



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of Monday, March 8, 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.

Minutes

On motion by D. Henkels, seconded by R. Morse, the minutes of January 11, 2021 were approved by unanimous roll call vote.

On motion by D. Henkels, seconded by R. Morse, the minutes of January 21, 2021 were approved by unanimous roll call vote.

On motion by D. Henkels, seconded by R. Morse, the minutes of January 25, 2021 were approved by unanimous roll call vote.

The minutes of January 28, 2021 were tabled for a future meeting.

On motion by D. Henkels, seconded by R. Morse, the minutes of February 8, 2021 2021 were approved by unanimous roll call vote.

Continued Wetland Applications:

Notice of Intent: General Federation of Women's Club of Massachusetts: 245 Dutton Road, DEP #301-1324 :

To prune and remove hazard trees within the Buffer Zone and Riverfront Area pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. This hearing was closed at the February 22, 2021 meeting.

The Chair stated this application was in receipt of a DEP project number (301-1324), thereby allowing a vote to issue the Order of Conditions.

On motion by D. Henkels, seconded by R. Morse, the Commission voted to issue the Order of Conditions approving the project. K. Rogers abstained as the result of her absence during the deliberations.

Notice of Intent: Kim Bennett, 5 Hunters Run, DEP #301-1323:

Chair Friedlander opened the Notice of Intent hearing to remove a tree and prune within the 100-foot Buffer Zone, Vernal Pool Habitat and Adjacent Upland Resource Area pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw continued from February 22, 2021.

The Chair stated the hearing was continued for DEP to issue a file number which has been received.

On motion by R. Morse, seconded by M. Sevier, the hearing was closed via roll call vote (6-0). K. Rogers abstained due to her absence during the hearing. On motion by D. Henkels, seconded by M. Sevier, via roll

call vote, the Commission voted 6-0 to issue an Order of Conditions approving the project. K. Rogers abstained due to her absence during the hearing.

Notice of Intent: Luke Faust, 35 Tavern Circle, DEP #301- :

Chair Friedlander opened the Notice of Intent hearing to construct a patio and fire pit and implement landscape improvements within the 100-foot Buffer Zone pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, continued from February 22, 2021. The Chair asked for the status of a DEP number to which the Coordinator stated this had not yet been issued by the State. She encouraged the Commission to continue to March 8.

On motion by B. Porter, seconded by R. Morse, the Commission voted unanimously, via roll call vote, to continue the hearing until March 8.

New Wetland Applications:

Notice of Intent: Maxwell Frank, 36 Raynor Road, DEP #301-1325:

Chair Friedlander opened the Notice of Intent hearing to remove three hazardous trees within the 100-foot Buffer Zone and the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Mr. Frank introduced himself, and he outlined his proposal to cut trees. He stated as the result of hillside erosion, the large Oak trees were precipitously in danger of falling on his home. Several had already fallen so he was asking to remove the others that he deemed dangerous. The Coordinator said the trees were within the Riverfront and Buffer. She said the trees were all in danger of failing as confirmed by an Arborist. She said the Applicant would plant Apple Trees and blueberry bushes to mitigate for the tree removal. Mr. Frank asked if grinding stumps was acceptable to which Coordinator Capone stated that was acceptable. She recommended issuing the Order of Conditions. K. Holtz asked what was going to replace the trees. Mr. Frank said they were interested in planting six high bush blueberries and one apple tree. B. Porter said he did not believe the tree removal would negatively affect the area in question. D. Henkels asked about the growing season, which the Coordinator explained the mitigation planting would need to survive two seasons or be replaced. The Applicant was agreeable to that condition.

D. Henkels moved to close the hearing, seconded by B. Porter, via unanimous roll call vote, the hearing was closed. On motion by R. Morse, seconded by M. Sevier, the Commission voted unanimously to issue the Order of Conditions.

Certificates of Compliance:

North Road Borrow Pit: Town of Sudbury, DEP 301-447: Construction of a cell tower

Unisys Corporation: 101, 148, 144, 16, 0, 15, 195 North Road, DEP #301-1191: Monitoring wells

The Chair opened the discussion recognizing Coordinator Capone who said both Orders have received full Certificates of Compliance, but the Applicant requested the Commission issue a Partial Certificate in order to remove the Conditions in Perpetuity as they relate to Parcel A, which is being conveyed to for the Cold Brook Crossing project. She recommended issuing a Partial Certificate of Compliance for both projects without the Perpetual Conditions as requested by the Applicant.

