

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, January 14, 2019

Present: Tom Friedlander, Chairman; Dave Henkels, Vice-Chairman; Bruce Porter; Mark Sevier; Richard Morse; Ken Holtz, Associate; Debbie Dineen, Coordinator

Vote: Hire wetland peer review consultant(s) to assist with confirmation of wetland delineation along the Bruce Freeman Rail Trail

Present: Len Simon

Chairman Friedlander stated that the purpose of the agenda item was to vote to hire a peer reviewer for the anticipated Notice of Intent from the Town for the soil borings on the proposed Bruce Freeman Rail Trail. If the Commission waited until the NOI was filed, it would be at least two weeks until the next meeting where the SCC could vote on hiring peer review. Peer review has always been voted in situations involving wetland delineations for larger projects. T. Friedlander further stated that a meeting was held this afternoon with the Town Manager, attended by D. Henkels, D. Dineen and himself where the Town Manager requested the SCC not vote on peer review tonight.

C. Russo questioned why the discussion was not held on the Jan. 7 agenda. T. Friedlander responded that it was removed from the agenda at the request of the Town Manager as she was waiting for an opinion from Town Counsel. D. Dineen added that the Town Counsel opinion was reviewed at the meeting today, however the opinion cannot be made public at this point. The Selectmen must approve issuance of a Town Counsel opinion before it is made public.

Len Simon stated that it appears T. Friedlander took the initiative to be efficient to have the peer review begin as soon as possible.

C. Russo stated that he is concerned about impartiality and transparency in town government. D. Henkels responded that transparency is exactly what has been happening, including the meeting today that he was part of. They sorted through new information obtained from Town Counsel and are waiting for further opinion.

L. Simon stated that in the past the SCC has not wanted to move quickly.

Discussion followed concerning whether or not the soil boring work was exempt from the Wetlands Protection Act.

C. Russo restated his opinion that he sees a pattern of SCC action of no transparency or being objective on this project. T. Friedlander replied that the SCC is not a political body and therefore is not pro or con on any project that comes before it for action. The SCC members took an oath to uphold and enforce the Wetlands Protection act and the local wetlands bylaw and carry out all wetland regulatory issues. M. Sevier stated he is suspicious that the peer review popped up on the agenda that was intended to only contain lands stewardship items. C. Russo agreed that is suspicious.

D. Henkels stated that peer review is intended to confirm the wetland resource areas that had not been previously identified. T. Friedlander added that C. Russo had called him an obstructionist because the meeting that was to held last week on this topic did not happen. The meeting that was to be held with the engineering firm to discuss the NOI filing also did not happen although representatives of the SCC were prepared to meet. T. Friedlander was prepared to move ahead as quickly as possible to move the project forward but meetings that were out of the SCC control did not get scheduled by others. D. Dineen added that the meeting with the engineering firm was driving the agenda items on the

Jan. 7 agenda. When the engineering meeting did not happen, through no fault of the SCC representatives, the Town Manager requested the item be pulled from the SCC agenda on Jan. 7 for that reason and the reason that Town Counsel's opinion had not yet been received.

C. Russo stated there seems to be a recurring theme of meetings not happening. L. Simon stated that there is town support for the project and therefore the boards should also be supportive to move forward and approve the project. D. Dineen noted that the SCC is following a process outlined in the WPA. Failure to follow that process is very likely to result in an appeal. An appeal will delay the project and the SCC is doing its part to ensure an appeal does not happen due to procedural errors.

L. Simon stated that discretion should be exercised to permit the project as it is already three years behind the original timeline for the 25% design. He asked to be kept in the loop on all procedural issues. T. Friedlander responded that not all information can be shared by the SCC at this time. He suggested Selectmen Simon go to the Town Manager and the Board of Selectmen members as the best source of information. He added that the SCC has not been the source of any delays as nothing has come before the SCC for any action yet. The SCC should not be the fall guy for delays that it did not cause or have any involvement with. He added that he will provide L. Simon with information to the best of his ability but he asked L. Simon not to malign the SCC for delays it did not cause. L. Simon stated that he cannot give any commitments or make any promises. T. Friedlander again suggested L. Simon not fault the SCC for the delays it did not cause. L. Simon stated he did not wish to rehash the issue.

