



SUDBURY CONSERVATION COMMISSION

Meeting Minutes of April 13, 2020

Present: Thomas Friedlander, Chair, David Henkel, Vice Chair; Bruce Porter; Richard Morse; Charlie Russo; Mark Sevier; Kasey Rogers; Ken Holtz, Association Member and Lori Capone, Conservation Coordinator, George Pucci, Town Counsel

T. Friedlander opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw at 6:37 PM. Pursuant to Governor Baker's Emergency Order, in light of the COVID 19 outbreak, this meeting was conducted by remote participation.

Minutes:

On motion by M. Sevier, seconded by K. Rogers, the Commission unanimously voted, by roll call vote, to approve the minutes of March 9, 2020.

Other Business:

Bruce Freeman Rail Trail (BFRT) Wildlife Study

Beth Suedmeyer, Environmental Planner for the Town of Sudbury, Tim Dexter and Susan McCarthy from Mass DOT, and Dan Nien representatives from Stantec, the town's consultant, attended tonight's meeting to present the wildlife study that has been conducted in accordance with the DEP Wildlife Habitat Assessment to evaluate potential wildlife impacts from the BFRT.

Dan Nien of Stantec presented the results of the Wildlife Habitat Evaluation and vernal pool assessments for the 6.5-miles rail line from Sudbury town line to Union Avenue. The project is at 25% design moving towards 75%. A Notice of Intent is anticipated to be filed with the Commission is about one year. Proposed resource area impacts, as currently designed, include 4,681 s.f. of impacts to bordering vegetated wetland 1,752 linear feet of impact to Bank, 76 cubic yards of impact to Boarding Land Subject to Flooding, and riverfront impacts to Hop Brook, Pantry Brook and an unnamed tributary to Hop Brook.

Based on this evaluation, Stantec has determined that there are no important habitat features within proximity to proposed impact area, no high value habitat or listed or sensitive wildlife species were observed, the trail will not be a barrier to habitat usage on the local or landscape scale, and no adverse effects to wildlife habitat is anticipated.

Information was presented on the 19 vernal pools along the BFRT which have been evaluated in 2015, 2017, and 2018. The pools were not evaluated in 2016 due to the drought conditions present during this growing season. Potential vernal pools 4, 11, 12A and 16 and 13 certified vernal pool met vernal pool criteria. Sudbury vernal pool 9 and potential vernal pool 17 and 20 may qualify as vernal pool under the Sudbury Wetlands Bylaw only.

Recommendations to ensure wildlife are not negatively impacted by the construction of the BFRT include: siting project elements to minimize impacts, install and maintain appropriate BMPs to protect resource areas during construction, use native species to restore and enhance disturbed areas, meet MA Stream Crossing Standards to greatest extent practicable, improve wildlife connectivity, use girdle trees and create brush piles to create habitat, reduce lighting, and include educational signage.

Ms. Suedmeyer asked the Commission if sufficient data has been provided for the vernal pool evaluation so that additional year's investigation would not be needed. Coordinator Capone concurred that sufficient data has been provided but requested the opportunity to view the vernal pools in the field

D. Henkels asked whether the surveys have been conducted in relation to the Commission's Bylaw. Tim Dexter stated that this project will not be filed under the Bylaw but the vernal pools were evaluated in accordance with the Bylaw.

The Commission was satisfied with the wildlife habitat study and vernal pool information that has been provided and determined that no further vernal pool studies are needed.

Wetland Applications:

Notice of Intent: 22 Buckmaster Road, DEP File #301-1277:

T. Friedlander reopened the hearing for the installation of an in-ground swimming pool and patio within the wetlands jurisdiction pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw last continued from March 9, 2020.

Coordinator Capone informed the Commission that the applicant is working on developing a mitigation plan and has requested the Commission continue the hearing to May 18, 2020.

There were no abutters present to speak on this matter.

On motion by C. Russo, seconded by K. Rogers, the Commission voted unanimously, by roll call vote, to continue the hearing to May 18, 2020.

