



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, May 19, 2025

Present: David Henkels, Chair; Jeremy Cook; Luke Faust; Bruce Porter; Kasey Rogers; Mark Sevier; Harry Hoffman, Associate Member; Victor Sulkowski, Associate Member; and Lori Capone, Conservation Coordinator

Absent: Ken Holtz, Vice Chair

The meeting was called to Order by Chair Henkels at 7:01 PM via roll call.

Other Business:

Department of Public Works – Chapter 90 Paving: Environmental Punchlist

Chair Henkels introduced agenda item. Coordinator Capone announced that Tina Rivard, Director of Public Works, would provide the presentation and also noted that Comm. Rogers had joined the meeting.

Director Rivard explained that the Environmental Punch List is part of the Chapter 90 program, which allows the town to receive 100% reimbursement for eligible roadway paving projects. The Town must submit a detailed packet to the state that includes cost estimates, road lengths, scope of work, and an environmental checklist affirming that the work will not negatively impact nearby wetlands.

She listed seven roadways totaling approximately 3.4 miles: Dutton Road (from Wayside Inn Road to the bridge at Stearns Mill Pond), Candy Hill Road (from Concord Road to Plympton Road), Virginia Ridge Road (from Powder Mill to cul-de-sac), Austin Drive (from Hilltop Road to cul-de-sac), Trevor Way (from Horse Pond Road to cul-de-sac), Tippling Rock Road (from Dudley Road to cul-de-sac), and Church Street (from Concord Road to cul-de-sac).

Director Rivard emphasized that the project involves milling approximately 1.5 inches of pavement and repaving, with no road widening. Environmental precautions, such as erosion controls, will be in place to protect nearby resource areas. She said this was the first time the Conservation Commission was formally reviewing the checklist in Sudbury, though it was a standard practice in her prior municipality.

Coordinator Capone confirmed that most of the work is outside of the Commission's jurisdiction. A few segments fall within the Buffer Zone, but no Floodplain impacts were identified. She stated that she would coordinate with Director Rivard on erosion controls in the few applicable areas. She recommended that the Commission vote to approve the 2025 Chapter 90 Paving Program and authorize her to sign the Punch List on the Commission's behalf.

Chair Henkels asked Director Rivard when the work would begin. She replied that paving would commence the week after July 4th. Milling would take about two weeks, and paving would follow shortly after, for a total project duration of approximately three weeks. The milled road would remain unpaved for one to two weeks.

Chair Henkels asked about the disposal of the asphalt millings. Director Rivard explained that the contractor is responsible for appropriate disposal, which could include reuse by construction companies if the material is clean.

Chair Henkels invited further questions from the Commission and the public.

On motion by Comm. Rogers to approve the paving program and authorize Coordinator Capone to sign off on the punch-list on behalf of the Commission, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Notice of Intent: 20 Tavern Circle, DEP #301-TBD

Chair Henkels resumed the Hearing for the project to remove trees within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Matthew Drew was the applicant. This Hearing was continued from January 27, 2025.

On motion by Comm. Porter to continue the Hearing to June 9, 2025, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 87 Moore Road, DEP #301-1424

Chair Henkels resumed the Hearing for the project to construct a garage with associated driveway and drainage, relocate an existing fence, and remove trees within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Dwight D. Henderson was the applicant. This Hearing was continued from August 26 and October 21, 2024.

On motion by Comm. Cook to continue the Hearing to July 7, 2025, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 35 Bridle Path, RDA #25-03

Chair Henkels began the meeting for the project to remove trees within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Lindsay and Adam Melnick were the applicants.

Mrs. Melnick spoke on behalf of herself and her husband, explaining that the project involved the removal of four large pine trees. She stated that two of the trees were located directly behind the house, with large branches overhanging the back deck and roof, creating a safety hazard and risk of damage to the home. She emphasized that their concern was heightened by the presence of their two young children—a three-year-old and an eight-week-old—and the frequent presence of neighborhood children playing in the backyard. She added that a third tree, located on the side of the house, had already dropped a large branch during a winter storm, raising further concern. The fourth tree, located in the front yard, stood over the driveway and posed a risk to parked vehicles and the home itself should it fail. Melnick explained that Lynch Landscaping had evaluated the trees and would remove them using a crane positioned on the driveway. The stumps would be ground down after removal.

