



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, February 6, 2023

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Kasey Rogers; Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Richard Morse; Bruce Porter; Luke Faust, Associate Member

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

Minutes:

Commissioners Cook and Rogers were absent from the October 31, 2023 meeting. As a quorum is required, a vote on the minutes for that meeting was not held.

On motion by Comm. Cook to accept the minutes of the November 14, 2022 meeting, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Continued Wetland Applications:

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

Chair Henkels reopened the Notice of Intent hearing for the construction of a roadway and associated drainage system and utilities in the 100-foot Buffer Zone and Adjacent Upland Resource Area for a 9-lot residential subdivision, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from June 7, August 9, September 27, 2021 and August 22, 2022.

On motion by Comm. Holtz to continue the hearing to the April 10, 2023 meeting without discussion, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 15 Elmwood Avenue, DEP #301-1384

Chair Henkels re-opened the Notice of Intent hearing to replace a septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from January 23, 2023.

Coordinator Capone stated that modifications have been made to the mitigation plan associated with the septic system. The revised plan shows three black willows being planted in the area of lawn designated as wetlands. FENO stakes will be installed along the wetland boundary to permanently mark the area, which will be allowed to naturalize following completion of work.

The plan addresses all concerns raised during the last meeting. An Order has been drafted and provided to the applicant for review. The FENO stakes will be engraved to identify them to future owners. A deed restriction will be placed on the house so that it can never be expanded beyond two bedrooms. This is needed because Title V requires that the septic system has the capacity for a 3-bedroom house. Mr. Ronald Strohsahl, of Oxbow Associates, Inc., representative to the applicant, Eugene Warner, stated that he has no comments on the draft Order.

In response to Comm. Rogers, Mr. Strohsahl stated that he didn't notice any invasives in the area that is to be revegetated. He offered to instruct the applicant to hand pull any invasives should they be found. He added that he would make a note in the follow-up reports if any invasives are identified. Comm. Holtz added that the condition could be worded requiring that the Coordinator is to be consulted before any clearing takes place.

On motion by Comm. Sevier to close the hearing, seconded by Comm. Cook, via roll call the vote was unanimous

in the affirmative.

In response to Chair Henkels, Coordinator Capone stated that the wetlands boundary has a population of buckthorn. She recommended a condition requiring the land owner to hand-pull buckthorn in the restoration area in coordination with the Conservation Office. This would be reviewed before a Certificate of Compliance is issued. The Order could include a perpetual condition to allow future owners to continue hand-pulling invasives, but without the obligation to do so.

On motion by Comm. Holtz to issue the Order of Conditions, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 0 Dutton Road, Memorial Forest, RDA #23-1

Mr. Dylan Zickus, Eagle Scout, was recognized to discuss his project to construct a boardwalk within Bordering Vegetated Wetlands and 200-foot Riverfront Area in the Sudbury Valley Trustees Memorial Forest, continued from January 23, 2023.

Mr. Zickus stated that a flooded area of trail in the Memorial Forest is over a gas pipeline and is currently impassable. The trail has a lot of traffic from horses, bikers, and walkers. The project involves building a boardwalk to cover that span and make it passable.

In reply to Chair Henkels, Mr. Dan Stimson of the Sudbury Valley Trustees (SVT) stated that he has followed up with the gas company. The bridge will not be in the way for typical maintenance. The bridge will be installed in sections in the event that it needs to be moved for an emergency that requires the digging up of the gas pipeline. If that happens, they can just disassemble it to gain access.

He added that there was a misunderstanding regarding the height. The height of the concrete footings is 7 inches and the top of deck is 18 inches off the ground. They are keeping the height to a minimum so that railings aren't needed.

Coordinator Capone stated that this resolves all of the Commission's questions regarding future maintenance of the boardwalk. It will be the responsibility of the SVT to coordinate the removal of the bridge with the gas company.

She added that the Commissioners wanted the bridge structure to be attached to the concrete footings to keep it from washing away, and it can't be secured to the ground because of the gas line. Mr. Stimson agreed that it should be attached to the concrete footing.

In response to Comm. Rogers, Mr. Zickus stated that the 14-foot sections are connected at concrete bases and will not come apart.