The Chair recognized Atty. Bill Henchy, Counsel for the Quarry North project for his comments. He showed a sketch plan of the Melone property. The land owned by the Sudbury Water District, which had been subdivided into two separate parcels. Parcel A was being conveyed to the Quarry North project, and as such, the request for the Certificate of Compliance was only for Parcel A. As for Parcel B, the Water District and the Certificate of Compliance with Conditions in Perpetuity would be retained. Parcel A would

then have a Partial Certificate of Compliance absent the Perpetual Conditions in order to clear the lien for Quarry North.

D. Henkels asked about the perpetuity conditions being absent. The Coordinator said this particular case while unusual, is not an inappropriate request. The Perpetuity Conditions would stay in place for the area where the Cell Tower was, which was the subject of the Order. There was some discussion about the necessity of removing the Perpetuity Conditions. Coordinator Capone said a small piece of Parcel A was within wetlands jurisdiction, which had already been given a Negative Determination for work associated with the Cold Brook Crossing development. K. Holtz questioned whether the condition regarding herbicides/pesticides should be removed. Coordinator Capone suggested language relative to communicating these Conditions to future homeowners be included in the Homeowners Association documents, to which Mr. Henchy was amenable.

Atty. Henchy said that until the master declarations, restrictions could be drafted and accepted by Town Counsel, and the Commission, that the Commission not release the Certificates, rather, hold them in the Conservation Office. He suggested after all documents having been signed, the Commission then releases the Certificates. The Coordinator recommended a motion to issue Partial Certificates of Compliance for 301-447 and 301-1191 with no Conditions in Perpetuity, not to be released until all Master documents and restrictions have been satisfied with oversight from Town Counsel and the Coordinator. K. Holtz moved in the words of the Coordinator, seconded by D. Henkels. Via roll call vote, the decision was unanimous.

Coolidge II, 187-189 Boston Post Road, DEP #301-1206: Construction of a 56-unit senior residential facility. The Coordinator stated the grass-pave has been ripped up by the snow plows, so the Certificate is not ready for issuance at this point.

Other Business:

Bow Hunting Program

The Chair began a discussion about the Bowhunting Program with several Bowhunters, specifically the leaving of stands on site. Second, he wanted to discuss bringing a companion hunter.

Coordinator Capone said accommodations had been made in the past to allow stands to remain when they would not interfere with other activities on Conservation Land. Mr. Austin Smith, 15 Pearl Street, Belmont, MA, said many hunters are older and getting stands out is difficult during winter. Josh Lieberman, 17 Hopestill Brown Lane, said he agreed with Mr. Smith that removing the stands can be challenging. He stated many bowhunters have been good stewards of the Conservation properties. He said the group of hunters is a very invested group and hoped the Commission would relax the regulations. B. Porter asked if there was a safety risk. Ken Papa, 17 Wright Road, said the time to put the stands up is meticulous and process heavy, so he would appreciate the relaxation of the regulations. K. Holtz asked about safety concerns with leaving tree stands in place. Ken Papa said there really was no way to stop someone from climbing if someone really wanted to. There are some stands with removable ladders, and others are all one piece and very cumbersome to move.

M. Sevier asked if the Commission was taking this issue up now due to complaints or as an academic exercise. The Chair stated the question was whether to have a uniform regulation that dictated, whether the tree stands had to be removed, or could remain. George Connors and Randy Shea, 1 Windsor Street, Dover, MA and 84 State Street, Marlboro, MA respectively, stated they removed them in order not to have them stolen or if they needed to perform maintenance on a stand. There was a motion to amend requirements to remove tree stands by R. Morse, second M. Sevier, via unanimous roll call vote; the regulation to remove tree stands was relaxed.

The Chair then began discussion about Companion hunters, whether to allow individuals to accompany the hunter. Capone said she has received inquiries from some of the hunters about having a companion hunter with them. She said this should be limited to only one per hunter and they would need to go through the proficiency testing that all Bowhunters were required to undergo. Austin Smith was not in favor of allowing companion hunters. He said the hunters are aware of who should or should not be out there, and to allow strangers would complicate things unnecessarily. Gerry Peters, 13 Brook Street, Maynard, MA, said having a guest policy would be amenable to him as his daughter was an accomplished hunter and to bring her with him was something he was interested in pursuing. There was some further discussion about allowing companion hunters. There was a 'one weapon, one minor' suggested as a compromise. The Commission was generally open to this recommendation.

On motion by K. Holtz, seconded by D. Henkels, the regulation was accepted by unanimous roll call vote to allow junior (under 15 years of age) companion hunters, with permission from the Commission and provided they passed the proficiency test.