Notice of Intent – 100 Thunder Road, DEP File #301-1284:

T. Friedlander reopened the Notice of Intent hearing for tree removal within the 100-foot Buffer Zone and Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, last continued from February 10, 2020.

Robert Luther attended tonight's meeting and presented his proposal for mitigation plantings. The Luthers have agreed to remove burning bush and revegetating invasive species and tree removal areas with 20 highbush blueberry plants and 10 native rhododendrons.

There were no abutters present to speak on this matter.

On motion by R. Morse, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by D. Henkels, seconded by C. Russo, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions approving the project.

Request for Determination of Applicability – 54 Moore Road:

T. Friedlander opened the meeting for a Request for Determination of Applicability to remove and replace one tree, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Margaret Chambers presented her proposal to remove one dead pine tree which she is concerned will fall in the pond and block the flow. Ms. Chambers would like to plant an American Linden that she would like to replace it with, which will be a good food source for bees. If unavailable, she would plant a native maple.

Coordinator Capone recommended the Commission issue a Negative Determination of Applicability with the conditions she meet with the tree service prior to work and that the landowner submit a letter to the office once all work has been completed, confirming compliance with the Determination.

No abutters were present to speak on this matter.

On motion by D. Henkels, seconded by B. Porter, the Commission voted unanimously, by roll call vote to issue a Negative Determination of Applicability as discussed.

Request for Determination of Applicability – 54 Blackmer Road:

T. Friedlander opened the meeting to install a fence within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Kristin Ehrlich presented her Request to the Commission to install a fence around the edge of lawn for safety for her dogs and son. To mitigate for the fence, Ms. Ehrlich has removed a leaf dump pile from the previous owner and would like to plant blueberry, blackberry, native honeysuckle, and rhododendron to revegetation the leaf dump area. The fence will be raised off the ground to provide for small mammal passage. No trees will be removed.

Coordinator Capone informed the Commission that the applicants are also working towards removing buckthorn from the property. Coordinator Capone recommended the Commission issue a Negative Determination of Applicability with the conditions she meet with the fence company prior to work to ensure the fence is installed in the agreed upon location and that the landowner submit a letter to the office once all work has been completed, confirming compliance with the Determination.

On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue a Negative Determination of Applicability as discussed.

Request for Determination of Applicability – 87 Cudworth Lane:

T. Friedlander opened the meeting for a Request to install a shed and a swing set over an existing lawn area and replace the decking and railing on the existing deck, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Jay Jungalwala presented his project to the Commission. The proposed shed will be placed on a platform with a bed of crush stone to infiltrate any runoff. The swing set will be directly anchored into the ground. All work will be completed by hand without machinery. The deck boards are rotting and will be replaced in the same footprint with a trex equivalent material.

Coordinator Capone informed the Commission that cattail area directly behind the proposed work area is a detention basin. An earthen berm separates the detention basin from the wetlands. Under the Wetlands Protection Act, these activities would be exempt as minor activities within a landscaped area in the outer buffer zone. Under the Bylaw, the detention basin could be considered a jurisdictional wetland. Given that all work would be completed by hand, Coordinator Capone recommended the Commission issue a Negative Determination of Applicability approving the proposed work.

K. Rogers asked if the swing set area will have any surface under it. Mr. Jungalwala confirmed that that the area would remove lawn.

On motion by D. Henkels, seconded by C. Russo, the Commission voted unanimously, by roll call vote, to issue a Negative Determination of Applicability approving the project as discussed.

Notice of Intent – 12 Antique Circle, DEP File #301-1288:

T. Friedlander opened the hearing to conduct invasive species management and replace a fence within an isolated land subject to flooding, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Dean Perry presented his project to the Commission which includes manual removal and chemical management of buckthorn and bittersweet. The previous owner had mown this area which has made the buckthorn principally unmanageable by manual removal. Following removal of invasive species, the area would be replanted with native species from the Commission's approved plant list. There is an existing fence along the lot line in this area which is dilapidated. Mr. Perry would like to replace the extend the fence along this lot line. The fence would consist of a cedar fence and pine posts which would be directly imbedded into the ground, and will be lifted at least 6 inches off the ground to allow for small mammal passage. No machinery will be used.

