



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, February 24, 2025

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

Absent: Ken Holtz, Vice Chair

The meeting was called to Order by Chair Henkels at 7:06 PM via roll call.

Minutes

On motion by Comm. Sevier to accept the minutes of the January 27, 2025 meeting, seconded by Comm. Rogers, with Comms. Faust and Porter abstaining, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Porter to accept the minutes of the February 10, 2025 meeting, seconded by Comm. Cook, with Comms. Faust and Rogers abstaining, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Notice of Intent: 331 Hudson Road, DEP #301-1428

Chair Henkels resumed the Hearing for the project to construct an addition, remove outbuildings, modify the driveway, and install plantings within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Frederick Hanna was the applicant. This Hearing was continued from October 21, 2024 and January 27, 2025.

Montgomery Nsamba provided an update on the revised plan for the project, explaining that the applicant had presented an addition to the plan after receiving approval from the Zoning Board of Appeals (ZBA) for a Variance. The addition includes a second-floor expansion atop the existing house. Additionally, the plan includes mitigation, the removal of outbuildings, and the planting of trees in specific areas. Mr. Nsamba mentioned that they also conducted a test for high groundwater levels, which was requested by Coordinator Capone.

Mr. Nsamba noted that the applicant had revised the NOI narrative to reflect that the proposed impervious surface was below 5,000 square feet, as required. He clarified the changes made to the plan, including the addition and the mitigation measures.

Coordinator Capone highlighted that for work in the Riverfront Area, the applicant needed to demonstrate that the project's footprint the minimum needed to achieve the project. She pointed out that various footprints had been provided, ranging from 1,170 square feet to 1,665 square feet. She asked the Commission to discuss whether these footprints were the minimum necessary and to confirm the appropriate size. She also mentioned that the restoration of Sanger Street, where structures were being removed, was still an outstanding item. She noted that the applicant had proposed to plant three trees, but the Commission needed to clarify the restoration approach for the area.

Mr. Nsamba responded by explaining that the footprint had changed because the applicant had initially proposed a smaller addition but later decided to increase the size to accommodate six vehicles. He also clarified that the changes in square footage were due to how the impervious surface calculations were being reported.

Coordinator Capone reiterated her point about the footprint, referencing the applicant's earlier proposal of a 1,379 square foot addition and questioning whether it would have been large enough to store six vehicles. Mr. Nsamba stated that the addition's size was specifically chosen to accommodate all of the applicant's vehicles.

Chair Henkels invited questions from the Commission.

Brian Huss, the property owner, explained that the larger garage size was necessary to accommodate the vehicles, as the original plan of three cars wide and two cars deep was not feasible due to zoning restrictions. The wider garage would allow easier movement of the vehicles and provide space for additional smaller items like a golf cart and equipment. He clarified that the intention was to have enough room to move vehicles without doors opening into each other.

Mr. Huss added that the excavation required for the garage would be minimal. Mr. Hanna, the applicant and builder, confirmed that there would be no significant soil removal. The excavation would involve trenching to a depth of four feet for the foundation, with the soil being replaced afterward. Mr. Hanna also explained that the building inspector had recommended submitting two plans—one larger and one smaller—as a backup. The larger garage size was preferred but the backup plan was submitted in case there were concerns about the structure being too close to Sanger Street.

Chair Henkels revisited the issue of Sanger Street restoration. Coordinator Capone clarified that the removal of the unapproved buildings created an opportunity for additional mitigation, specifically through the restoration of the Sanger Street area. She emphasized that this would help offset the new garage's footprint.

Comm. Rogers asked about how roof runoff from the new addition would be handled. Mr. Nsamba explained that runoff would be directed into a dry well system, which would collect water from both the new addition and the existing house.

Chair Henkels asked Coordinator Capone if she thought the stormwater system, which included a dry well designed for a 10-year event, would be adequate given the expansion of the property. Coordinator Capone confirmed that the system was designed to handle such events, with overflow gutters in place. She noted that the proposed system was an improvement over the existing conditions, as the current house discharges directly into the stream.