In response to Coordinator Capone, Mr. Zickus stated that the blocks will have footings. He will put a piece of wood in the footings and attach the sections that way. Mr. Stimson added that they can also use ties for disassembly and to attach wooden sections to each other. This will prevent the risk of them coming apart.

In response to Comm. Sevier, Mr. Stimson stated that these will be steel plates with screws.

On motion by Comm. Holtz to issue a Negative Determination of Applicability #2, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

New Wetland Applications:

Notice of Intent: 150 Wayside, 80, 94, 100 Pride's Crossing, DEP #301-1383

Chair Henkels opened the Notice of Intent hearing for an after-the-fact filing to clear trees and create a pasture within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw.

Chair Henkels stated that additional comments from the representative had been received only a few hours before this meeting, not leaving sufficient time to review them. A site walk will be requested.

Mr. Scott Goddard, of Goddard Consulting, representative to the applicant, Mr. John Delli Priscolli, was recognized for his presentation. He stated that the purpose of this project is agricultural. Some forested land has already been cleared to provide space for horse- and sleigh-rides and well as pumpkins and gourd patches. It will also provide an accessory use to the Wayside Inn property which abuts to the east. There is a Bordering Vegetated Wetland resource area at the site.

A majority of the Buffer Zone remains intact and wooded. There was some confusion with the land surveyors during the staking out of the Buffer Zone that led to the accidental clearing.

There is a proposed barn for horses and buggies, which will allow for agricultural and recreational use tied to the Wayside Inn. This will be coupled with a farm stand and other agricultural activities like eggs and honey. They also propose gourd or pumpkin patches. To separate and protect the intact forested Buffer from the agricultural activities, they propose to surround the outline of the property with a horse fence. This will act as an on-going limit-of-work to prevent creep into the Buffer, keeping the remainder intact. The revised plan shows infrastructure outside of the Buffer Zone for context and the fencing bounding perimeter.

In the area of the small wetlands there was a historic house. The area was previously proposed to house Buddy Dog, but that project did not happen. There is an old stone foundation and a driveway, all within the Buffer Zone. The Buffer Zone to the wetland near Wayside Inn Road is heavily infested with invasive species.

As part of this project, the site plan was brought before the Planning Board by the engineer, Mr. Peter Bemis. That was reviewed and approved. Part of the approval required the inclusion of the fence line around the wetland.

There will be a stormwater infiltration system, used for managing stormwater runoff from the farm property. This work takes place in the Buffer Zone, and has gone through full review. Erosion controls will be installed prior to the installation of the stormwater system and fencing.

The plan includes invasives management and a native planting scheme. The invasives to be removed include buckthorn, multiflora rose, and bittersweet.

The barn work is entirely outside of the Buffer Zone. It is mentioned here purely to provide the context of the larger project. The barn design ties it to the surrounding infrastructure. Near the northern part of site near Prides Crossing, a natural forest area was cut without a permit. However, much of Buffer Zone remains intact.

A pathway will be installed for horses to move through the pumpkin and gourd area to reach a paddock in the rear. This is within an existing non-forested field, which has been a field for a long time.

Mr. Goddard noted the willingness of the applicant to pay the substantial filing as evidence of his commitment to complying with the Commission. He has previously specified the types of gourds to be raised. Given the small amount of work occurring within jurisdiction, the applicant requests that the Commission does not place an easement or restriction on the property. Also, stumping is needed for the removed trees. Otherwise, there is no soil disturbance and no risk of erosion. They will leave the ground at the current elevation and will use only native soil. Mr. Priscolli added that the stumps will be ground on site and used for stabilization. All rocks in the area are surface boulders, which will be sized and used on site for wall rocks. There will be no export of materials.

Mr. Goddard concluded by stating that they have prepared an Operations & Management Plan indicating that the pumpkin patch will be tilled annually. The applicant is requesting that the old Order be closed. In response to Chair Henkels, Coordinator Capone recommended that the Certificate be issued concurrent to the new Order.

