



SUDBURY CONSERVATION COMMISSION

MINUTES

Monday, April 27, 2015

6:45 pm, DPW Facility 275 Old Lancaster Rd., Sudbury MA

Present: Thomas Friedlander (chair), Beth Armstrong, Mark Sevier, Robert Elkind, Bruce Porter, Charlie Russo, and Dave Henkels

Debbie Dineen – coordinator and Linda Hansen - assistant

The April 6th minutes will be revised to comply with the revisions of the Open Meeting Law to include reference to the documents used in the decision. Debbie Dineen will email the Commission the Open Meeting Law PowerPoint presentation prepared by Town Counsel.

Wetland Policy clarifying Mitigation Requirements under the Sudbury Wetlands Administration Bylaw. Debbie Dineen drafted a policy for mitigation requirements for the Commission to review clarifying that wetland alterations require mitigation under the bylaw (Wetlands Mitigation Policy, April 27, 2015). The policy defines the type of mitigation required and the intent. A motion was made by Rob Elkind, seconded by Beth Armstrong, and approved by all present (7-0) to adopt the mitigation requirement as written.

WPA & Notice of Intent (cont.): Davis Field Expansion:

DEP file number 301-1158

A motion was made, seconded, and approved by all present (7-0) to continue the hearing at the request of the applicant until May 18 until 7:00.

WPA & Bylaw Notice of Intent (cont.): 24 Run Brook Circle; pool removal

DEP file number 301-1157

Natural Heritage sent a letter to the Commission (via email) dated April 6, 2015 stating that the project posed no adverse impact to rare wildlife. The property owner agreed to remove the chain link fence along the edge of the priority habitat area. The Commission requested that area below the timber retaining wall be augmented with native planting. A motion was made by Dave Henkels, seconded by Charlie Russo, and approved by all present (7-0) to close the hearing. A motion was made, seconded, and approved by all present (7-0) to issue an OOC.

WPA & Bylaw Notice of Intent (cont.): Lots 4 & 5 Fairbank Rd.

DEP file number 301-1149

A motion was made, seconded, and approved by all present to continue the hearing at the request of the applicant, until May 18th. The time of the hearing will be posted on the May 18th agenda.

WPA & Bylaw Request for Amendment of Order of Conditions: 170 Wayside Inn Road; extend porch.

DEP File number 301-1155

The applicant is requesting two minor amendments to the original project. Kevin O’Leary, the applicant’s site engineer, provided the Commission with plans to infiltrate the additional impervious surface. A motion was made, seconded, and approved by all present (7-0) to issue an order of conditions that includes an increase in scope from the original order.

Community Garden License and Rules & Regulations

The community garden license was submitted to the Town Counsel to review. The decision from Town Counsel was that the license agreement was not a legal entity. Instead, the Commission will develop rules and regulations for the garden members to sign, rather than a license agreement. The Community Garden meeting is scheduled for Thursday, April 30th at which time the members attending can sign the rules and regulations. Debbie Dineen suggested that the entire garden be converted to all organic. At the time the garden was established, half the garden was non-organic. The garden coordinators felt that most gardeners already garden organically and they supported the conversion to all organic. A motion was made by Dave Henkels, seconded by Rob Elkind, and approved by all present (7-0) to adopt a policy to convert the community garden to all organic.

Discussion: Town Meeting Warrant Articles

Debbie Dineen provided the Commission with an overview of the following warrant articles:

Article 2: Operation budget includes \$10,000 for land stewardship. A discussion of the Commission followed regarding how to prioritize the projects on conservation land. Charlie Russo started a matrix for seven Conservation properties to rate the natural, recreation, and communal aspects.

Article 11: Revolving funds. The Commission has two revolving funds, one for trail maintenance (collected from agricultural use of fields on conservation land) and one for wetlands bylaw filing fee.

Article 28: If the funding is approved for lighting at Cutting Field, the Commission should send the town a letter that the lighting will require a permit from the Commission.

Article 44: Grant a perpetual restriction for any CPC funded land purchases. The CR is a requirement and held by a private land trust. The Commission should take an active role in drafting the CR.

Article 49: Davis Field. The Commission cannot take a position on this article since the hearing is currently underway.