Coordinator Capone visited the site after the recent rains to confirm that the area could not function as a vernal pool. Coordinator Capone recommended that due to the extensive root system that has developed from past mowing, chemical control, using the cut and dab method, made the most sense. Due to the extensive cover of invasive plants, if the roots were mechanically removed, it would cause substantial ground disturbance which would encourage the invasive plants. If the area is continued to be mown, it will prevent the invasives from going to seed, but would not allow for native plants to be incorporated into the site.

The Commission asked whether the herbicide treatment should be conducted by a licensed herbicide applicator and questioned whether there would be any unintended consequence from use of the herbicide. Coordinator Capone informed the Commission that she was involved with a project with New England Wildflower Society, where they did test plots to determine whether there was any translocation of herbicide to the soils or the adjacent endangered plant species. No unintended mortality or impacts to the endangered plants were witnessed over a 5-year treatment program. They Commission discussed the required reporting parameters on the project.

There were no abutters present to speak on this application.

On motion by B. Porter, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by C. Russo, seconded by K. Rogers, the Commission voted unanimously to issue an Order of Conditions approving the project.

Request for Determination of Applicability – 26 Village Lane:

T. Friedlander opened the meeting for a Request to replace the existing septic system within the 100-foot buffer zone to wetland, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Protection Bylaw.

Michael Sullivan of Sullivan, Connors and Associates presented the septic plan. All work will be within existing lawn area. The leach field will be positioned greater than 100 feet from wetlands but the septic tank is proposed 79 feet from wetlands, within an existing landscaped area. The leach field is being moved about 40 feet further away from the wetland than existing conditions. No tree removal is needed to install the new system. The Board of Health has reviewed and approved the design.

There were no public comments.

On motion by K. Rogers, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue a Negative Determination of Applicability for work as proposed.

Notice of Intent, 46 Washington Drive, DEP File #301-1286:

T. Friedlander opened the Notice of Intent Hearing for the replacement of a soil absorption system, removal of trees, invasives species, and a shed, reestablishment of lawn, and construction of a deck and patio with the 100-foot Buffer Zone, 200-foot Riverfront Area, and Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Protection Bylaw.

Michael DiModica of DiModica Construction presented the application to the Commission on behalf of the applicant, Steve Clements. Work include rehabilitation of an existing single family house. Exterior work includes replacement of the septic system, deck and patio, rehabilitation of the lawn, and removal the shed and trees within the inner and outer riparian zone. Planting areas are identified of the plan, but a specific planting plan has not been developed yet. The applicant is proposing to use species from the Commission's approved plant list. Mr. DiModica presented the arborist evaluation of the trees proposed for removal to justify their removal. Mitigation included removal of invasive species and replanting with native species. One large tree will be retained as a snag.

Coordinator Capone said the work meets the Wetlands Protection Act except for the removal of trees in the inner riparian zone. Typically, the Commission would want to see a restoration plan as part of the Notice of Intent. The applicant is requesting, given the COVID situation, to be able to start work and condition the project to work with the Coordinator to develop a planting plan for review and approval prior to implementation. Coordinator Capone recommended that the plantings be concentrated in the area of tree removal in the inner riparian zone to restore the functions and values of this area that will be lost.

D. Henkels asked if work was in a Zone II and/or an outstanding water resource area. Mr. DiModica confirmed that the site is within the Zone II but not within an outstanding water resource area.

The Commission expressed concern with the trees being proposed to be removed within the inner riparian zone, especially given the slope of this side of the house and the shade they provide to the river.

T. Friedlander asked if there were any abutters that wished to speak on the application

Nancy Marks, 56 Washington Drive, said that she lives on the opposite side of the river from the subject site. She said the trees proposed to be removed provide screening for her property and requested that any trees that do not need be removed, not be removing, and any that are removed, she requesting plantings be installing to reestablish screening.

The Commission reviewed photos of the site and discussed the arborists evaluation but expressed significant concern with the tree removal in the inner riparian zone. Mr. DiModica asked if he could work with the Coordinator to develop an adequate planting plan. The Commission was comfortable for this approach.