In response to Chair Henkels, Mr. Priscolli stated that there will be a building permit sought for the barn. The Board of Health requires a toilet and sink for the workers, which will also require a septic system. All of this is outside of

the Buffer Zone. The Cultech system is proposed for recharging the groundwater. The septic design is shown on the plan.

In response to Comm. Rogers, Mr. Priscolli stated that entire project is just outside the jurisdiction of the Historical Commission, which begins at the property line. The barn is a 19th century replica.

In response to Comm. Sevier, Mr. Priscolli stated that the original Order was issued to a previous owner, who planned to build a single-family home and some outbuildings. The property was purchased from that owner with the intention of connecting other adjacent properties owned by the applicant.

In response to Comm. Holtz, Mr. Priscolli stated that the land would not be graded completely level as part of the project. The peak of the hill will be cut a little and some depressions will be tabled, but otherwise the site will be kept as a rolling, traditional New England landscape. The hill is a gravel esker. The depressions are not old drainage ditches. Henry Ford had an orphanage for boys in this location, built after he bought the land from the innkeepers. There was a boxing arena and play areas. These were all old structures from 100 years ago. There is no filling or dredging of wetlands that will be done, as it is all upland. Even with heavy rain, water does not cross the road. The property absorbs rainfall, as the soil is all gravel.

In response to further questioning by Comm. Holtz, Mr. Priscolli stated that the existing barn will be used for other things, but not as a stable for the horses. The horses will travel along a defined path to graze next to the other barn, and they will be hooked up at that location. There is an existing field there that was cleared with the guidance of the Commission about twenty years ago, when Debbie Dineen was the Coordinator.

In response to Comm. Rogers, Mr. Priscolli stated that there would be parking in the cul-de-sac. He expects most people will walk here from the Inn, and will park in front of grist mill instead. Grist Mill Pond is across the street, and a trail system goes right through to connect to the property. It will be unpaved, with compacted gravel and a ¼" of stone on top.

In response to further questioning from Comm. Rogers, Mr. Priscolli state that there will be four full-sized draft horses and one pony working on the property. There will be no boarding for other horses, and no riding arenas.

In response to Comm. Holtz's request for clarification on the parking and whether it would be for pick-your-own activity at the pumpkin patch, Mr. Priscolli reiterated his expectation that guests would park at the Inn. However, the cul-de-sac is large enough for multiple vehicles, and the business will be seasonal and is expected to be low volume. There is also a large, mostly under-utilized lot by the chapel.

In response to Chair Henkels, Mr. Goddard stated that the type of erosion control was not specified in the plan, but they will defer to the Commission's preference.

In response to Chair Henkels, Mr. Priscolli stated that he will employ one worker for the equine program. His sons may also work in some capacity.

Mr. Michael Shapanka of 170 Wayside Inn Road, and abutter immediately to west of project the project location, stated that he has been a resident there since 1981. Both he and his wife have supported the project since it came before the Planning Board two years ago. He attested that, during the heavy rainfall of the summer of 2021, there was no additional runoff onto his property or to Wayside Inn Road.

Mr. Shapanka went on to state that they bought the property from Agnes Sylvester, who herself had bought it from the Wayside Inn Foundation, which owned all land west to Sudbury Street as shown in the 1930 site plans. All the land was clear in the 1950s, and all the tree growth has occurred since that time. There was a wind mill and water tower at the top of the hill, which was used to pump water. The land was completely cleared and the tower and mill are now gone, but the foundations are still there.

Mr. John Ho, an abutter at 100 Prides Crossing, disclosed that he is an associate of John Delli Priscolli on the Board

of Trustees. Mr. Ho is supportive of the project. He stated that there were originally fields at the site, and no additional clearing was done on his property. He is excited by the prospect of agricultural use nearby, as his wife keeps bees on the property.

In response to Chair Henkels, Mr. Goddard agreed to a continuation of the hearing to February 27, 2023 to allow for a site walk and subsequent additional discussion.