Chair Henkels thanked her for the summary and turned the discussion over to Coordinator Capone. Coordinator Capone shared a site plan and explained that the property abuts the Mass Central Rail Trail and had been developed in the 1980s. She noted that there appeared to have been little to no landscaping work done since the original construction. She identified the locations of the four trees under consideration: one on the side of the house, two behind the house, and one in the front. She confirmed that all trees were situated close to the house. She stated that Lynch's evaluation did not cite any health concerns with the trees but noted that the removal request was based on their proximity to the structure. She explained that the closest tree was approximately 25 feet from the wetland and that all were located within existing lawn area. As such, she concluded that the project would not introduce new impacts to the Buffer Zone.

Chair Henkels asked about the location of the septic system, and Coordinator Capone responded that it must be in the front yard, as there was no feasible location for it in the rear of the property.

Comm. Rogers asked whether any mitigation was proposed. Coordinator Capone replied that no mitigation had been included in the application, as the work was confined to already disturbed lawn and would not increase impacts to an undisturbed Buffer Zone. However, she suggested that if the Commission wished to require mitigation, the most appropriate location would be the area behind the house, between the lawn and the wetland, where native shrubs could be planted. She advised against planting new trees due to the potential for them to cause similar problems in the future.

Assoc. Comm. Hoffman inquired about the size of the two trees in the backyard, closest to the wetland. Coordinator Capone estimated their diameter to be between 24 and 36 inches. The applicants confirmed that one

of the trees in particular significantly overhung the house and was adjacent to a swing set and play structure. Coordinator Capone identified the tree on the side of the house as likely the largest of the four. She noted that she did not have a specific photograph of the front yard tree but pointed out its location on the site.

Chair Henkels observed that based on the photographs there did not appear to be invasive species present in the backyard. Coordinator Capone confirmed that there were none. Chair Henkels then invited any further questions from the Commissioners.

Chair Henkels asked the Commissioners for their opinions on whether mitigation should be required. Comm. Faust responded that while mitigation was always beneficial, the absence of invasive species and the fact that the trees were located within maintained lawn made him comfortable approving the project without it.

Chair Henkels agreed with Comm. Faust, expressing appreciation for the fact that the backyard was free of invasive species. He stated that he understood the safety concerns presented by the trees. Assoc. Comm. Hoffman added that he recognized the risks posed by the trees and the potential for damage.

Chair Henkels then opened the discussion to the public for any questions or comments.

On motion by Comm. Faust to issue a negative Determination of Applicability #3, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 222 Peakham Road, DEP #301-TBD

Chair Henkels began the Hearing for the project to install after-the-fact an above-ground pool with deck and install an addition within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. John Tierney was the applicant.

Gilbert Hudson, the homeowner, explained that the request had two parts. First, it included after-the-fact approval for the pool and deck. He stated that the original deck had been constructed by a previous contractor who did not coordinate with the town, and he only became aware of the issue during a landscape permitting process two years earlier. Since then, he had been working with Coordinator Capone to bring the structure into compliance.

Mr. Hudson then described the proposed new work, which involved attaching an existing detached garage to the main house. The house and garage are both within the 100-foot Buffer Zone. He explained that the back portion of the garage would be removed, pulling the structure slightly further from the wetlands. Erosion controls would be installed as part of the work. He confirmed that the pool and deck were already constructed, having been built in 2021, and reiterated that his intent was to secure formal approval for that portion and move forward with the new addition as a compliant project.

Coordinator Capone began her comments by addressing the pool. She noted that it is located approximately 30 feet from the wetland, adjacent to a pond or a former pond. Based on aerial imagery, she determined that the pool had been installed in a pre-existing lawn area, and that if it had been placed 50 feet from the wetland, it would have qualified as an exempt activity under both the state Act and the local Bylaw. She added that the landscape work previously completed by the applicant had been signed off and was in compliance.