Scott Hume of 31 Washington Drive commented that he felt all the trees are dangerous.

On motion by D. Henkels, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions per tonight's discussion.

Notice of Intent – Eversource/Department of Conservation and Recreation, DEP File #301-1287:

T. Friedlander opened the Notice of Intent Hearing for the installation of a new 115kV underground electrical transmission line and the construction of a portion of the Mass Central Rail Trail, from the existing Sudbury Substation to the Hudson town line, along the inactive Massachusetts Bay

Transportation Authority Right-of-Way, in Sudbury, MA, pursuant to the State Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

K. Rogers recused herself from the Commission for this Hearing as an abutter to the project site.

Bill Schineller, 37 Jarmon Road, questioned whether R. Morse should also recuse himself as an abutter to the project. R. Morse stated that this was evaluated during a previous application for this site and it was determined that R. Morse did not have a conflict with acting as a Commissioner on this application. Town Counsel George Pucci said if R. Morse did not have a financial interest in the project, and is not a direct abutter, he should be able to participate but that an inquiry could be made with the Ethics Commission for confirmation and/or file a Disclosure with the Town Clerk before the next hearing. Mr. Schineller also asked if power has been restored everywhere in Sudbury. Denise Bartone, of Eversource, said currently 116 Sudbury residents are without power and they are working on restoring them as quickly as possible.

T. Friedlander informed that attendees that the purpose of tonight's meeting is to allow for the initial presentation of the project and to obtain a list of major concerns from the Commission and public to be addressed at a future meeting. Some public comment letters have been received and will be read into the record. This will also allow time for the Commission's peer reviewer to provide their initial review. Following the meeting, additional written comments will be accepted through the end of the week, with the anticipation of being able to discuss and address these concerns at the next hearing which would be May 18, 2020.

Denise Barton from Eversource introduced the project and her team: Paul Jahnige from the Department of Conservation and Recreation; Mark Bergeron from Epsilon Associates; Michael Hager from Eversource; Gene Crouch, Katie Kuzdma, and Katie Kinsell of Vanasse Hangen Brustlin, Inc; Margaret Shonefeld, VHB bridge engineer; and Attorney Barry Fogel, of Keegan Werlin, and Dean Bevis, Eversource soil specialist.

Paul Jahnige introduced the rail trail portion of the project. This 7.5-mile project (4.3 miles in Sudbury), thorough Sudbury, Hudson and Stow, is a portion of the 104-mile rail trail that extends from Boston to Northampton.

Marc Bergeron, presented the project to the Commission. Work is located in multiple jurisdictional wetland resource areas, within estimated and priority habitat for rare species, and within Zone II wellhead protection zones. The project has been reviewed under the Massachusetts Endangered Species Program and have receive a 'no take' decision, provided certain conditions are followed during construction. Work under Phase I of the project includes: vegetation removal; removal of rail and ties; all major earthwork; including construction of stormwater management features; preparation of the wetland replication area; replacement of Bridge 127; rehabilitation of Bridge 128; installation of duct bank, new equipment at the Sudbury Substation and signal conduits for the road crossing signals; restoration plantings, and final grading of the rail trail. Limit of work generally consists of an 18-22-foot construction platform. Disturbance does extend to 50 feet in areas on vault installations. All areas will be stabilized at the end of Phase I. Phase II consists of compacting the gravel road and paving a 10-foot wide trail. Additional safety plantings will be installed as part of Phase II. DCR will take over operation and maintenance of the corridor including mechanical removal of invasive species, weekly mowing of the grass shoulders, and annual mowing of the area over the duct bank.

Time of Year Restriction for construction will be implemented as require by the Natural Heritage and Endangered Species Program to protect wildlife during construction including: no construction within 100 feet of a black racer hibernaculum, no in-stream work in Hop Brook from October 1 through June 30, no construction in mapped habitat for whip-poor-will from May to July 31, no work near known

hibernaculum of Eastern Box turtle from October 31 to March 31 and in areas identified for active turtle nests in June and July, and no work within 450 feet of certifiable vernal pools from March 1 through May 14.