On motion by Comm. Holtz to continue the Hearing to February 27, 2023, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Minor Modification:

Bruce Freeman Rail Trail, DEP #301-1362

Chair Henkels stated that the A.A. Will, contractor and representative for the applicant, the Massachusetts Department of Transportation, is seeking minor a modification to the Order of Conditions to allow equipment to be stored in designated jurisdictional areas. They are currently clearing on foot using chainsaws. This activity is expected to take three weeks, after which a chipper will be used to remove the stockpiled branches and small trees. This will be followed with the removal of the tracks. There is potential for other locations to serve as vehicle storage during the entire construction operation, but additional information is requested to substantiate this need. The Commission will decide based on need and not convenience. A number of locations have been proposed, and Chair Henkels and Comm. Holtz have visited each. Chair Henkels noted that each location has interesting nuances.

Coordinator Capone stated that the proposed locations are all throughout the corridor. As there are also a number of resource areas all throughout corridor, strict compliance with the conditions will be a challenge.

Mr. Mike Rennie, of A.A. Will Corporation, stated that of the 20,000 feet of trail in Sudbury, approximately 14,000 feet is restricted due to wetlands. Equipment will be mostly track-mounted for cutting, grading, or building the trail over the next two years. The tree clearing operation will proceed for about another week. On Monday, they will bring in equipment to start removing the rails. There is limited access to some areas. They will remove rails, grade off and compact the bed to prep for a large truck to place erosion controls. The controls will be blown-in compost filter tubes.

A lot of the equipment is slow traveling, and it is not practical to relocate the equipment on a daily basis. It will be stored or staged at adjacent streets on pads. Most of the equipment is tracked. The erosion control truck has large rubber tires. The rails and ties have to be removed for it to travel down the corridor.

In response to Chair Henkels, Mr. Rennie stated that Mike Pastore has provided Coordinator Capone with a set of drawings highlighting proposed staging areas. Chair Henkels noted that the Commission will seek to identify areas for staging that could be more beneficial to the resource areas. He further noted that there are many extremely sensitive areas like vernal pools near the corridor.

Coordinator Capone state the southern-most point of trail terminates behind the yellow station building on Union Avenue, where the Bruce Freeman Rail Trail will ultimately meet the Mass Central Rail Trail.

The first staging area proposed is a rest area just outside of State wetlands jurisdiction, but near a potential vernal pool. There is a square where the two train tracks meet. She questioned whether there was any concern that the equipment might destroy this historical artifact. It is also very close to wetlands here, including a marginal vernal pool.

In response to Coordinator Capone, Mr. Rennie stated that there will be 4-6 pieces of equipment working at any point in time. There is a limit of 3-4 pieces sitting on a pad, which will be sized accordingly to accommodate equipment fluid spillage and a 2" rainfall event. To protect the diamond, they would cover it would plywood. They will have to get MBTA license approval. This is a very limited section of the trail.

In response to Chair Henkels, Mr. Rennie stated that they are already in contact with the MBTA.

In response to Comm. Holtz, Mr. Rennie stated that the Cat 320 and Cat 335 are smaller than the Cat 349 or Cat 374, which are extremely large. The majority of their equipment contains on average 100-255 gallons of fluid for a full machine. The rollers and excavators can fit on 15 x 40 or 15 x 50 pad, but these would be sized accordingly.

In response to Coordinator Capone, Mr. Rennie stated that, to dewater during a rain event, they would set up a small sump in a low corner of the pad. Water would be discharged into the ROW. They would remove any floating fluids like oils using diapers, absorbent pads and booms, all of which will be readily available.

In response to Chair Henkels, Mr. Rennie stated that the crew would prioritize dewatering in a heavy rain event, as they don't want standing water. The fuel capacity of the vehicles is between 100-250 gallons. At the end of each shift, the engines will be secured. Hoses, which are under pressure, will be turned off and stored. In the event of sabotage, it is not expected that a lot of fluid will escape. What does, would be taken care of inside the containment area. The pads will be sized appropriately, for example, a 250-gallon machine in a 2-inch rain event. All equipment will have kill switches. Coordinator Capone added that 10 gallons is the trigger requiring Department of Environmental Protection oversight for any release.

In response to Comm. Holtz, Mr. Rennie stated that they will prepare a containment pad in an area to accommodate all three pieces of equipment. There will be multiple pieces stored at each location. The work is limited because the path is so narrow, and they don't have a lot of room for storing multiple pieces at a time.