D. Henkels stepped into the discussion and stated that he came away from today's meeting with the Town Manager feeling like the process was moving along. The roadblock now is only to wait for the Town Counsel legal opinion to be expanded and released publically. He added that it is the Town's responsibility to bring forward further information, not the responsibility of the SCC.

B. Porter questioned if C. Russo's concerns had been allayed by the discussion. All agreed that further information should be brought forth at the next meeting.

Emergency Certification Request: Drainage failure Rt. 27 and Water Row

T. Friedlander stated that he and D. Dineen met Chuck Melanson of DPW on Rt. 27 last week to look at a partial culvert collapse. He granted approval for DPW to excavate the culvert and repair the slope from the road to the wetland. One tree will need to be removed to accomplish the work. The tree will be dropped into the wetland and cut and moved to the upland when weather permits. The culvert was being undermined from drainage on the upstream side of Rt. 27. This undermining was creating voids where soil was being washed out. The area will be stabilized and a more permanent fix developed in the spring.

D. Dineen stated that she is working with the DPW on a new generic Order for normal maintenance and repairs. D. Henkels noted that the Order should include the requirement for appropriate and up to date best management practices. L. Simon questioned if this will require additional funding of DPW. D. Dineen stated that question is better asked of the DPW.

Discussion: Future Agendas

Following further discussion on pending agenda items, the Chairman agreed to add an item to upcoming agendas that listed upcoming agenda items and updates on projects. D. Henkels suggested this also include a discussion on items to be added to a future agenda for more detailed discussion.

C. Russo stated that the Chairman's only extra powers on the SCC is to set the agenda. The Commission members should be able to vote to grant the ability for further discussion time for any particular item. He added that the time limit was not intended for SCC members.

T. Friedlander questioned if the SCC member thought the public would be offended if public comments are limited to 5 minutes in order for the SCC to get through the agenda is a reasonable amount of time. L. Simon noted that the amount of time given to a speaker is at the discretion of the Chairman for proper agenda management. He felt meetings should have built-in flexibility.

This will be discussed in more detail and voted at the 1/28 meeting.

Upcoming Meeting Schedule

Commissioners agreed to move the March 25 meeting to April 1 due to the Town Election on March 25. They agreed to move the May 6 meeting to Lincoln Sudbury RHS to meet for one hour before the start of Annual Town Meeting.

Land Stewardship Discussion

Following a review of the reports from the SCC members after inspections on the larger conservation properties, T. Friedlander stated that all comments included the need for trail maintenance and marking as well as new maps. He and D. Dineen met with Mark Thompson, IT Director, to look at how to best move ahead with generating new trail maps. The information previously collected by gps for trails is not valid. Sudbury is joining with several surrounding towns to have the area re-flown to develop pictometry mapping. These will create 3-dimensional images. The trails may be visible on these photos. A method of trail mapping on site may need to be developed.

Other issues included infrastructure upgrades to bridges and board walks, kiosk replacement and repair, and new signage. Scouts, bowhunters, and contracted help should all be considered. D. Dineen will check with Fire and Police on the status of the lock boxes. Other priority projects included the Frost Farm, King Philip Woods, Hop Brook bridge repairs. R. Morse also commented that trails connecting to the town lands also need some work. D. Dineen mentioned the sign was stolen from the Surrey Lane entrance to Hop Brook and the SCC might want to consider some temporary trail closures or rerouting where erosion has caused some trails to be shifted down a slope near a several vernal pools and the area on the inlet side of Duck Pond where only roots are holding the trail together. A meeting will be scheduled with the Dutton Road stable to discuss impacts of trail closers on the use by horses.

D. Henkels suggested hiring a professional, such as Ryan Gumbart, for forestry work. K. Holtz suggested developing an action list with photos. A flyer in the kiosks to encourage conservation users to report trail conditions needing attention. K. Rogers suggested the website have a link to report trail issues as well.

A discussion follow up will be placed on the Feb. 11 agenda.

T. Friedlander ended the meeting noting that the SCC is a diverse group with diverse opinions and interests. He hoped that everyone remains interested, respectful and engaged in the future.

On a motion by R. Morse; 2nd M. Sevier; the Commission voted unanimously in favor of adjourning the meeting. 9:25pm