Administrative Approval:

199 Dutton Road: Removal of three trees within the Buffer Zone. Coordinator Capone stated that Stephanie Krein had come to her with concerns of three trees on her property that are in danger of falling on her home and barn. She stated that these trees should be removed under frozen ground conditions to avoid ground disturbance. She had made the suggestion for the Administrative Approval, because the DEP project numbers were not processed in rapid time and this project needed to have approval with a short time frame. The homeowner would submit an after-the-fact Notice of Intent for approval. She said there was a significant safety concern near her home. K. Holtz asked what Administrative approval was. L. Capone responded that Commissions often used this when there was an immediate issue that a Coordinator could respond to in a professional capacity. K. Holtz asked why the Commission did not just allow the Coordinator to make that call in most cases. There was further discussion about allowing the Coordinator to do this on a more regular basis. The Commission was open to defining this allowance in the regulations, when they take it up in the near future.

A motion to affirm the Administrative Approval for this property by R. Morse, was made, seconded by D. Henkels, and via unanimous roll call vote was accepted.

A short recess was taken at 8:19pm.

Other Business:

Agricultural Preservation Restriction at 101 North Road

Steve Verrill attended tonight's meeting to discuss the potential of amending the Agricultural Preservation Restriction (APR) to allow seasonal farm worker housing at 101 North Road. Mr. Verrill stated that the farm has had farm workers from Jamaica for the past 20 years stay in his home in Concord. Due to an OSHA regulation that prohibit seasonal farm workers from living within 500 feet of livestock, he needed to find alternative location from them to live. They have APR's in two town, and 101 North Road is the property he is proposing to build a house for these workers. He explained that the land in Concord is near wetlands or livestock, so those properties were not useable. He stated he wanted to be as inconspicuous as possible, but he needed to revise the APR to allow this house to be built. The Coordinator provided the Commission with photos. Mr. Verrill wanted to swap this restriction from this small parcel to another larger parcel. He felt it was more than an even exchange, as the Town would benefit from additional preserved land for the agricultural land use in perpetuity. The Coordinator explained the APR amendment would require Commission, Select Board, and Town Meeting approval, and also approval by the State Department of Agricultural Resource. She advised the Commission to consider supporting this amendment. There was discussion about the use in the future that would have to remain under the Agricultural Restriction. The

Chair asked if there was any objection to this swap. Hearing none, a motion to support Steve Verrill's request was made by K. Rogers, seconded by M. Sevier. The decision was unanimous via roll call vote.

Dogs on Leash at Hop Brook Marsh

The Coordinator stated there was an attempt by various land stewards to educate visitors to the environmentally sensitive Dessert Natural Area, where there are ground nesting birds and turtles, Hop Brook Conservation Land being the Commission's holding in this area. April 17 is the date for having members of the organizations in the area, help educate hikers, walkers, dog owners, about the importance of awareness for these birds. She asked for volunteers for that date. There will also be Americorps volunteers for the 'Bark Rangers' program to help educate dog owners about leash laws in the area over the summer months. A training for volunteer Bark Rangers will be held remotely on April 7, 2021. She asked for any volunteers.

Additionally, she was seeking a vote from the Commission to leash dogs, as proposed by Sudbury Valley Trustees, who offered to make the signs for the Desert Natural Area.

The Commission generally concurred with the dogs leash restriction after some discussion. On motion by D. Henkels, seconded by K. Rogers, the Commission unanimously voted via roll call vote, to support the dogs on leash at all times in Hop Brook Conservation Land.

Adult Education Programs: Flower Power: Wildflowers of Spring and Summer and Enjoying Sudbury's Conservation Areas

The Coordinator update the Commission on two educational programs being offered by the Lincoln Sudbury Adult Education program, sponsored by the Commission. These are both being taught by Neela de Zoysa, who is looking to fill the 'Wildflowers in Spring and Summer' class, but is nearly full for the Conservation walks. She encouraged the Commissioners to participate in either of these programs as they are full of very interesting information.

Electronic Signatures

The Chair stated electronic signatures may be allowed in the near future. Coordinator Capone said the Town, through the DocuSeries service, is working to create forms that allow Boards and Commissions to sign electronically for various permits. She said within a month they might be ready to use.

Master Plan Public Comment Period

The Coordinator advised the Commission that the Master Plan Committee is seeking public comments on the draft Master Plan.

Bruce Freeman Rail Trail 75% Design Input

Coordinator Capone said this is going very quickly and the Commission is encouraged to submit any public comment they would like. R. Morse who is the representative for the Commission, stated it is a very interesting experience that offers quite robust discussion.

With no further matters to discuss, B. Porter moved to adjourn, seconded by M. Sevier. Via roll call vote, the meeting adjourned at 8:55 PM.