

SUDBURY CONSERVATION COMMISSION
Minutes of the Executive Session Held Monday, Nov. 21, 2016

Present: Tom Friedlander, Chairman; Beth Armstrong, Vice-Chairman; Mark Sevier; Dave Henkels; Bruce Porter; Charlie Russo (arrive 6:40pm); Debbie Dineen, Coordinator

Following a roll call vote, Commissioners voted unanimously in favor of entering Executive Session, not to return to public session. Motion by C. Russo; 2nd B. Armstrong

Discussion: Status of Current Litigation 0 Washington Drive

The Commission received a response from Atty. Nylan stating that he received a favorable response from his clients for planting and adding 800 square feet of open area between the CR and the pavement to compensate for the 600 square feet. He did not think there is need for a further as-built requirement and no further requirement to adjust the pond level, which he felt is beyond the control of his clients, other than to maintain the spillway elevation.

T. Friedlander stated that the purpose of negotiations is to come to a Settlement Agreement to avoid going to court. He stated that any additional work on site would need to have an NOI filed and an Order of Conditions recorded.

B. Armstrong felt strongly that the homeowners are wasting the Commission's time. They still have not provided the required conservation restriction. T. Friedlander added that the as-built plan of the swale is critical to determine if it was built according to approved design plans. He also felt that dates for action should be included in any Settlement Agreement.

M. Sevier questioned if there is any evidence of negative wetland impacts from the swale as it currently exists.

B. Armstrong stated that the Commission has given the homeowners a lot of leeway and has conceded a lot on this site. She suggested the Commission reject the response, go to court before a judge and get it settled. She added that the commission stands behind its prior requirements for meeting performance standards. M. Sevier responded that if there are no performance problems in the field, he does not think there is need for an as-built plan to be on record.

C. Russo agreed that the homeowner's response to the settlement offer should be rejected.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted unanimously by roll call vote to end Executive Session.

On a motion by C. Russo; 2nd D. Henkels; the Commission voted to adjourn the meeting. 9:10pm