Articles 54 and 55: design and construction of Greenway. Debbie stated that the Commission cannot take a position until the final design plans are submitted for review.

On a related note regarding conservation land, Debbie Dineen suggested that Johnson Farm name be changed to reflect a natural attribute on the land, or a historic name, similar to other conservation properties.

Request for Interpretive Signs at Haynes Meadow (Bruce Porter)

Bruce Porter in cooperation with SVT is requesting permission from the Commission to install between one and three interpretive signs that include QRL's and trail markers. The signs will be installed with 4 x 4 inch posts. The only equipment would include a post hole digger. Debbie asked about the responsibility of maintaining the signs. Bruce Porter maintains the trail on SVT property (Gray), and agreed to take on the maintenance for town land. The property bounds have been established on town land. Debbie feels that the Commission should get a commitment from SVT to maintain (or remove) the signs on town property. The Commission supports Bruce Porter's project and will submit a letter of support to SVT.

Discussion: Open Meeting Law

The most relevant information regarding the revised Open Meeting Law pertains to site inspections/walks that includes members of the Conservation Commission. On a site walk, a discussion can be had regarding observations and current conditions, however, no decisions can be made. A site inspection/walk is not considered an open meeting regardless of how many members attend.

Order of Conditions Appeal: Bruce Freeman Rail Trail Surveying

Charlie Russo recused himself from the discussion. Bob Abrams appealed the OOC to DEP for the clearing work. The reason for the appeal was that a 12 foot wide area for clearing was requested, and far less area is required for survey work. Debbie Dineen noted that clearing has already been accomplished on the portion between Hudson and Morse roads. Debbie Dineen would like to Commission to submit a violation letter to the applicant (Planning Department), cc'd to Town Administrator, VHB, and Town Counsel that no further work can be done under this OOC until the appeal has been resolved. Debbie Dineen will draft the letter, for review and approval by the Commission prior to the May 18th meeting.

Schedule for LS Adult Education Walks 9:30 – 11:00 AM:

The following LS Adult Education Walks were scheduled:

- May 1 - King Philip trail walk (meet at Wolbach and old Sudbury road), Tom Friedlander
- May 8 – Haynes Meadow (meet behind Curtis Middle School), Bruce Porter
- May 15 – Nobscott (meet at Brimstone entrance), Dave Henkels
- May 29 – Hop Brook, Debbie Dineen

Certificates of Compliance:

The following Certificates of Compliances were signed by the Commission:

1. Emerson Way (Lot 11), DEP File number: 301-0316
2. Duplicate Original 22 Wyman Drive, DEP File number: 301-589
3. 941 Concord Rd., DEP File number: 301-1103 (CR recording info received 4/13/2015)

Meeting Adjourned: approximately 9:01

Documents used during the Sudbury Conservation Commission meeting on April 27, 2015

Wetland Mitigation Policy

1. Wetlands Mitigation Policy (draft), Sudbury Wetlands Administration Bylaw, April 27, 2015

Notice of Intent – 24 Run Brook Circle, DEP file no. 301-1157

1. Notice of Intent for 24 Run Brook Circle, Applicant: Allen Katz, prepared by Goddard Consulting, LLC. Dated February 11, 2015
2. Site Plan of 24 Run Brook Circle in Sudbury, MA, prepared by Sullivan, Connors and Associates, dated March 5, 2015.
3. Letter from the Division of Fisheries and Wildlife, dated April 6, 2015

Notice of Intent – 170 Wayside Inn, DEP file no. 301-1155

1. Request to Amend OOC for 170 Wayside Inn Road, DEP file no. 301-1155, prepared by Goddard Consulting, LLC, dated April 12, 2015
2. No. 170 Wayside Inn Road Plot Plan, prepared by Jillson Company, Inc., dated April 1, 2015
3. Letter from Kevin O’Leary of the Jillson Company, dated April 27, 2015.

Order of Conditions – Bruce Freeman Rail Trail project, DEP file no. 301-1153

1. Order of Conditions, DEP file number 301-1153, issued to Town Planning and Community Development Department, issued April 13, 2015.
2. Request for Superceding Order of Conditions, DEP file no, 301-1153, dated April 16, 2015