates of Compliance:

1. DEP #301-73 - 29 Hawes Rd. Partial COC

Present: Mr. & Mrs. Johnson, former owners

The Order of Conditions covers the entire subdivision of Hawes Road and Tantamouse Trail which was constructed in the 1980's and are now public ways accepted by the Town. No as-built plans are on file with the exception of the street plan & profile required for road acceptance. This does not show the extent of wetland alteration so there is no way to know from this plan if the construction was in accordance with the plan approved in the Order. However, a partial COC could be issued for 29 Hawes Road as there are no wetlands on or within 100' of this lot.

On a motion by J. Sklenak; 2nd by G. Topham, the Commission voted unanimously in favor of issuing a partial Certificate of Compliance for 29 Hawes Road from #301-73.

2. 177 Union Ave.

The Coordinator reported that this Order covered the replacement of a septic system to meet Title V. The area is fully stabilized, the as-built plan has been received and reviewed, and the system was installed in accordance with the approved plan. The Board of Health has approved the new system as well.

On a motion by G. Topham, 2nd by R. Bell, the Commission voted unanimously in favor of issuing the Certificate of Compliance.

Open Space & Recreation Plan Status Update

Commissioner John Sklenak reported that at the last OSRPC meeting last week, two representatives of Sudbury Valley Trustees were present to discuss the level of land protection in perpetuity on SVT properties in Sudbury. Ron McAdow, Executive Director; and Susan Crane, Attorney; were in attendance.

It had been noted at an earlier OSRPC meeting that SVT lands in Sudbury did not have the benefit of a recorded Deed Restriction or Conservation Restriction in perpetuity and that it might be possible for SVT to sell properties to raise money for other land purchases or other needs. Atty. Crane noted that SVT's Articles of Organization set out the governing rules of the organization as a land protection body. Selling properties would place them in jeopardy of losing their 501(3)(c) status and subject them to review by the Attorney General.

OSRPC members questioned why SVT would not wish to place another level of protection on their lands to ensure that future SVT Boards cannot sell the lands even if the purpose is to raise funds for new land purchases that they consider to be of greater value. It was also suggested that SVT grant a CR to the Town on their largest parcels in Sudbury that play key roles in local open space and natural resource protection. SVT was concerned that the CR must be monitored and monitoring requires funds for the staff to do the monitoring. Mr. McAdow stated that he will discuss the CR issue again with the SVT Board of Directors and Ms. Crane agreed to look into the legal protections now on SVT lands and report back to the OSRPC.

The Coordinator suggested looking into SVT's payment-in-lieu-of-taxes and if a reduction here might be a possibility to fund CR monitoring.

Executive Session: Land Negotiations & Litigation

By unanimous roll call vote the Commission voted to enter into Executive Session to discuss ongoing land negotiations and litigation.

By roll call vote, the Commission voted unanimously in favor of closing Executive Session and adjourning the regular meeting.

The meeting adjourned at 8:45pm.