Regarding the proposed addition, Coordinator Capone stated that it would be located in an already landscaped area. She mentioned that the only tree to be removed was a Japanese maple, which she did not view as significant. She characterized the current footprint as consisting of lawn, a walking path, and stepping stones. The proposed structure would be located no closer than 76 feet from the wetland, and she expressed no concerns about direct impact.

However, because the pool and deck were constructed without prior approval and because of the overall increase in impervious surface on the site, she recommended that mitigation be included. She identified two areas on the site containing invasive species. The first was a location between the pool and the pond where bittersweet was prevalent; although it had been cleared during earlier work, she suspected it had returned aggressively. She warned that the invasive growth could eventually damage large trees in the area if not controlled. The second area was a small peninsula with a bench, which contained Japanese barberry, bittersweet, and multiflora rose. She recommended both areas be targeted for manual removal of invasives as mitigation.

Coordinator Capone noted that a DEP file number had not been issued and that without it, the Commission could not act on the application that evening. Mr. Hudson explained that he would confirm whether the application had been submitted. Coordinator Capone advised that the delay would provide time for the applicant to develop a mitigation plan. Mr. Hudson indicated that he was amenable to including mitigation as requested.

Chair Henkels thanked Coordinator Capone and invited questions from the Commissioners.

Assoc. Comm. Hoffman asked how many gallons of water the pool holds and where the water would go if it needed to be drained. Mr. Hudson replied that it rarely, if ever, needs to be drained. He did not know the exact volume but estimated the pool measures about 12 by 18 feet and offered to calculate the gallons later.

Chair Henkels then asked if any Commissioners had questions, followed by an invitation to the audience for questions; none were raised.

Chair Henkels informed Mr. Hudson that the Hearing must be continued to the next meeting scheduled for June 9, 2025, pending issuance of the DEP file number. He requested that Mr. Hudson return with various mitigation plans for the Commission's consideration, to which Mr. Hudson agreed. Chair Henkels asked for permission to continue the hearing to June 9, 2025, which Hudson granted.

On motion by Comm. Cook to continue the Hearing to June 9, 2025, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 17 Hopestill Brown Road, DEP #301-TBD

Chair Henkels opened the Hearing for the project to expand existing an deck within the 100-foot Buffer Zone and local riverfront area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Josh Liberman was the applicant.

Mr. Liberman stated that the existing deck is original but rotted and unsafe; he had added a makeshift post for temporary support. He plans to extend the deck slightly, closer to the wetlands by a few feet, but still remaining on the grass, with space to walk around it. No trees would be removed. He described the deck extension as roughly parallel to the edge of the grass near the wetlands, not extending straight toward them. He mentioned Coordinator Capone had visited the property some years ago and confirmed that the wetlands and grass footprint had not changed. The planned work also includes relocating stairs to the opposite side for practical reasons.

Mr. Liberman said he had submitted materials to DEP and understood the file number was pending issuance, possibly awaiting payment clearance. Coordinator Capone confirmed his statements.

Chair Henkels thanked Mr. Liberman and asked Coordinator Capone for her observations. She explained that the project could have qualified as a Request for Determination of Applicability rather than a Notice of Intent, but the presence of an existing brick patio under the deck, which was initially intended to be reconstructed and expanded, triggered the NOI requirement. The patio work would have brought construction closer to the wetlands by about 4 to 5 feet. The wetlands consist of a stream within a tree-line. The area of proposed work is generally flat, sloping down toward the wetland, with only minor disturbance expected, mainly two footings done by hand. Because the work would encroach only slightly—3 to 4 feet—onto existing lawn area, she did not feel additional mitigation was necessary.

Chair Henkels invited questions from Commissioners.

