



SUDBURY CONSERVATION COMMISSION
Executive Session Minutes of the September 23, 2019 Meeting

On a motion by C. Russo, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to enter into Executive Session to discuss strategy with respect to litigation regarding Zero Washington Drive, not to return to open session following this discussion.

T. Friedlander shared a recent discussion he and Coordinator Capone had with Town Counsel. Since the last Executive Session, T. Friedlander gave more thought to having a beaver deceiver installed. He stated that given that the public record shows that the water elevation has been at or near 155.5, since at least 2012, the water level seems to be stable. He asked the Commission to reconsider the provision in the Agreement regarding the beaver deceiver.

The Commission discussed the pros and cons of installing a beaver deceiver and having the ability to ensure the water level does not rise higher and impact neighboring septic systems. T. Friedlander said he talked with the Board of Health Director who said he has the ability to require health and safety impacts associated with beaver dams be addressed, should the need arise.

The Commission agreed with this approach and recommended that the Agreement be modified to not require \$3,000 be put towards the installation of a beaver deceiver.

The Commission discussed the remaining requirement of executing the Conservation Restriction. The Hollyers have requested Certificates of Compliance be issued now, with a deadline included in the Settlement Agreement for the CR to be completed. The Commission determined that given the fact that the Hollyers were aware of this requirement since they purchased the property in 2001, the Commission was not willing to issue Certificates of Compliance until the CR was fully executed.

Given the fact that the wetland system appears to have been in equilibrium and given the ability for the Board of Health to address any health or safety issues that could arise in the future if the water elevation were to raise higher, K. Rogers made a motion to modify the Settlement Agreement to not require monies be provided towards the installation of a beaver deceiver. Seconded by D. Henkels. The Commission so voted.

On motion by R. Morse, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to adjourn the Executive Session meeting. Meeting adjourned at 8:30.