



SUDBURY CONSERVATION COMMISSION

MINUTES

Monday, June 1, 2015

6:30pm DPW Building, 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

Approval of Minutes 4/6/2015, 4/27/15, 5/18/15:

April 6, 2015 minutes: On a motion by R. Elkind, seconded by B. Armstrong, the Commission voted in favor to accept the minutes as written. C. Russo and T. Friedlander abstained.

April 27, 2015 minutes: On a motion by B. Porter made a motion, seconded by B. Armstrong, the Commission voted in favor to accept the minutes as written. C. Russo abstained.

May 18, 2015: Charlie commented that in the minutes under the violation/enforcement discussion, the statement should read that he felt the policy of non punitive should continue. The Commission discussed whether the meeting was adjourned before or after the discussion regarding the respond for O Washington. The approval of the minutes was deferred until the next meeting.

WPA & Bylaw Notice of Intent: Boardwalk Construction at Great Meadows National

Wildlife Refuge, Weir Hill Rd.

Jeff Collins (Mass Audubon), Libby Herland, and George Turner were present for the hearing. Mass Audubon is collaborating with the wildlife refuge on this project. The funding is from the Nyanza natural resource damage assessment. The general idea is to improve the conditions of the existing trail, to improve accessibility, to add a wildlife viewing area and to protect the natural plants along the trail (that tend to get trampled when walkers avoid the wet areas). J. Collins presented the proposed improvements on an aerial photo. The trail around the existing pond will be gravel and a boardwalk will be constructed in the wetland area. The gravel trail will be excavated to a depth of 6 inches and filled with gravel/stone dust allowing it to be ADA compliant. The boardwalk will be five feet wide and elevated off the surface with a pipe footings. The boardwalk will include hand rails. In addition, the plans include a wildlife viewing platform at the edge of the marsh. Helical piers will be constructed at the marsh edge. The Stewardship Council reviewed the project and voted unanimously to support the project. Interpretive panels will be included on the viewing platform.

D. Dineen commented on her concerns with the project, including the lack of site specific wetland delineation, although the entire location for the boardwalk is in wetlands. She strongly recommended approval of the wetland boardwalk and the design chosen. The location of the wildlife viewing platform had not been determined. D. Dineen recommended that the Commission make a site visit after the final location has been chosen. C. Russo felt that the refuge staff can make an informed decision regarding the location without the Commission's approval. D. Dineen asked whether they had considered

increasing the height to limit the clearing and to limit the length of the viewing platform. G. Turner stated that there were limitations on the height of the platform and L. Herland mentioned that the platform will need to be wheelchair accessible. D. Dineen asked L. Herland if the platform was subject to Chapter 91 Waterways permit and she responded that the refuge did not need to file. Natural Heritage had not commented on the permit application. D. Dineen was also concerned about nesting areas in the project location. B. Armstrong felt that the final platform location should be viewed by the Commission as a condition of the permit.

A motion by C. Russo, seconded by R. Elkind, the Commission voted unanimously in favor to close the hearing. A motion by R. Elkind, seconded by B. Porter, the Commission voted unanimously in favor to issue an OOC based on approval from Natural Heritage and with the condition that the Commission approve the final location for the viewing platform. An OOC will be issued after a DEP file number has been assigned.

Documents used during the hearing for boardwalk construction at Great Meadows:

1. Notice of Intent application for boardwalk construction on Red Maple Trail at Great Meadows National Wildlife Refuge.
2. Site plan: Weir Hill – Sudbury, dated 12/22/2014
3. Boardwalk Construction Guidelines, Acton Land Stewardship Committee, revised 8/7/2014
4. Red Maple Boardwalk Narrative, not dated.

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

Request for continuation received 5/26/15

The purpose of the continuation is to allow for the notification of additional abutters due to the expansion of scope that includes the proposed off-site mitigation. On a motion by B. Armstrong, seconded by C. Russo, the Commission voted unanimously in favor to continue the hearing until June 15, 2015.

1. Discussion: Meeting Procedures

T. Friedlander felt that it was the chairman's role to set the meeting agenda, to make sure the open meeting law is followed, and to manage public participation during the meeting. In addition, any items not listed on the meeting agenda should be approved by the chairman at the meeting before they can be discussed. He also stated that D. Dineen cannot speak unless given permission by the chairman. D. Dineen responded that permission should not be unreasonably withheld. B. Porter felt that the chairman's role is to make sure that the agenda items are discussed and members and audience participate appropriately. B. Armstrong felt that Commission members should be allowed to discuss related items and address responses to correspondence that were not included on the agenda. The relevant question is how the Commission in the future handles correspondence issues that need a collective response if the item is not included on the meeting agenda. D. Henkels suggested that we invite Town Counsel to discuss how items can be added to an agenda. D. Dineen agreed with D. Henkels about inviting either Town Counsel or her assistant to a Commission meeting. T. Friedlander and B. Armstrong are meeting with Town Counsel on Wednesday. D. Henkels would like the Commission to draft an agenda of items that the Commission would like to discuss with Counsel.

2. **Draft Policy Review: Discussion Enforcement/Violation Policy**

This topic was discussed in connection with violations listed in item #3.

3. **Determine action to be taken** (if any) on:

- a. 443 Peakham Rd. The new owner filled approximately 20 feet of the upland resource area. The activity is a violation, but not an egregious violation. Goddard Consulting was hired by the property owner. The wetlands were delineated but not surveyed. D. Dineen suggested that the NOI be developed based on a sketch plan, rather than a surveyed plan. The homeowner has not responded. D. Henkels asked whether the Commission could ticket the homeowner. The answer is yes, and it's the Commission decision whether to ticket. The Commission will need to have a ticket book printed. A motion by B. Armstrong, seconded by R. Elkind, and the Commission voted in favor to issue a ticket to 443 Peakham Road. (C. Russo abstained)
- b. 1 Douglas Drive. Based on photographs from the neighbors, the property owners at 1 Douglas Drive have cows that are in the upland wetland resource area, in violation of the wetland bylaw. D. Dineen sent a certified letter to asking the property owner for access to the property, but the owner did not respond. The Commission needs to confirm that there is a violation. D. Dineen suggested that her and some Commission members make an unscheduled visit to the property and request access. D. Dineen will try to call them again before the unscheduled visit.
- c. **Discussion of Agricultural Licenses** and potential of other agricultural conservation land to be licensed. The only property that is not being used in active agriculture is located on Dutton Road, near Carding Mill Pond. The only bidder backed out due to lack of water source. The field on Piper field is currently not used (no bids received). An abutter was interested, but the field required extensive work before converting the field to agriculture. C. Russo inquired on behalf of Pete and Jen's Backyard Birds, who are searching for space approximately 20 acre in size primarily for livestock.
- d. **Discussion of Public Outreach**; means of assistance to residents (deferred to a future meeting)
- e. **Request for Reissuance of Corrected Conservation Restriction: Lot 7 Kato Dr.** The Commission signed the acceptance signature page of the CR.
- f. **Summer Intern Tasks** (deferred to a future meeting)
- g. **Discussion: New Parking Area on Water Row -additional access to King Philip Woods** (deferred to a future meeting)

Meeting adjourned: 8:29. The Commission voted unanimously to adjourn the meeting.