Chair Henkels acknowledged the complexity of the project and inquired whether they had everything necessary to move forward. Mr. Hanna explained that the project had been challenging and they had worked with the Commission to address all the concerns raised during the process.

Chair Henkels then asked about monumentation for the restoration areas. Coordinator Capone clarified that the front restoration area already had a natural boundary along the existing driveway, except for the southern portion where it meets the lawn. For the rear restoration area, she suggested that some trees or shrubs might be moved to the edges to demarcate the area, but emphasized that there was currently no clear demarcation to prevent disturbance.

Chair Henkels asked if there were any outstanding items that needed to be addressed to finalize the Order of Conditions. Coordinator Capone mentioned that the restoration of Sanger Street needed to be agreed upon, as well as clarification regarding the driveway area, especially the portion being removed. She added that if the area was not going to remain as gravel, the Commission needed to know what would be done with it.

Mr. Huss expressed concern about needing access to the septic system, which is located in the back of the property. He explained that they needed to be able to pull a pump truck down the side of the property and that this area couldn't be planted with anything other than shrubbery. Chair Henkels asked Mr. Nsamba to point out the septic area on the plans for the Commission and the audience. Coordinator Capone acknowledged that access to the septic system was a valid concern, and Chair Henkels agreed. Coordinator Capone reiterated that the restoration of Sanger Street and clarification on the driveway area were the only remaining items to address.

Comm. Sevier asked about the dimensions of the proposed building, specifically its width. Mr. Hanna responded that the building's width was 26 feet, and Mr. Nsamba confirmed this. Comm. Sevier then inquired about access to the septic system in case of future needs, particularly the leach field. Mr. Hanna explained that the area along Sanger Street, which currently lacks trees, would allow access for equipment such as a backhoe to work between the existing trees and the proposed addition.

Comm. Sevier raised concerns that if mitigation work was done on the Sanger Street area, it might prevent future access by a truck. Mr. Hanna suggested that mitigation could be done in a way that left room for access to the building, such as leaving a 15-foot gap along the side of the building. Mr. Huss then asked about the legality of working in the Sanger Street area, as the property technically wasn't theirs, though they had assumed they could work up to the middle of the street. Coordinator Capone responded that it was a good question and suggested consulting with the ZBA or legal authorities to clarify the rights regarding that space.

Mr. Huss clarified that the storage trailer in question, which was part of a previous mitigation for trees, wasn't placed there by him. Comm. Sevier questioned whether the storage trailer belonged to Mr. Huss, to which Mr. Huss clarified that while he was being charged monthly for it, it belonged to the company that handled the mitigation.

Comm. Sevier asked about the tarp building, to which Mr. Huss acknowledged that he had placed it. Comm. Sevier pointed out that while Mr. Huss was using the land on the side of Sanger Street as if it were his, it wasn't officially his property. He advised that Mr. Huss would need to consult the town about it. Mr. Huss responded that they intended to remove the trailer and tarp building, and that this had already been approved by the ZBA.

Comm. Sevier then questioned whether Mr. Huss had asked the ZBA about putting mitigation in that area. Mr. Huss indicated that mitigation had not been part of the discussions with the ZBA and that the matter had been left to the Conservation Commission. Comm. Sevier noted the back-and-forth between the boards, and Mr. Huss confirmed that the process had involved seeking approval from both sides.

Mr. Hanna explained that delays in the process were due to the need for approval from the ZBA before making further changes to the project. He mentioned that they had been working with Coordinator Capone to keep her updated on what had been approved by the ZBA and had been addressing all issues over the past month. Comm. Sevier shared his own experience with private roads, noting the unclear nature of their designation.

Mr. Huss added that he had consulted with a real estate attorney about potentially having the road turned over to private ownership but acknowledged that it would involve extensive legal work. He also referenced a neighbor's previous construction, which had influenced the ZBA's decision to approve his project based on a precedent. Comm. Sevier stated that he supported the mitigation plan and asked if the Commission could simply approve it and let the process continue unless a higher authority intervened.