Commissioner Sevier asked if the patio would remain. Mr. Liberman replied it was uncertain and he might remove it. Comm. Sevier noted that installing Sonotubes might impact the patio. Mr. Liberman acknowledged that the entire area was in poor condition. Comm. Sevier asked when the decision about the patio would be made. Mr. Liberman said he was unsure and asked what the consideration was. Coordinator Capone responded that the Commission would need to approve any work on the patio. Mr. Liberman said they proposed to put fresh stone down. Comm. Sevier confirmed then that the patio would be removed. Chair Henkels asked Coordinator Capone if the plan to remove the patio was stated in the application or NOI. She replied it was not, but it could be added to the project description in the Order of Conditions.

Chair Henkels asked Mr. Liberman to clarify if the plan was to completely dismantle and replace the brick paving. Mr. Liberman confirmed yes and added he was not sure if he would put it back. Assoc. Comm. Hoffman

asked if the plan was to keep the same patio area or expand it. Mr. Liberman said it would be a little bit larger. Assoc. Comm. Hoffman confirmed that the deck above would have support tubes and the brick area would remain at least the same size with possible expansion, to which Mr. Liberman agreed.

Chair Henkels confirmed with Coordinator Capone that the expansion was about 3 feet beyond the current footprint. Comm. Sevier questioned if the expansion was necessary, suggesting the framing could overhang instead. Mr. Liberman said he wanted to move the stairs away from a window on the other side of the house. Comm. Sevier noted that was a separate issue.

Coordinator Capone then displayed the plan, showing the stairs would be relocated to the left corner, coming down parallel to the deck rather than extending straight out into the yard. Assoc. Comm. Hoffman noted this explained why the stairs would be closer to the wetland on the stream side. Mr. Liberman confirmed the stairs are currently perpendicular to the house and would be moved to run parallel.

Comm. Sevier commented that overhanging the framing might still be possible but said it was probably not a big deal.

Chair Henkels informed Mr. Liberman that the Hearing would need to be continued until June 9, 2025, due to the lack of a DEP file number. Mr. Liberman asked if, in case they received the DEP number sooner and submitted the required information beforehand, they could begin demolition or get approval without waiting for the continued hearing. Chair Henkels asked Coordinator Capone if DEP had commented on the application yet. She explained that DEP had requested a better plan but it was unclear if the revised plan had been submitted; she noted that the final determination of plan adequacy would come from Jim Freely at DEP.

Mr. Liberman clarified that DEP had not outright rejected the plan but was awaiting confirmation. Coordinator Capone confirmed Jim Freely would make the call after reviewing the submission. Chair Henkels stated that normally the Commission waits for the DEP file number before approving any work and that no work can begin without the DEP number and proper signage on site indicating DEP review and approval.

Mr. Liberman consented to the continuation but asked for clarification that the Commission had everything else it needed from him. Chair Henkels and Coordinator Capone confirmed that was correct.

Coordinator Capone mentioned the importance of closing Hearings timely since there is a 21-day clock to issue an Order of Conditions once a hearing closes, referencing another case pending since January. Mr. Liberman accepted the explanation and agreed to wait until June.

On motion by Comm. Cook to continue the Hearing to June 9, 2025, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 15 North Road, DEP #301-1442

Chair Henkels opened the Hearing for the project to replace an existing well within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Vincent Roy was the applicant.

Mr Roy introduced himself and stated that the project is to replace Well Number 5, originally installed in 1964 with a rated capacity of 300 gallons per minute. In 1989, an air stripping tower was installed for VOC removal due to contamination originating from the former Sperry Rand Research Center nearby. The well ceased operation in 2005 because of poor water quality, particularly high iron and manganese levels. The district maintained active status by performing routine sampling and, in Spring 2024, contracted Beta Group to investigate the well replacement.

Chris Brainard of Beta Group explained their involvement, noting that hydrogeologist Peter Newton identified four potential boring locations, of which one was viable for a pump test completed in fall 2024. The test suggested a yield near 300 gallons per minute, though drilling the well is necessary to confirm flow rates. The group submitted a Notice of Intent to the DEP in November 2024 and received approval on February 6, 2025.