The proponents have met with the DEP Bureau of Waste Site Clean Up to determine the proper protocol for groundwater and soil management during construction who determined that the proponent should follow the rail trail guidance. Testing has shown no significant contamination of the groundwater and soil within the project corridor. A site specific Soil and Groundwater Management Plan will be developed for Phase I and Eversource will engage a third-party LSP to ensure compliance with the Massachusetts Contingency Plan.

Mr. Bergeron stated that both projects fully comply with the performance standards of the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw for resource area impacts. These projects are being submitted as limited project status under the State Act. The project proposes 89 s.f. permanently and 524 s.f. of temporary impact of bordering vegetation wetland. Replication is being provided at a 2:1 ratio for bordering and isolated wetland fill. Mr. Bergeron said the existing degraded riverfront area will be improved with the reduction in the total amount of degraded riverfront area on site and though removing the rails which are a barrier to wildlife. Compensatory storage is provided for proposed impacts to Bordering Land Subject to Flooding. A 303 s.f. isolated vegetated wetland is proposed to be filled and replicated on site. Work also complies with work in cold water fisheries with no impacts to base flow, by maintaining existing connections to floodplain or will not increase the levels of phosphates or nitrates introduced to the system. Vegetation removed with 80 feet of the top of bank will be restored with native vegetation, including trees and shrubs. Mr. Bergeron stated that the applicant has consulted with Mass Wildlife experts who concluded that the project will not impact cold water fisheries.

Mr. Bergeron said the project has been designed to comply with Stormwater Management Standards and the Town Stormwater Bylaw as well as Section 401 and 404 Clean Water Act for work is isolated wetlands subject to federal jurisdiction.

Under the Bylaw, 71% of the Adjacent Upland Resource Area will remain undisturbed, 18% will be temporarily disturbed and 11% will be permanently altered with the 10-foot paved rail trail. Of the 12 certifiable and 7 presumed vernal pools within the site, 68% of the area within 100 feet of these pools will remain undisturbed, 19% will be temporarily disturbed and 13% will be permanently altered. Syncopated silt fence will be installed for erosion controls adjacent to these resource areas to allow wildlife movement. A Time of Year restriction has been placed on the project under the Massachusetts Endangered Species Act prohibited work within 450 feet of certifiable vernal pool from March 1 through May 14.

Coordinator Capone explained the expectation of tonight's meeting and the third party review that will be provided by BETA.

On motion by D. Henkels, seconded by C. Russo, the Commission voted unanimously, by roll call vote, to execute the contract for the third party peer review of this project by BETA. Motion passed 5-0.

Coordinator Capone listed areas of concerns that had been raised through the Environmental Impact Report and Energy Facility Siting Board processes including: impacts on cold water fisheries and wildlife from loss of canopy; proper quantification of resource area impacts; compliance with DEP Stormwater Management; proper management of contaminated soils from rail bed excavation; use of herbicide to manage the corridor following completion of the rail trail; applicability of limited project status, impacts from dewatering activities and impacts to rare species. Coordinator Capone noted that the Notice of Intent submittal addresses some of these concerns and they will be reviewed as part of the third party peer

review. Additional comments associated with the recent NOI filing include: obtaining confirmation from both the Central and Northeast regional DEP offices regarding the applicability of limited project status, providing a list of equipment that will be used to ensure impacts are being minimized; providing a detailed dewatering plan for areas that will require dewatering and clarification of how/where this will be conducted; quantification of necessary resource area impacts for each phase of construction; information on how the project is designed in compliance with the Sudbury Wetlands Administration Bylaw regarding impacts to Adjacent Upland Resource Areas; modifications to best management practices regarding erosion controls and concrete trucks; submission of groundwater and soil data from borings; and recommended the Commission schedule a site visit of the project site prior to the next meeting.

T. Friedlander asked if the public was going to be able to join any site visit the Commission schedules. Denise Barton responded that the public participation at the MEPA site visit posed challenges. She will confirm with the landowner, MBTA, to see if the public can attend.