In response to John Drobinski of 94 Woodside Drive, Coordinator Capone stated that artifacts at these locations include signs in the rest area, and possibly a concrete pillar. Mr. Rennie added that all artifacts are clearly identified on the plans with instructions as to whether they are to be removed, reset, or discarded.

Coordinator Capone stated that, further north along the corridor, the Hop Brook bridge is a stopping point for an entire section. The first location is the only viable option.

Coordinator Capone stated that, at the crossing on Old Lancaster Road, there are more large, non-jurisdictional areas for storage. On the opposite side of Hudson Road there is another long stretch of area outside of jurisdiction.

Coordinator Capone stated that the second proposed storage area is on the southern side of Hudson Road, at the intersection with Peakham Road. There is another rest area, and the resource area is a drainage ditch which runs along the eastern side of corridor. It is not a high-quality wetland, and will be protected by proposed erosion controls. The site is fairly level, and she is not very concerned about potential for damage. The corridor crosses a busy roadway. The purpose of this space is so they don't have to move equipment across Hudson Road.

In response to Chair Henkels, Mr. Rennie confirmed that 29 Sudbury is on the south side, and Ti-Sales in on the northwest. The majority of the equipment will be track equipment. They are trying to limit the number of times they need to cross the main road. He will check into the possibility of parking in the 29 Sudbury lot, but suggested it would not be wise to do that with tracked equipment. They prefer to stay within the right-of-way.

In response to Coordinator Capone, Mr. Rennie stated that they would seek to minimize movement back-and-forth across the roadway while working on this length of corridor. He can store some equipment at Ti-Sales, as there is a secondary track at that location. Chair Henkels confirmed that the wetland in this area is degraded and small, with a lot of invasives.

Coordinator Capone stated that the third proposed storage area is on Morse Road at the Broadacres conservation land. There are three locations, one of which is on the south side. There is an infiltration area in the parking area on the north side, and a rest area across from parking area. This is all within Riverfront because of a drainage ditch along the side of the rail.

In response to Coordinator Capone, Mr. Rennie stated that the three locations proposed were only to accommodate extra equipment for work on the parking area in addition to the rail trail. He agreed to restrict

parking to the field, away from the ditch, with the understanding that this could be revisited when the parking area was being worked on. Coordinator Capone added that storage would still be in the Riverfront Area, but would not be in the inner riparian. Some forested area would be protected this way.

In response to Chair Henkels, Coordinator Capone stated that erosion controls will probably be installed on both sides of the drainage ditch, but she will confirm by checking the plans.

Coordinator Capone stated the fourth proposed storage area is a rest area, and is directly adjacent to wetlands, with steep grades. In response to her questioning, Mr. Rennie stated this is the widest area of trail, with the most space for a staging area, but this can be reconsidered. The segment is very long so a staging area is needed. He agreed to look for a possible location in the outer Buffer Zone.

Coordinator Capone stated that the bridge at the second bridge crossing needs to be replaced. Until it is replaced, equipment cannot move through this section.

Coordinator Capone stated that the contractor proposes both sides of Haynes Road for storage. There are more resource areas on the south side than on the north, but the whole segment is within jurisdiction. One side has Riverfront, and the other has a potential vernal pool. It is adjacent to houses. She questioned the rationale of using both sides. She noted that there is a short stretch between Haynes Road and Pantry Brook. The staging area at Pantry Road is surrounded by wetlands bordering Pantry Brook and a vernal pool. It will have steep slopes and a small platform. Mr. Rennie stated that they should be able to avoid using this area.

Coordinator Capone stated that at Haynes Road area is tight but has some workable space. It is hard to decipher a limit of clearing. It is 20-30 feet from the wetlands from the edge of clearing, and is generally flat. The tree company today took up the whole space with a pickup and trailer, which demonstrates how small the area is. Mr. Rennie stated that they want to be on both sides if possible.

In response to Coordinator Holtz, Mr. Rennie stated that they make sure the roads are clear before crossing it. They use pads to do so. For tracked equipment, they drive straight across. This prevents gouging of the asphalt. They will sweep afterwards. All the equipment has street pads. He is not concerned about damaging the asphalt.