Mr. Brainard shared the site plan, showing North Road, the existing well location, access drive, and proposed new well site (boring location #4). The plan includes erosion control measures and a stockpile area for about three cubic yards of drilling material. The project footprint lies outside the 100-year Floodplain, though within the 200-

foot Riverfront Area and 100-foot Buffer. Wetland flagging was conducted by Anna Haznar, who was present for further input.

Chair Henkels acknowledged the presentation and invited additional comments from Beta Group representatives.

Mr. Newton of H2Olson Engineering described the drilling process for the new well. He explained that the drilling rig would be on site for about three weeks to advance casing to the desired depth, remove and stockpile materials, and set the new well. The well consists of a 36-inch outer casing and an 18-inch inner casing, with engineered NSF-approved gravel placed between them. After drilling, a smaller test rig would be used to lower a pump to test the well's yield. The entire well construction would take approximately six to eight weeks.

Ms. Haznar noted that most project activity is within the inner 100-foot Riverfront Area adjacent to a tributary of Cold Brook. Due to the low gradient of the stream, delineating the exact bank was difficult, so the riverfront boundary was conservatively set. Approximately 700 square feet of potential impacts lie within the outer Riverfront Area. The project qualifies as a limited project under 310 CMR 10.53(8) for replacing a public water supply well and is exempt from additional MassDEP drinking water permits because the new well is within 50 feet of the existing well. Areas disturbed within resource zones would be loamed and seeded to restore vegetation.

Coordinator Capone raised administrative points: Although filed as an exempt government agency project, the Sudbury Water District is not part of town infrastructure, so the project is technically not exempt under the Wetlands Protection Act filing fees. The town typically waives its fee portion for such projects; MassDEP did not require fees for this case, but the town would need to vote to waive its portion. Exploratory borings are not exempt under the local Bylaw and required Conservation Commission approval. She had visited the site and observed no impacts from exploratory borings, which were conducted in lawn areas.

Coordinator Capone questioned the relatively shallow depth of about 65 feet for the well and inquired about the water quality testing, specifically whether contaminants that caused the prior well's disuse were resolved. Mr. Roy clarified that the well was never formally decommissioned but was not used for drinking water due to elevated iron and manganese levels exceeding maximum contaminant levels and the lack of filtration capacity. The well was run for testing only, and water quality was improving compared to the existing well. Treatment would likely be installed for the new well.

Mr. Roy also reported that PFAS testing at Well 5 showed non-detectable levels, unique among Sudbury's wells. Coordinator Capone asked if the new well would be brought online, and Mr. Roy confirmed that was the intent, with further testing and treatment to be determined after installation. Additional water quality sampling and yield testing would guide the next steps. The project is at an early stage, with well installation being the first phase.

Coordinator Capone asked if all the equipment would access the site on the wetland side of the building. Mr. Newton confirmed the drilling equipment would be set up on the south side of the building, close to the wetlands. He said controls such as variable frequency drives for pumps would be housed inside the existing building to minimize exterior equipment. The new well itself would be outside on the south side, but the building footprint would remain unchanged.

Coordinator Capone inquired about the location of the drillings stockpile, noting it was close to a slope leading down to the wetland and questioned if it could be moved further away. Mr. Brainard responded the stockpile location could be moved for convenience but was initially placed near the well for ease of handling. Mr. Newton elaborated that the stockpile would be within a few feet of the well because material removal involves a clamshell digger that scoops material inside the 36-inch casing and deposits it nearby. The depicted location was conservative; the actual stockpile would likely be near a marked sign labeled "4."

Coordinator Capone expressed concern about slurry and wet material produced during drilling and requested measures to prevent slurry from leaving the intended stockpile area. Mr. Newton acknowledged the concern.

Chair Henkels asked about erosion controls given the moist soils and organic debris expected. Mr. Brainard recommended using compost filter tubes for erosion control. Coordinator Capone agreed, stating that keeping the stockpile within erosion controls and using compost filter tubes would be appropriate to contain sediment and protect jurisdictional areas.

