



SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, April 10, 2023

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

Absent: Bruce Porter

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

Minutes

On motion by Comm. Cook to accept the minutes of the February 27, 2023 meeting, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Wetland Applications

Notice of Intent: 14 Revere Street, DEP #301-1391

Chair Henkels opened the Notice of Intent Hearing to repair a septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Michael DiModica, of M. J. DiModica Excavating, and representative to the applicant, Mary Mullin, was recognized for his presentation.

Mr. DiModica stated that the goal of the project was to repair an existing septic system, installed in 2008. The pump chamber is cracked, in failure, and needs replacing. Referencing the 2008 As-built Plan, he noted that access through the property is directly off of Revere Street. Eight rhododendron bushes need to be removed and then replanted afterward. There are also two spruce trees. One is clearly dead, the other is almost dead. Both of these trees will be removed. From the spruce trees to Revere Street is a significant grade going up, and then it slopes down to the backyard. This must be graded to allow a vehicle to deliver the pump chamber and remove the old one. This grading is what prompted this Notice. An earlier filing was done in 2007 or 2008. It was closed and a Certificate of Compliance was issued. That same owner is still in residence.

He further stated that they would need to disconnect the pipe from the tank, and cut the force main on the other side. They will remove the old tank, put in a new tank, and then back fill. They will install erosion controls around the septic tank and up the side to the street, and then reestablish the same grades and shrubs.

Coordinator Capone stated that there is a wetland in the back of the property. The project is also in Riverfront Area under the Bylaw, but not under the Act. She added that she wants to see the area restored back to existing conditions, and also that there isn't any long-term alteration to the resource area. There is no other access to get to the back, because of the detached garage. There are no alternatives to the proposed plan.

In response to Comm. Rogers, Mr. DiModica confirmed that the grading would be restored, and shrubs would be replanted.

In response to Comm. Sevier, Mr. DiModica stated that he did not know what cracked the tank. They will examine it when it is opened. It could have been improper backfilling, or it may have been driven over. It is clear that there that the failure originated inside the chamber. The electrician replaced the pump, and while in the pump chamber noticed the crack. It is a structural issue and needs to be replaced. They can't get to it now because of the steep grade.

There were no public comments.

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

in the affirmative.

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

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

Chair Henkels re-opened the Notice of Intent Hearing to construct a roadway and associated drainage system and utilities within the 100-ft 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. Rogers to continue the Hearing without discussion to May 22, 2023 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 58 Massasoit Avenue, DEP #301-1376

Chair Henkels re-opened the Notice of Intent Hearing to demolish and reconstruct a single-family home within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from September 12, October 3, and October 17, 2022.

On motion by Comm. Sevier to continue the Hearing without discussion to May 22, 2023, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 5 Hunt Road, DEP #301-1380

Chair Henkels re-opened the Notice of Intent Hearing to construct an addition to an existing single-family house within the 100-foot Buffer Zone and the 100-foot Adjacent Upland Resource Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, continued from October 17 and December 12, 2022.

On motion by M. Sevier to continue the Hearing without discussion to May 22, 2023, seconded by J. Cook, via roll call the vote was unanimous in the affirmative.

Other Business

Land Donation: Indian Ridge Road

Coordinator Capone stated that Adam Duchesneau in the Planning Department was contacted by Mr. Charles Hall, who would like to donate five parcels of land to the Town. The land is on Indian Ridge Road, and there is an existing right-of-way called Hillside Place, with two driveways. This extends along 160 feet of frontage along the first parcel. There are three parcels to the south. All four of these are about 0.44 acres each. They are each assessed at \$8,800/year. The fifth parcel is completely landlocked with no access. This land is very steep, with an attractive hillside view. The forested area is fairly clean of invasives species. There is not a lot of understory, no trash, and no wetlands.

She recommended a site walk with the Commission. The land does not connect with any Conservation Land, but based on the experience with the project at 58 Massasoit Road, drainage is a problem on Indian Ridge Road. There is a concern that, if the properties were sold and cleared it could increase drainage issues in this area. The Commission or the Town may want to accept the donation to prevent additional clearing.

In response to Comm. Holtz, Coordinator Capone stated that the only way to access the landlocked parcel may be across privately-owned land. An easement might be an option. There are a number of parcels that the Commission already holds that are landlocked.

In response to Comm. Sevier, Coordinator Capone stated that the other four parcels can be accessed without going crossing other properties. She added that one of these parcels has 160 feet of frontage, suggesting it might be developable. Research is needed to determine when the subdivision was approved. The Planning Department is looking at this as an option for the Housing Trust.

In response to Comm. Holtz, Coordinator Capone confirmed that this land is not within the Commission's jurisdiction. The main concern is the risk of drainage issues for residents at the bottom of the slope, where there is already an issue with drainage.