Mr. Huss emphasized his desire to make the area aesthetically pleasing while ensuring that the mitigation areas were adequately restored. Coordinator Capone suggested focusing on the driveway area and the removal of the storage building, which was placed on gravel, and ensuring that the restoration plan addressed the areas impacted by the project. Mr. Huss confirmed that the driveway was correctly shown on the plan, and Coordinator Capone pointed out that the proposed driveway was different from the existing one.

The conversation then shifted to restoring the area where the storage trailer was located. Coordinator Capone proposed restoring the area shown in red and allowing the remaining space to naturalize, which would allow work to remain within their portion of the right-of-way. Mr. Huss agreed with the compromise, and Coordinator Capone suggested including this in the Order of Conditions.

Mr. Hanna inquired whether this approach could be added to the Order of Conditions and submitted with the proposed plan, avoiding the need for another meeting. Coordinator Capone asked if they had a clear sense of what the restoration would look like. Mr. Hanna indicated that the area shown in red could be mitigated by removing the gravel and restoring the land.

The discussion then moved to the specifics of the restoration, including what types of vegetation would be included. Mr. Huss proposed that part of the area be left for a turnaround. Coordinator Capone raised concerns that the current plan did not show a turnaround, which could complicate the restoration process and would increase impacted areas with the riverfront area. Assoc. Comm. Sevier noted that including a turnaround could change the entire layout of the project, requiring a revised table of areas. Mr. Nsamba agreed that adding a turnaround would alter the plan, and Comm. Sevier emphasized the need for a stable plan to move forward.

Mr. Hanna suggested that there was enough room to turn around the vehicle as shown in the proposed driveway layout, indicating that the driveway would allow for a vehicle to turn around by backing toward the brook side. Comm. Sevier expressed confusion about the details of the plan, particularly regarding the eastern edge of the driveway. Mr. Nsamba clarified the existing and proposed driveway layout, indicating that the edge of the driveway would follow a dashed line that extended under the house, and the eastern side would connect back into the existing driveway.

Comm. Sevier continued to ask for clarification about the dimensions and orientation of the driveway, questioning whether the vehicles could realistically turn around in the proposed space. Mr. Huss responded that the longest vehicles would be 21 feet long. Comm. Sevier noted that with a 25-foot-wide garage, backing out and turning around on the driveway would be challenging and likely unfeasible. Chair Henkels agreed with Comm. Sevier, expressing concern about the practicality of the maneuver.

Comm. Sevier acknowledged that it was a tight site and understood the design-build challenges but pointed out that the back-and-forth between the boards stemmed from new information coming to light during the meeting. Chair Henkels suggested that the space constraints were contributing to the complications in the plan.

Chair Henkels expressed confidence in Mr. Huss's ability to manage vehicle navigation in the turnaround area but highlighted that the current plan, as presented, was raising questions. Comm. Sevier pointed out that the revised driveway plan seemed to increase impervious surfaces, which could impact the overall site plan. Mr. Nsamba clarified that the proposed changes would not significantly increase impervious surfaces, and part of the plan was to remove sections of the existing driveway to reduce its impact.

Comm. Sevier inquired about the specific areas of driveway being removed, and Mr. Nsamba explained that sections near the tarp storage building and other areas would be removed. However, Mr. Huss clarified that the turnaround area currently used was close to the brook and not reflected in the table of driveway changes. Sevier emphasized the need to focus on the areas that were actually part of the proposed restoration, particularly the gravel area used for the turnaround.

Comm. Sevier also pointed out the triangular piece of gravel between the tarp storage building and the road, which would remain gravel to accommodate the turnaround. This area was part of the driveway reduction shown in the table, but it would need to remain as gravel for the vehicles to maneuver effectively.