Chair Henkels then asked about the previous exploratory work. Mr. Brainard confirmed four exploratory borings had been drilled, with only one location being suitable. Mr. Newton clarified these were borings, not pits, with

2.5-inch diameter holes. The area had mostly silty fine sand that poorly transmits water, so they sought coarser sand and gravel layers for the well. Three of the four borings encountered unsuitable materials throughout. The fourth, at the greatest depth, encountered the coarser materials targeted for the new well. He noted that existing local wells produced about 300 gallons per minute, confirming the presence of suitable aquifer materials.

Mr. Newton addressed Coordinator Capone's question about well depth, confirming approximately 65 feet is typical for public water supply wells in the area, with depths generally ranging from 55 to 70 feet. He noted that shallower wells (around 40-45 feet) and much deeper wells (around 100 feet) are less common locally.

Chair Henkels thanked Mr. Newton for his explanation and requested a brief discussion on the past impact and future implications related to Sperry Rand contamination. Mr. Newton explained that Mr. Roy and team had tested for chlorinated solvents and VOCs, running the well briefly and collecting samples. The indication was that contamination had been attenuated or mitigated and was not currently present in the area.

Comm. Sevier asked about the original well's depth and its proximity to the building, noting the drilling rig seemed close. Mr. Newton explained the drilling method involving driving a 36-inch diameter steel casing into the ground and excavating inside it with a smaller clamshell, confirming the drilling would be near the building but manageable.

Comm. Sevier asked why they were drilling a new well so close to the existing one. Mr. Newton explained the original well was installed in 1964 with a shutter screen having a low open area (15-20%), whereas modern wells use wire-wound screens with much higher open area (50-65%). The older screen design leads to higher water velocity, causing pressure drops that precipitate minerals and form cement-like deposits, reducing well efficiency over time. Cleaning helps but only temporarily. A modern screen reduces velocity and prolongs well life.

Comm. then questioned space for pumps and filtration inside the building. Mr. Brainard noted that long-term plans might involve expanding or relocating the building, but for now, drilling was the priority. Mr. Roy added that future testing with higher capacity pumping would clarify water quality changes and potential treatment needs.

Comm. Sevier expressed concern about the project being somewhat preliminary and stressed the importance of fully understanding it. Mr. Roy explained the project funding came from a state Housing Choice Grant with no ratepayer burden, supporting preliminary results to inform a larger future project. He also noted no PFAS was detected at this site, unlike others nearby.

Comm. Sevier asked about discharge of water from testing at 300 gallons per minute for up to 48 hours and where that water would go. Mr. Newton described discharging onto a plywood pad surrounded by hay bales to dissipate velocity and prevent scouring, noting the water contained virtually no sediment and would infiltrate grassy areas.

Comm. Sevier asked if these discharge details were in the drawings for contractors. Mr. Newton admitted this was an oversight and the details were not currently included but agreed to add them. Comm. Sevier emphasized the importance of clear, documented details rather than verbal instructions to ensure consistent implementation. Mr. Newton agreed to update the filing to include those details.

Mr. Newton also explained constraints on well location due to DEP's nonconforming Zone 1 regulations restricting moving the well laterally onto neighboring properties or more nonconforming locations on the street, limiting site options for the new well.

Chair Henkels thanked Commissioners and invited further questions.

Assoc. Comm. Hoffman asked how much the building might need to expand if PFAS treatment were required. Mr. Roy responded that treatment might not require a building at all and could use vessels located outside. He added that based on current water quality, treatment would likely not be needed for at least 3 to 5 years. Mr. Newton clarified that only the well location is strictly regulated; any future treatment building could be anywhere on the site, subject to general planning board setbacks.

Chair Henkels noted that, given the need for additional detail about discharge controls, the project could be continued or these details could be included as a special condition in the Order of Conditions.

Ms. Haznar asked if including this requirement as a special condition was possible. Coordinator Capone responded that the current draft does not address this but recommended receiving an updated plan before issuing the Order rather than making it a condition after closing.

Comm. Sevier suggested submitting a drawing update promptly to satisfy this need. Mr. Brainard and Mr. Newton confirmed they could provide the detail quickly and that it was a standard detail. Coordinator Capone advised the plan should be submitted before the Order is issued, ideally within the 21-day deadline after the hearing closes, so the Commission can close the hearing contingent on receiving the plan. The team agreed to submit the plan by Friday, May 23. She clarified that if the plan is not received by that date, the Hearing would be reopened the following week.

