



SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, January 10, 2022

Present: David Henkels, Chair (6:52 PM); Ken Holtz, Vice Chair; Bruce Porter; Kasey Rogers; Mark Sevier; Richard Morse (7:00 PM); Luke Faust, Associate Member; and Lori Capone, Conservation Coordinator

Absent: Jeremy Cook

The meeting was called to Order by Vice Chair Holtz at 6:50 pm.

On motion by B. Porter, seconded by K. Rogers, the minutes of November 1, 2021, November 15, 2021, November 29, 2021, and December 13, 2021 were unanimously approved via roll call vote. Motion passed 5-0. (D. Henkels was not being present during the vote.)

Wetland Applications:

Notice of Intent: 74 and 80 Maynard Road: Bonnie Brook Realty Corp., DEP #301-1341:

Chair Henkels opened the Notice of Intent hearing for the construction of a roadway and associated drainage system and utilities in 100-foot buffer zone and Adjacent Upland Resource Area for a 9-lot residential subdivision pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, last continued from September 27, 2021. Coordinator Capone stated the Applicant is working with the Planning Board on a Cluster Development option, and has requested a continuance to the February 7th Commission meeting.

With no discussion, on motion by K. Holtz, seconded by B. Porter, the hearing was continued to February 7, 2022, via unanimous roll call vote.

Notice of Intent: MassDOT: Bruce Freeman Rail Trail, DEP #301-1362:

Chair Henkels opened the Notice of Intent hearing for the construction of a recreational trail on an inactive railroad right-of-way, including a parking lot at Broadacres on Morse Road, associated stormwater management, connector paths, utilities, landscaping, and intersection safety improvements, within wetland resource areas, pursuant to the Wetlands Protection Act.

Present for the Applicants were: Tim Dexter, Wetlands and Wildlife Supervisor for MassDOT; Nick LaPointe Project Manager, Aaron Keegan, Project Engineer, Eric Bernardin, Sr. Environmental & Civil Engineer, and Josh Wilson, Environmental Wetland Specialist all from Fuss & O'Neill, design consultants working for the Town, Alyssa Jacobs of Epsilon Associates, Eamon Kernan, Budget Director for MassDOT, and Beth Suedmeyer, Environmental Planner for the Town of Sudbury.

Mr. Keegan of Fuss & O'Neill gave the [presentation](#). Mr. Keegan began with an overview of the project, Phase 2D of the Bruce Freeman Rail Trail. He reviewed all required permitting in process, with status updates on each. Mr. Keegan reviewed the project scope and locations of wetland impacts including culvert and bridge replacements. He also highlighted several cattle crossing locations where they propose leaving them in place with improvements to allow for wildlife crossings. Work at the Broadacres site includes construction of a parking lot and is where the wetland replication area is proposed. Pantry Brook bridge would include much needed restoration and enhancements to retain the ability for wildlife crossings, as well as fortification of the abutment walls. The challenges to the Rail Trail were highlighted, with proposed design alternatives to ensure the project results in the least impact to wetland resource areas. Mr. Keegan summarized the impact areas within jurisdiction and stated the introduction of pavement would be mitigated for by the proposed revegetation and stormwater management.

Mr. Keegan reviewed proposed mitigation and minimization concepts. The proposal looked at previously developed/degraded ROWs with existing crossings, reusing/retaining abutment walls, narrowing trail shoulders, minimum trail pavement, and no clearing, grubbing or thinning beyond limits of work. He outlined the proposed wetland replication areas that would provide improved wildlife habitat areas. He stated MassDOT, while not required to adhere to local bylaws, was prepared to make improvements above and beyond what was required by the Wetlands Protection Act. The replication ratio would generously add more than required.

He discussed the invasive species management proposal that was in addition to the wetland replication area. This could cover up to 7.5 acres, in keeping with the Towns efforts to eradicate the multitudes of invasives in Sudbury.

Eric Bernardin of Fuss & O'Neill discussed the stormwater management aspects of the proposed for the trail and the parking area.

Josh Wilson of Fuss & O'Neill explained that to achieve maximum wetland functions and values, the wetlands replication plan was focused in one area that best stood to benefit the most for wildlife enhancement. He also explained how the shoulders of the trail were reduced in a more challenging wetland area, located just north of Pantry Road, to reduce wetland alterations. The wetland impacts were discussed in detail.