In response to Comm. Sevier, Coordinator Capone confirmed that the Commission can advocate for the Town to hold these properties. She added it could be a Town entity other than Conservation. To date, there is no deadline for a decision.

In response to Comm. Rogers, Coordinator Capone stated that she was not aware of any agreement between the current owner and the other property owners allowing access. No easements appear in GIS.

In response to Comm. Sevier, Coordinator Capone stated that she did not believe the donor was an abutter. There are only the five parcels in question under his name.

Comm. Holtz stated that he is in favor of a site walk. Chair Henkels concurred.

In response to Chair Henkels, Coordinator Capone stated that either Conservation, the Select Board, or the Housing Trust could accept the donation. However, under Conservation it could be protected in its current state. Under the others, it could be developed for other uses.

In response to Chair Henkels, Coordinator Capone stated that the land does not have to contain resource areas for the Commission to accept it as conservation land.

Coordinator Capone stated that the Historical Commission has also expressed an interest, as there may be some evidence of a battle at this location.

Comm. Rogers stated that she is in favor of a site walk. She expressed an interest in determining whether the landlocked parcel could be accessed.

In response to Chair Henkels, Coordinator Capone stated that research on the land would not involve a full title search, but she can do some basic research. She will send out a Doodle Poll tomorrow morning to schedule a site walk sometime this week.

Lincoln Meadows South: Extension of License Agreement for Neuco.

Coordinator Capone stated that there is an existing three-month license agreement with Neuco to use Lincoln Meadow South for staging for the Lincoln Road and Lincoln Lane gas main project. National Grid has shut them down for three weeks, so Neuco could not complete work by March 31, as the license required. They are seeking an extra month for use of the staging area. Cavichio just needed access to harvest one of their crops, and have agreed to an additional month. It is \$1,250 per month for this agreement.

She further stated that there is an access road to the community garden. There will be a site visit tomorrow morning. In lieu of the last month rent, Neuco might instead upgrade the road. They have extra gravel and equipment already on-site. This would be a benefit to the community garden, the contractor, and the Commission. Chair Henkels and Comm. Sevier concurred with this statement.

On motion by Comm. Cook to extend the License Agreement to the end of April and to amend said License Agreement to include additional work for an access road in lieu of the last month of payment, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Conservation Commission Membership: Vote to reappoint David Henkels, Jeremy Cook and Luke Faust, terms expiring May 31, 2023.

Coordinator Capone stated that Associate Member Luke Faust will be appointed at the April 22, 2023 Select Board meeting through the end of May, which is when Comm. Morse's term would have expired. She added that the new terms will be for three years.

On motion by Comm. Holtz to reappoint David Henkels, Jeremy Cook and Luke Faust to the Conservation Commission, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Conservation Commission Liaisons Appointments: Vote to appoint Conservation Commission representatives to the Community Preservation Committee, Land Acquisition Stewardship Committee, and the Bruce Freeman Rail Trail Advisory Task Force, terms expiring May 31, 2023.

Chair Henkels stated that Comm. Rogers is on the Land Acquisition Stewardship Committee, Comm. Holtz is on the Bruce Freeman Rail Trail Advisory Task Force, and he is on the Community Preservation Committee.

Coordinator Capone stated that the Bruce Freeman Rail Trail Advisory Task Force is broadening its mission to become the Rail Trail Advisory Task Force.

On motion by Comm. Cook to appoint the Commission liaisons, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Conservation Commission Membership

Coordinator Capone stated that Tom Friedlander is not going to seek reappointment as an Associate member. With Luke Faust's appointment as a Commissioner, we are seeking new members to fill two associate positions.

Sudbury Historical Society

Coordinator Capone stated that the Sudbury Historical Society is looking for assistance from the Commission and the Sudbury Valley Trustees to develop a Sudbury Landscape gallery at the Historical Society. They are currently developing a mission statement. They envision an 18-month revolving gallery. Commissioners are encouraged to participate. The focus will be on how land has been conserved, preserved and developed. They hope to have the gallery developed by November or January. They will meet every other week, for about an hour to discuss this project. Each group will work on their own elements. The gallery will have a dedicated room in the Hosmer House.

In response to Chair Henkels, Coordinator Capone stated that the Sudbury Valley Trustees and a local historian will also be involved, as well as Historical Society volunteers, and possibly one of the tribal groups. Chair Henkels added that he is willing to help.

Massachusetts Association of Conservation Commissioners

Chair Henkels stated that the MACC is offering a free seminar on Wednesday at 1:00 pm on Conservation Stewardship baseline reports. It is two hours long, and is free. Details are on the MACC website.

Adjourn Meeting

With no further business, on motion by Comm. Holtz, seconded by Comm. Cook, the Commission voted unanimously to adjourn the meeting at 7:26 PM.