Coordinator Capone relayed that the DPW director has stated that the street crossing at Pantry Brook has a guard rail that will need to be modified to allow access to the corridor. This will require a permit. For newly paved streets, he recommends that they put down plywood to protect the road.

Coordinator Capone stated that the next storage area is at the North Road crossing. This is a very tight location on both sides. On the south side, a stream runs underneath the corridor. The Davis Conservation Land parking lot is nearby, and a stream runs under the farm road. It is a very low area, and adjacent to wetlands. The northern side is elevated with steep slopes, and is wet on both sides.

In response to Coordinator Capone's proposal to use the Davis Field parking lot for storage, Mr. Rennie stated that from Route 117 to Concord is about 5,000 feet and is a long stretch. Both sides are needed. He proposed to move the location back by 150-200 yards. He agreed that, moving north, they could make use of Fairhaven Farm. Mr. Rennie agreed to inspect the Davis location.

Coordinator Capone observed that the last two crossing are the most problematic, with little room for error.

In response to Comm. Holtz, Mr. Rennie stated that travel on Route 117 would be difficult because it is a busy road, with no access for abutters. Trailering the equipment to and from the ROW would be difficult, both due the incompatibility of some streets with low-bed trailers, and the need to block traffic for 20-30 minutes to load a piece of equipment. This is typically done early in the morning, before bus traffic.

Chair Henkels stated that the four logistically reasonable areas for storage are Union Avenue, Hudson Road, Morse Road, and Haynes Road. This was subsequently confirmed by Coordinator Capone. Chair Henkels stated

that the other areas which would be tabled for now are Cavicchio, Pantry Brook, and North Road. Alternatives for these will be identified if possible.

In response to Comm. Sevier and Coordinator Capone, Mr. Rennie stated that North Street is a critical area. Any equipment on rubber tires could potentially still be stored at Davis. If they can take Route 117, tracked vehicles could be stored on the south side.

Coordinator Capone suggested that the Davis Farm lot be considered as it is directly adjacent to the tracks.

In response to questioning by Chair Henkels, Coordinator Capone stated that they would need a short-term License, similar to the one issued for the operation on Lincoln Lane. It would state when the lot would be used, for what, and that any damage would be repaired.

In response to Chair Henkels, Coordinator Capone stated that this could take the form of an administrative approval, unless the Commission feels that the changes to the Order are substantial enough that an Amendment is required.

In response to Comm. Sevier suggesting that a single vote be held after all storage areas are finalized, Coordinator Capone stated that the rail removal will begin on Monday. Mr. Rennie added that the work can move unexpectedly fast.

On motion by Comm. Holtz to approve areas for staging from south to north up to but not including Pantry Road, with amendments as discussed for Broadacres, with further consideration on North Road pending review with the Conservation Coordinator, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Extensions:

Bonnie Brook Realty Corp: 74 and 80 Maynard Road, DEP #301-1220

Coordinator Capone stated that the Commission has issued an Order of Resource Area Delineation approving wetland resource areas on site so the applicant could design the subdivision. This was valid for three years, but the subdivision plan is still in flux. The applicant has requested an extension to the ORAD to keep the wetland delineation active. The resource areas have not changed. She added that this is a reasonable request, and will keep the ORAD active while the applicant works through the approval process.

In response to Chair Henkels, Coordinator Capone stated that, under the Bylaw, this should only be a 1-year request.

On motion by Comm. Sevier to issue the extension, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Bonnie Brook Realty Corp: 74 and 80 Maynard Farm Road, SWAB #190211

Coordinator Capone stated that soil testing has been done for septic system and drainage in Buffer Zone only. Under the Act, this is an exempt activity. However, the Order was issued under the Bylaw. As the subdivision is still in flux, the drainage is still being reviewed. There is a possibility that there might be additional test pits needed to substantiate drainage design. The applicant has requested a 1-year extension.