There was a commitment by MassDOT to control invasive species as mitigation for the project. The Commission will have the ability to review the management plan, once it is developed. The Commission expressed concern with indiscriminant foliar application and asked for other removal methods to be included in the plan. Ms. Suedmeyer stated areas would be identified for invasive species, that would gain the highest benefit and have the best chance of success. There was discussion about the management program, as well as alternatives to challenging portions of the rail trail. A thorough analysis was undertaken with several alternative routes considered.

Site preparation and construction phasing was discussed. The Pantry Brook area will have some challenges to staging, but the cranes will maintain the limit of work space. Additional information would be provided on the suitability of the modified rock fill proposed at the Pantry Brook bridge. After some discussion, the applicant indicated that the means and methods will be determined by the contractor, which can be reviewed by the Commission once developed.

There was discussion about protection of historical artifacts if revealed during construction. Ms. Suedmeyer stated MassDOT had conducted an archeological survey. They are committed to work stoppage if any types of artifacts are found that are historically significant, with experts being engaged to further evaluate the findings at the site.

Coordinator Capone followed up questions regarding, invasives management plan, repositioning rest areas and emergency vehicle turn around areas to minimize impacts to the Buffer Zone/Adjacent Upland Resource Area. Mr. LaPointe stated the intention for one of the rest areas was to highlight a historic rail artifact in that location. He stated they would explore the option of relocation, prior to submitting an updated plan. Coordinator Capone then requested the replication area be reconfigured to be near the rail right of way. She asked about the cranes and access and what was required for their limit of use and clearing. The Applicant said they were still exploring their options. Coordinator Capone discussed the complexity of this application relative to wetland impacts and was positive about the level of detail Fuss & O'Neil had provided.

There was a discussion about access and construction activities that would occur. The applicant stated that the means and methods of how the trail would be constructed are unknown at this time and would be developed by the contractor, once chosen.

The Chair stated the stormwater peer review was underway and the hearing would need to be continued until this was complete, opening the discussion up to the public.

Jay Leu, 29 Meadow Drive, asked about the grading, if there would be more area for trees to be planted, and whether the carbon impact of the total project was considered. Mr. Keegan answered more trees would be planted between the shoulder and the trail than removed. Mr. Lapointe said the intention was to reestablish the existing area with plantings, not diminish tree populations. Beth Suedmeyer stated that during the MEPA process, there is a component of climate change awareness for this project. She said this trail was part of MassDOT's mission to get people out of their cars as a means of recreation and transport, to reduce carbon emissions.

With no further discussion, on motion by B. Porter to continue the hearing to February 7, 2022, seconded by R. Morse, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

34 Barton Road, DEP File #301-1308

The Chair recognized Coordinator Capone for her comments. She stated the Commission had visited this site prior to issuing an Order of Conditions for the tearing down of an old structure, and rebuilding of a new home at this address. She stated a draft Deed Restriction, preventing further alteration of land within the Commission's jurisdiction has been submitted, and will be finalized when the land transfer occurs. She recommended issuing the Certificate of Compliance.

On motion by B. Porter to issue the Certificate of Compliance, seconded by K. Rogers, via roll call the vote was unanimous in the affirmative.

Other Business:

Agricultural Licenses: Mark Kolonoski: Barton Farm

Coordinator Capone stated she had worked with Town Counsel to develop a License to allow sap harvesting at this location. She planned on meeting with the Applicant onsite, in the following week to determine this year's activity and mitigation that would be provided. She said the Commission would need to vote to issue the License Agreement, which would be signed by the Town Manager. This would be for one year.

K. Holtz moved to issue the License for the purpose of sap harvesting on a portion of Barton Farm Conservation Land, seconded by M. Sevier. Via roll call, the vote was unanimous in the affirmative.

Town Meeting Warrant Articles: Revolving Funds: Wetlands Fund, Trail Maintenance Fund, Forestry Fund. The Chair stated these were Articles for the Town Warrant. Coordinator Capone stated these were standard Articles for use of the Commission's revolving funds. It allows the Commission to appropriate some funds each year. She highlighted each Article, what it was for, asking the Commission to vote to approve their placement on the Town Warrant. Chair Henkels requested a motion to submit to the Warrant for May 2022 the three Articles requested by the Conservation Coordinator.

On motion by K. Holtz, seconded by R. Morse, the roll call vote was unanimous in the affirmative.

With no further business, on motion by M. Sevier, seconded by R. Morse, the meeting was adjourned via unanimous roll call vote at 9:32PM.