B. Porter commented on the ancient sand pits that exist in the dessert area. He would like the sand features preserved.

R. Morse asked for clarification on whether the areas of clearing would be 50 feet or 40 feet. Marc Bergeron clarified that the 40 feet is needed at the manholes. In some areas, the areas of disturbance extend 10 feet beyond the construction platform to tie into existing grades. R. Morse asked what materials would be used on the rail trail. P. Jahnige responded that the rail trail would be a 10-foot wide paved asphalt. R. Morse asked where transmission line will be housed. Mr. Bergeron responded that they would be installed within the concrete duct banks. R. Morse asked if there was any liquid coolant within the duct. Michael Hager said there are no liquids or gases within the duct bank so nothing would be released to the environment should there be a structural failure.

C. Russo asked what other permits are required for work to proceed to ensure traffic impacts and Historic Districts Commission are being coordinating and asked about the construction timeline to ensure the project can be constructing given the time of year restrictions imposed on the project and also in relation to the timing of the two different phases of the project. C. Russo also requested to see the MOU to understand compliance with the conditions they may be included in any Order. C. Russo also asked for information on whether the project would have been filed any differently if it was not considered a limited project and asked for a summary of wildlife habitat impacts from Section 6 of the Wildlife Habitat Evaluation to understand the comprehensive impact to wildlife.

D. Henkels asked how the rail and soil are removed from the site and where is it removed to; how the project design complies with the Americans with Disabilities Act; whether the impacts to the isolated vegetated wetland was addressed in terms of the Bylaw; and how heat is dispersed from the transmission.

T. Friedlander opened the discussion up for public comments.

Laura Mattei, Director of Stewardship at Sudbury Valley Trustees, asked if the Town has seen the Memorandum of Understanding between Eversource and DCR and would this document be made available to the public. Mr. Jahnige said it has not been finalized yet but would be provided to the Commission when it is. Ms. Mattei also asked what was going to be done to protect the only population of wild lupine which is not a listed species but is in decline locally.

Rebecca Cutting, 381 Maynard Road, asked for the soil data to be provided in a legible format

Randy Ziffer, 318 Dutton Road, asked why would there be a question on public participation on the site walk as the area is currently walked by the public.

Ray Philips, 40 Whispering Pine Road, submitted written questions for the consultant to respond to. These comments included whether any of the culvert under the rail would need to be rehabilitated; information of how the Dudley Brook riverfront area impacts were being mitigated; whether there are any other similar projects that involved an underground transmission line under a rail trail; how the location of the transmission line was determined within the ROW; when was work anticipated to commence; how would bridge construction be funded; information on wetland impacts associated with installing the transmission line under waterways using hydraulic directional drilling techniques; how will potential impacts to the public water supply be monitored before, during, and post construction; how long would it take for the transmission line to be removed should the MBTA reestablish to ROW for transportation use; and asked for the date when petitioners started discussing a joint filing and whom initiated this joint proposal.

The comment letter from the Friends of the Assabet River National Wildlife Refuge was submitted and read into the record. Items of concern raised included: impacts from the use of the rail trail by dogs, both from harassment of wildlife and negative impacts from dog waste; that the land clearing will lead to the proliferation of invasive species; that the lack of sufficient restoration will lead to the permanent loss of species, and they request DCR consider not paving the section of the trail to runs through the Assabet River National Wildlife Refuge.

Linda Crouteau, 12 Colburn Circle, asked for the definition of AURA, Adjacent Upland Resource Area, which Mr. Bergeron explained. She also asked when answers to questions from tonight will be provided. T. Friedlander explained that we anticipated having answers for the May 18 meeting.

Bill Schineller, 37 Jarmon Road, asked how the largest project in the history of Sudbury can be considered a limited project; asked for an opinion on the appropriateness of a joint application; asked how the project minimizes impacts when there is an alternative route with less impacts; and why was the size and shape of the mapped priority habitat near the Sudbury Substation modified in 2017 and how that changes quantified impacts.

Jim Gish, 35 Rolling Lane, said that he thought the boring data showed contamination but Mr. Bergeron's presented that there was no indication of contamination and requested clarification on this discrepancy.

