



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of February 3, 2021

Present: Thomas Friedlander (Chair), David Henkels (Vice Chair), Bruce Porter, Mark Sevier, Richard Morse, Ken Holtz, Kasey Rogers, and Lori Capone (Conservation Coordinator)

Chair Friedlander opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw at 6:45 PM, via roll call vote.

K. Rogers recused herself as she is an abutter to the Project.

Notice of Intent: Massachusetts Bay Transportation Authority Right-of-Way, DEP File #301-1287:

Chair 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, under the State Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw, last continued from January 28, 2021.

The Chair requested Coordinator Capone bring all parties up to date on the status of this Order. Coordinator Capone presented the changes made since the last meeting.

Changes included modifying the language relative the Lease Agreements between MBTA with Eversource and DCR and also the Memorandum of Understanding between Eversource and DCR.

Discussion ensues regarding the expectation of mapping invasive species populations adjacent to the limit of work. M. Sevier asked about who decides the terms stating that the ConCom should be the deciding body. Coordinator Capone concurred and added language to clarify this condition.

Under endangered species conditions, there were minor modification and additions. There was agreement on the changes including expansion of time restrictions associated with working within Whip-poor-will habitat.

There was discussion about soil and groundwater management. M. Sevier asked what ‘due consideration’ meant. The Applicant had offered this revision. Coordinator Capone stated there had been significant discussion about how to deal with issues relative to groundwater, but felt having the Independent Environmental Monitor would be sufficient to ensure soil and groundwater were being appropriately addressed during construction. There was a minor change relative to vegetation removal.

Language regarding reuse of soils from Hudson were reviewed and found acceptable.

The expectation of long-term invasive species management was reviewed. There would be annual reports submitted on the mitigation areas, and if dense populations of invasive species were found or if more than 10% of the mitigation area contained invasive species, additional removal would be required. Mr. Jahnige agreed to this requirement.

Under pesticides and herbicides Mr. Jahnige stated that the language in the Order was more restrictive than what would be required by the Department of Agricultural Resources through a Vegetation Management Plan, but he was supportive of the more restrictive condition.

The Chair recognized Rebecca Cutting, 381 Maynard Road, who had provided comments relative to this section. Ms. Cutting expressed concern with any herbicide use within 100 feet of vernal pools. Mr. Jahnige stated that DCR is not interested in using herbicides/pesticides either and are supportive of initiatives to curtail their use. Ms. Cutting noted she had used spot treatment, and cautioned their use whenever possible, as it has a tendency to migrate. She urged the use to not be anywhere near Vernal Pools. Further minor changes to the Order were discussed that addressed comments submitted.

The Chair asked if there were any other changes or comments before the Hearing was closed. D. Henkels asked several follow up questions regarding documents that may be submitted in the future. The Coordinator stated all the current documents were the only ones to be considered, noting several were still in Draft form, but final documents would be provided for review. B. Porter asked if all facets of the Application were going to be within one Certificate of Compliance, to which the Coordinator stated the Order requires a Partial Certificate of Compliance be issued after Phase I was complete and a full Certificate of Compliance would be issued following Phase II.

The Chair opened the discussion to Public Comment, to which there were none.

He then asked for a motion to close the Hearing. D. Henkels made a statement acknowledging Lori Capone as the person who has spent considerable time on the Application, ensuring the document would reflect the commitment to ensuring Sudbury received the best outcome possible. He appreciated her efforts, calling them extraordinary. He stated Lori had been fair, transparent and thorough. He thanked all parties involved for being fact based, clear and invested in a fair hearing. He also stated on behalf of the Commission, the level of public participation was admirable. He then made a motion to close the hearing, seconded by R. Morse. Via unanimous roll call vote, the hearing was closed (5-0). K Holtz abstained.

D. Henkels moved to issue the Order of Conditions as discussed. Seconded by M. Sevier, via roll call vote, the decision was unanimous (5-0) K. Holtz abstained. The Chair thanked all involved for their participation in this process.

On motion by M. Sevier, seconded by D. Henkels, via unanimous roll call vote, the meeting was adjourned at 8:10pm.