



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of July 27, 2020

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair; Bruce Porter; Richard Morse; Mark Sevier; Charlie Russo (6:40 arrival); Kasey Rogers; Ken Holtz, Associate Member, and Lori Capone, Conservation Coordinator

Chair Friedlander opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw at 6:30 PM.

Minutes:

On motion by K. Rogers, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to approve the minutes of June 29, 2020.

On motion by R. Morse, seconded by B. Porter, the Commission voted unanimously, by roll call vote, to approve the minutes of July 8, 2020.

On motion by B. Porter, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to approve the minutes of July 13, 2020.

Wetland Applications:

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

Chair Friedlander reopened the Notice of Intent Hearing for the installation of an in-ground swimming pool and patio within wetlands jurisdiction pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw, continued from February 10, 2020 and March 9, 2020.

Coordinator Capone stated she had attempted to contact the Applicant, for additional information, but had not received any response to date. The Commission voted unanimously by roll call, on motion by D. Henkels, seconded by K. Rogers, to continue the hearing to August 24, 2020.

Notice of Intent: 26 Tavern Circle, DEP File #301-1296:

Chair Friedlander reopened the Notice of Intent hearing for tree removal within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, continued from July 13, 2020.

Chair Friedlander said that the Commissioners have visited the site since the last hearing and asked the Applicant, Richard Kennelly, if he had any updates.

Mr. Kennelly stated that he has received a recommendation from Lynch Tree who has confirmed that the trees he had requested, should be removed.

Coordinator Capone stated the proposal is in conformance with the Act and local Bylaw. She further noted the homeowner is mitigating any potential impacts to the Adjacent Upland Resource Area through manual removal of invasive species, planting 8 native shrubs, and leaving two trees as snags.

Chair Friedlander asked for Commissioner and public comments. R. Morse stated he was satisfied with request now that he had seen the area.

With no further discussion from the Commission or the public, R. Morse made the motion to close the hearing, seconded by, D. Henkels. All so voted unanimously, by roll call vote.

Coordinator Capone then outlined the Special Conditions for the Commission and Applicant. On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue the Order of Conditions with Special Conditions. C. Russo abstained, as he was a late arrival to the meeting.

Request for Determination of Applicability – 25 Tavern Circle:

The Chair, upon opening the discussion, mentioned that this project also had a Notice of Intent filed in addition to the Request for Determination as the next agenda item, should the Commission feel this project warranted it. He stated the Commissioners had also visited the site. He welcomed the Applicants, Neil and Linda Warrenbrand, and asked for their project narrative.

The applicants introduced themselves and stated the proposal is to remove seven trees that are leaning towards the house. The Tree Service had visited the property and recommended the seven being requested come down. Mr. Warrenbrand then indicated via photos, where the trees were.

Coordinator Capone stated that there was a no build zone imposed in the Order of Conditions from the construction of the house requiring the area beyond 50 feet from the back of the house remain undisturbed which encompasses more than half the property. The trees proposed to be removed are at the edge of this no disturb zone, six of which were likely not present when the property was developed. She did not feel taking these trees down would present any significant impact on the adjacent resource area, as there is a multitude of trees and cover for wildlife. She recommended the Commission issue a Negative Determination permitting the tree removal. Chair asked if there was a reason for the Commission not to just move to the next item on the agenda, which was the Notice of Intent. The Coordinator remarked that the Commission should only ask for a Notice of Intent if they believed the project would negatively impact the wetland. D. Henkels agreed with the recommendation of the Coordinator. He felt there was enough canopy present to allow for the removal of the tree. M. Sevier asked for clarification of the no build zone. She answered the zone was 50 feet off the house. She stated the trees are just outside this zone. D. Henkels then made a motion to issue a Negative Determination, seconded by R. Morse. A unanimous vote, via roll call, was taken to issue the permit. The applicant thanked the Commission.

Notice of Intent – 25 Tavern Circle, DEP File #301-1299:

As this work was approved under the Negative Determination in the matter above, the applicant will submit a letter withdrawing this application.

Other Business:

Conservation Commission Candidate Interviews:

The Chair briefly discussed the role of Commissioners and the current opening, as the result of C. Russo recently being elected to the Board of Selectmen, and introduced Ken Holtz and Jeremy Cook who have submitted applications to serve on the Commission.

Ken Holtz introduced himself and explained that he is interested in wetlands and conservations and his interested in serving on the Commission began when he was a previous Applicant. He has been an active member of the Commission, serving as an Associate, and described his approach and interests, which include land stewardship and continuing this education relative to wetlands.

The next Applicant, Jeremy Cook, was introduced. He then gave a brief overview as to why he is interested in serving on the Commission. He is familiar with some of the wetland impact in Massachusetts, being originally from California. He has Committee experience through his medical profession. He is interested in giving back to the community, as they plan to remain in Sudbury. He believes the open land and resources are a valuable asset to the community.

The Commission had some questions for both candidates. B. Porter remarked both candidates came forward with great credentials. Many were positively inclined towards both. The Chair asked Mr. Cook if he would accept the Associates position, should Mr. Holtz be the Commissioner chosen, to which he responded favorably. The Chair explained that he was not in favor of voting for a candidate, but rather the Town Manager was responsible for the appointment after the Selectman had the opportunity to interview the candidates. R. Morse stated the obligation for Commissioners was to adjudicate matters relating to the Wetland Protection Act and local Bylaw, but he wondered if either candidate had recommendations or other ideas for the Commission to initiate or change. Mr. Cook stated he believed in stewardship through the lens of State statute. Mr. Holtz stated he was interested in seeing general updates for items requiring such, such as the Bylaw Regulations, and stated would be interested in getting involved in those types of initiatives.

Coordinator Capone stated both candidates would be an asset to the Commission. D. Henkels mentioned his own interest in being involved in the environment; he expressed appreciation for becoming educated on wetlands and his interaction with others professionals in the field. He encouraged both to continue educating themselves in order to be able to administer and foster the environment the Commission are stewards for in Sudbury.

The Chair asked for a motion from the Commission. C. Russo stated he would abstain from the vote. On motion by D. Henkels, seconded by M. Sevier, the Commission voted 6-0 (C. Russo abstained) to nominate Ken Holtz as the candidate recommended to the Town Manager. Mr. Cook was named the Associate after a brief discussion with a motion by M. Sevier, seconded by D. Henkels; Mr. Cook was unanimously selected as the Associate member of the Conservation Commission.

Discuss Use of Chat and Q&A features on Zoom:

The Chair discussed the use of the Q&A and Chat features on Zoom. He stated that he preferred not to allow the two options do to the distraction it causing during meetings, but rather preferred people raised their hands to partake in the discussion. K. Rogers stated she believed the Q&A be allowed; she said they use it at conferences she attends and that it allows people who are reluctant to speak in a forum to share their thoughts. She felt it was important to allow all forms of communication. All agreed that the Q&A function would be allowed provided the speakers identify themselves when called on by the Chair. The Commission asked if there was any Town Policy on the use of Zoom. Janie Dretler, member of Board of Selectmen, agreed to bring the subject of consistency, back to the Select Board.

On a motion by R. Morse, seconded by D. Henkels, the meeting was unanimously adjourned, by roll call vote, at 7:37 pm.