Chair Henkels then asked for any commissioner questions or public comments. Hearing none, he called for a motion to close the hearing contingent on receipt of the additional detail by May 24, 2025.

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

Chair Henkels noted that the Order of Conditions would be updated to incorporate the new detail. Coordinator Capone said no additional condition was needed for dewatering beyond what the updated plan would address but recommended including a condition requiring use of a native seed mix for site restoration.

Chair Henkels asked for a motion to issue the Order of Conditions as outlined, with the inclusion of the native seed mix condition and contingent on receipt of the updated plan by May 24, 2025.

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

Chair Henkels raised the issue of the fee, noting the water authority is not a governmental body but that a fee of \$537.50 was due.

On motion by Comm. Sevier to waive the application fee, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Other Business:

Bruce Freeman Rail Trail: Port-a-Potty at Rail Trail Diamond

Chair Henkels began the meeting to discuss the administrative approval request related to the Bruce Freeman Rail Trail. Coordinator Capone presented the request to install a porta potty at the junction of the Mass Central Rail Trail and the Bruce Freeman Rail Trail near the recently repaved parking lot at the Yellow Station building on Union Avenue. The request had been made by the Rail Trail Advisory Committee under time-sensitive conditions tied to ongoing paving work.

Coordinator Capone explained that the installation site lies within the outer Buffer Zone and outer Riverfront Area but is a highly degraded, primarily paved area with minimal environmental impact. The Commission was asked to consider this as an after-the-fact administrative approval to avoid losing the opportunity for ADA-accessible restroom facilities at the site.

Chair Henkels invited Commissioner comments or public input; none were offered.

On motion by Comm. Faust to approve administratively the Port-a-Potty, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Subcommittee Appointment: Representative to the Land Acquisition Review Committee

Chair Henkels resumed the discussion regarding subcommittee appointments for the Land Acquisition Review Committee. Coordinator Capone explained that Associate Members of the Conservation Commission could serve on the Committee, which primarily reviews Chapter 61 lands coming up for acquisition and advises the Select Board within a quick turnaround timeframe (120 days after purchase and sale receipt). The representative would

work closely with the Coordinator, who would provide background research and help formulate recommendations.

Comm. Rogers, the current representative, had served multiple terms and was willing to continue but also open to stepping down.

Chair Henkels asked Assoc. Comms. Hoffman and Sulkowski if either wished to take the position. Both expressed willingness to serve, noting the workload was manageable. A brief informal discussion followed on seniority, terms, and qualifications. The Coordinator confirmed no special credentials were required as research support is provided.

On motion by Comm. Sevier to recommend Assoc. Comm. Hoffman to the Land Acquisition Review Committee, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Right of First Refusal: 136 Hudson Road – Lot 6

Chair Henkels began the discussion concerning the Right of First Refusal for Lot 6 at 136 Hudson Road. Coordinator Capone, summarized the situation: the property owner intends to subdivide and sell just over one acre for \$450,000, likely for a single-family home. The parcel lies adjacent to SVT-owned Gray Reservation and nearby conservation-restricted lands, which form a wildlife corridor through a residential area. However, the parcel itself is an open field, not pristine or significantly valuable ecologically.

Coordinator Capone recommended the Town not pursue acquisition, as the conservation benefit appeared minimal. Commissioners then discussed their role in the process, clarifying that the Conservation Commission's recommendation primarily considers conservation value but can include broader town interests. It was noted that the ultimate purchase decision rests with the Select Board, who weigh conservation input along with planning and fiscal concerns.

Assoc. Comm. Sulkowski asked whether financial constraints should factor into the Commission's conservation recommendation. Coordinator Capone replied that if a parcel is critical for conservation, cost should not deter recommendation for purchase.

On motion by Comm. Sevier to advise the Town against purchasing the land, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 8:40 PM, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.