Laura Mattei on behalf of Sudbury Valley Trustees, who abuts 4,000 linear feet along the rail ROW, expressed opposition to the project for the following reasons: the appropriateness of one Notice of Intent for two distinctly different projects with significantly different impacts; the appropriateness of applying DEP's rail trail standards to the Eversource transmission project; the unknown timeline and effective coordination between the two phases of construction.

T. Friedlander noted he received a question regarding construction associated with the area of ledge between Dutton Road and Peakham Road and whether blasting was going to be needed related to contaminated soils and water.

Rebecca Cutting asked that boring locations be shown on the map.

Dan DePompei, 35 Haynes Road, said the ROW is an inactive railroad right-of-way and questioned whether the rail service can be reinitiated and asked how the construction will account for any re-initiation of transportation service.

With no further public comments, T. Friedlander informed the public that they can submit written comments following the meeting to the Conservation Coordinator, who requested comments be submitted by the end of the week in order for them to be evaluated in time for the next meeting.

As agreed to by the applicant, R. Morse made a motion to continue the hearing to May 18, 2020. B. Porter seconded. All so voted, by roll call vote.

Certificate of Compliance:

25 Bridle Path, DEP 301-182:

Coordinator Capone explained that this Order was for the construction of a subdivision roadway and house construction for lots within wetland jurisdiction from 1986. The majority of the lots within the subdivision had received Partial Certificates of Compliance. The office records do not include the approved subdivision plan but the site was constructed and has not changed following the initial construction. Coordinator Capone recommended the Commission issue a Partial Certificate of Compliance to release this lot from this Order of Conditions.

On motion by C. Russo, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue a Partial Certificate of Compliance to 25 Bridle Path.

19 Middle Road, DEP 301-1250:

Coordinator Capone explained that this Order is associated with unauthorized tree clearing which received an Enforcement Order. The required mitigation plantings have been installed and required reports from the homeowner's environmental consultant have been submitted. Coordinator Capone recommended the Commission issue a Certificate of Compliance for this project and also vote to lift the Enforcement Order.

On motion by D. Henkels, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to lift the Enforcement Order and issue a Certificate of Compliance for this project.

Other Business:

Conservation Land Use Etiquette Regarding COVID 19:

Coordinator Capone informed the Commission that they have received complaints about people not adhering to social distancing when using Town conservation land, as well as the potential for unleashed dogs putting other trail users at risk of contracting the coronavirus. Sudbury Valley Trustees has requested the Town have a united message for use of conservation lands in Sudbury and provided a suggested sign to install at Hop Brook Conservation Land. Coordinator Capone recommended a similar sign be installed at all trail heads. The Commission concurred with this approach.

Right of Right Refusal Recommendation – 3 French Road:

Coordinator Capone informed the Commission that the Town is in receipt of a Notice of Intent to sell a 9.7-acre parcel at 3 French Road which is in the Chapter 61A program. This site contains no wetland resource areas and does not connect to any adjacent conservation lands. It is not located within priority or estimated habitat for rare species, is not identified as Core habitat for protection, and the property is not identified in the Open Space and Recreation Plan as a priority parcel for acquisition. Coordinator Capone recommended the Commission not recommend the Select Board exercise the right-of-first-refusal for this property.

On motion by C. Russo, seconded by D. Henkels, the Commission voted unanimously, by roll call vote, to not recommend the Town exercise the right-of-first-refusal to acquire 3 French Road.

Davis Meadow Restoration Project:

Coordinator Capone discussed obtaining a cost-benefit analysis from our consultant to determine whether the Commission should continue with the solarization versus herbicide management of bittersweet. The contractor understood the Commission's goal with the implementation of this project and is hesitant to implement a program that the Commission has any uneasiness with and so he is recommending that we continue with the solarization through this growing season. He will combine site visits to Davis Field with other projects in the area to minimize the costs. The Commission concurred with this approach.

Commission Charge:

Due to time, this matter was tabled to the next meeting.

On motion by R. Morse, seconded by C. Russo, the Commission voted unanimously, by roll call vote, to adjourn the meeting 11:11 PM.