



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, June 6, 2022

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Bruce Porter; Kasey Rogers; Mark Sevier; Luke Faust, Associate Commissioner; and, Lori Capone, Conservation Coordinator

Absent: Richard Morse

The meeting was called to Order by Chair Henkels at 6:45 pm.

Wetland Applications:

Notice of Intent: 58 Longfellow Road, DEP # 301-1369:

Chair Henkels re-opened the Notice of Intent hearing to construct a handicap accessible addition within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from the May 23, 2022 meeting.

Mr. Hank Sorett updated the Commission on the planting plan. A planting area was identified by Coordinator Capone, and she was provided with a planting plan by the landscaper. A discussion followed regarding the plan and the associated list of native plant species. Anticipating the possible construction delays due to shortages in global supply chain, Mr. Sorett indicated an intention to complete the project by the fall, in time for winter occupancy. As a consequence, planting might be delayed into the spring.

Chair Henkels initiated a discussion on the planting plan. Coordinator Capone states that the Order of Conditions can be amended to allow to push back the planting start date and establishment period. The planting area itself matches the footprint of the addition at a 1:1 ratio, and established a native vegetated buffer to the pond.

With no questions from the public, on motion by K. Holtz to close the Hearing, seconded by M. Sevier, via roll call the vote was unanimous in the affirmative.

After review of the Order of Conditions, on motion by B. Porter to issue the Order of Conditions, seconded by J. Cook, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 80 Pride's Crossing, RDA #22-12:

Chair Henkels recognized the Applicant's representative for their presentation to construct an elevator and ramp within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Mr. Kevin ten Brinke, of Kt2 Design Group, representative for the applicant, stated that the objective of the project was to erect a 100-foot ramp in the front of the house and an elevator in the rear, to make it handicap accessible. The homeowners purchased the house in May, and a family member requires a wheelchair. Mr. ten Brinke presented the plan showing how the grade drops sharply from front to back of the house. He discussed access, stockpiling, and erosion protections that will be implemented, noting that the elevator will be installed greater than 50 feet from the resource area.

Coordinator Capone added that the project is necessary and adds very little impervious surface, with no trees being removed. No mitigation will be necessary.

With no questions from the Commission or the public, on motion by J. Cook to issue a Negative Determination of Applicability #3, seconded by B. Porter, via roll call the vote was unanimous in the affirmative.

Conservation Restrictions:

Oechsle Conservation Restriction, Parcels H11-0307 and H11-0306 Old Sudbury Road

Coordinator Capone updated the Commission on this matter, that was continued from the April 11th meeting, reporting that the draft Conservation Restriction (CR) Assignment Document has been sent to Town Counsel for review. The title examine is underway. Representatives from Sudbury Valley Trustees are here tonight to request that a vote to accept the Assignment be made contingent upon final approval of the document. She reported that Town Counsel expressed concern that the current CR allows trails to be built, but does not allow public access, suggesting that the terms of the CR be amended. The Sudbury Valley Trustees (SVT) has indicated that amending the document to allow public access is acceptable. However, this is not expected to be completed prior to conveyance.

Chair Henkels recognized the representatives from SVT, Christa Collins, Director of Land Protection, and Anthony Serra, Land Protection Associate. Ms. Collins stated that SVT could take ownership and then amend the CR with the understanding that the State will not object to this modification. Alternatively, the transfer of ownership from the Oeschles could be delayed until the CR is amended. However, the property is assessed at a high value, and a transfer after June 30 would result in additional tax cost to SVT. In that case, an abatement might be requested from the Assessor. Clearing up title issues also might force a delay in transfer. A third option would be to transfer the property to the Town and then amend the CR.

A general discussion between the Commissioners, the Coordinator, and the SVT followed, in which the options were explored in more detail. It was determined that the best option to expedite the land transaction was for the Commission to acceptance of the CR with a commitment from SVT to amend the CR to permit public access and contingent on Town Counsel's final review.

M. Sevier left the meeting at 7:13 PM

With no comments from the public, on motion by K. Holtz to accept the Assignment and Assumption of Conservation Restriction document, contingent upon Town Counsel review and approval, with the understanding that the CR will be amended to allow public access, seconded by J. Cook, via roll call the vote was unanimous in the affirmative. (M. Sevier absent.)

Certificates of Compliance:

24 Thornberry Lane, DEP #301-1294:

Chair Henkels states that Mr. Benjamin Carmel's installation of a pool has been completed. Coordinator Capone reported that the conditions of the Order have been satisfied.

On motion by B. Porter to issue a Certificate of Compliance, seconded by J. Cook, via roll call the vote was unanimous in the affirmative. (M. Sevier absent.)

Other Business:

Coordinator Capone briefly updated the Commission on several additional items. Upcoming events include the Town Forum on Sustainability, July 14, and Riverfest, July 18-19. A hearing for 22 Bowditch Road, which has a longstanding, unresolved issue with a Conservation Restriction, will take place at the June 27 meeting. The hearing for the Boy Scout restoration project will not take place on at the June 27 meeting, but a site plan has been requested. An Enforcement Order is currently under consideration.

K. Rogers announced that she will be absent from the July 27 meeting.

With no further business, on motion by K. Rogers, seconded by J. Cook, the Commission voted unanimously to adjourn the meeting at 7:22 PM. (M. Sevier absent.)