On motion by Comm. Rogers to issue the extension, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Emergency Certification:

Cavicchio's Greenhouses Inc.: 110 Codjer Lane

Coordinator Capone stated there is a 60-day Emergency Certification for cleanup associated with the fire. The damaged building was directly adjacent to wetlands, and discharge of water and materials went into the wetlands. The DEP has required that the area be restored or remediated. That work has been completed. Contaminated soils have been vacuumed, and wells for monitoring groundwater quality have been installed. Fertilizers were discharged,

so nitrogen levels will be monitored. There are a dozen charred trees that presented safety hazards and have been removed. They were required to provide a restoration plan within 60 days. The work altered about 4,600 square feet of wetlands and 2,250 square feet of Buffer Zone. The restoration plan is to completely re-vegetate the area, which is very dense and features stumps and phragmites. The second requirement of the certification is that the plantings be installed by June 1, 2023.

In response to Comm. Holtz, Coordinator Capone stated that she questioned the plan to plant 25 red maples, because it would create a monoculture. However, red maples are very well suited to the area. Willows are good as well, but the root system is extensive and might damage the adjacent parking lot. She doesn't know what trees were there originally. The Commission could request a few different species, but red maple will do best and grow the quickest, which will help them survive the phragmites.

In response to Chair Henkels, Coordinator Capone stated that the wetland appears to be a red maple swamp, based on aerial photos.

On motion by Comm. Sevier to accept the restoration plan, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Other Business:

Bylaw Revisions Hearing

Coordinator Capone stated that she has prepared a draft Bylaw with minor changes to improve the readability and functionality. Random page numbers have been removed. Fees have been removed, and language has been added stating that fees are specified in the Regulations. Consulting fee structure have been eliminated.

For Notice of Hearings, she requested feedback from the Commission. Under the current Bylaw, it is a requirement to notify abutters for a Notice of Intent, but not a Request for Determination of Applicability. The regulations are vague, and state that notifications are not required for RDAs for minor projects. All RDAs are in fact for minor projects.

In response to Chair Henkels, Coordinators Capone stated that abutter notifications are infrequent for RDAs.

In response to Comm. Holtz, Coordinator Capone stated that the only costs currently associated with an RDA is the public notice, which is about \$40-50, which the homeowner pays. The cost of abutter notifications depends on the number of abutters, although there is also an option to collect hand signatures at no cost. Certified mail costs about \$6-7 per abutter.

Comm. Sevier stated that, since the cost is not large, he supported requiring abutter notifications for RDAs.

Coordinator Capone stated that she would amend the Bylaw draft to state that abutter notifications are required prior to a meeting. The certified abutter list is to be obtained from assessor's office. Using the Town's GIS to generate an abutter list does not meet the requirement of the law. Applicants will be required to provide proof of mailing.

Coordinator Capone stated that she all numbers are now written out in the draft for consistency.

For Section 7, clarification is added for "wetlands values protected by this bylaw".

"Massachusetts Division of Wildlife and Fisheries" is changed to "Massachusetts Division of Fisheries and Wildlife".

Coordinator Capone stated that the Commission should take a vote to approve the draft. It will then be submitted and put into the codification process for the next Town Meeting. After this, the Attorney General has three months to review and approve the draft, at which point it will take effect. The current Bylaw is in effect until such time.

On motion by Comm. Rogers to accept the changes, seconded by Comm. Cook, via roll call the vote was unanimous

in the affirmative.

MACC Conference

There will be a Massachusetts Association for Conservation Commissions conference in early March. Funds are available for Commissioners to attend. Courses will be all virtual.

Haynes Meadow House

The electric line is being installed. A path of swamp mats has been laid through the wetlands. The contractor did a good job installing it, with minimal damage. The line goes in this week, and the mats will be removed soon thereafter.

31 Lincoln Lane

The second well casing is in disrepair, and ground water is getting into the well. A third well will be installed by a different company, at a location furthest away from the river. This is an emergency, and the installation is proposed for this week.

In response to Comm. Holtz, Coordinator Capone stated the well is the homeowners only water source.

Chair Henkels expressed his approval for a third well, and no other Commissioner expressed disapproval.

Adjourn Meeting

With no further business, on motion by Comm. Sevier, seconded by Comm. Cook, the Commission voted unanimously to adjourn the meeting at 9:17 PM.