Mr. Huss expressed frustration with the ongoing process, stating that he had been living with the current conditions for 15 months and felt that issues were continuously arising despite his clear communication about the project's needs. He mentioned that each meeting seemed to bring up new concerns, such as the wastewater issue discussed at the previous meeting, and urged the Commission to clarify exactly what was needed to move the project forward. He emphasized that if the issues weren't resolved soon, he would consider selling the property as is and moving elsewhere.

Coordinator Capone outlined the specific items that needed to be included in the updated plan, including the footprint and the construction detail of the materials for the permeable driveway, which were not currently proposed in the current plan, and what would happen to the land under the buildings and driveway being removed. She also mentioned the importance of determining whether any mitigation areas should be marked and whether the planting plans for trees needed to be adjusted. She cautioned that the project must stay under 5,000 square feet to ensure it could be approved by the Commission.

Chair Henkels reiterated Comm. Sevier's point about the need for clarity and emphasized the importance of resolving these issues to avoid any further delays.

Mr. Hanna suggested that the Commission could help move the project forward by granting partial approval for the existing house. He reminded the Commission that they had previously discussed this during the zoning approval process, particularly in relation to the dry well needed to control water runoff for the existing house. He proposed that the Commission approve the work related to the existing house, separate from the issues regarding the driveway and garage. This would allow Mr. Huss to begin work on the house while they continued refining the plans for the driveway and other elements.

Comm. Sevier acknowledged the proposal but emphasized that the Commission required a complete and consistent set of plans to approve any part of the project. He pointed out that the Commission could not simply approve parts of the project without the necessary details, as they had not received complete plans in past meetings. He reiterated the importance of meeting all conservation parameters and urged the team to present a thorough plan at the next meeting.

Mr. Huss inquired about the practicality of plowing a permeable driveway, expressing concern about snow removal and gravel displacement. He was open to a semi-permeable option but sought advice on the best approach. Coordinator Capone confirmed that a permeable driveway would be acceptable and suggested that it would be similar in impact to a gravel driveway, which could be plowed with some adjustments. Assoc. Comm. Hoffman added that it was possible to plow permeable driveways with the right technique, though it required careful adjustment to avoid damage.

After confirming that Mr. Huss agreed to continue the hearing, the Commission voted to continue the hearing.

On motion by Comm. Cook to continue the Hearing to March 10, 2025, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 15 Thoreau Way, RDA #25-1

Chair Henkels began the meeting for the project to remove trees within the 100-foot Buffer Zone and the local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Nicola Payne was the Applicant.

Ms. Payne presented a request to remove four pine trees that are located within the buffer zone near her home. She explained that the trees, particularly trees 3 and 4, are leaning toward the house and have been a source of concern, especially after a prior incident where a tree fell on their sunroom. This concern was heightened when their homeowner's insurance was canceled last fall due to the presence of trees overhanging the house. The new insurance company required that the trees be pruned or removed to renew the policy. After consulting with a tree company, it was determined that removing the trees would be the best solution.

Coordinator Capone confirmed that the tree removal was necessary due to the insurance company's request and noted that substantial mitigation would be provided, including planting either four trees or three native trees and four shrubs in a 40 by 40-foot area, as well as continuing invasive species removal on the property. Given these factors, she supported the removal of the trees.

She also outlined conditions for the project, including meeting with the tree company before work begins to confirm the trees to be removed, ensuring that a crane would be used and that stumps would remain in place. She set size requirements for the new trees and shrubs and specified that they should be planted by June 1, 2025. Additionally, she requested photo documentation of the work and pointed out that a Certificate of Compliance related to the septic system had been issued but never recorded, and she offered to provide a copy for recording.

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

Certificate of Compliance

Goldthwaite, 141 Goodman's Hill Road, DEP #301-1088

Coordinator Capone reported that the Order of Conditions involved a substantial tree removal project to install solar panels on the roof, which required the removal of 39 trees. She shared aerial photos that showed the before and after conditions of the property. The "before" photo depicted the removal of large pine trees on the south-facing side of the property, while the "after" photo revealed the area with saplings, along with a stream running through the property.

As part of the mitigation, the homeowners had planted blueberry shrubs and removed over 900 invasive species. Coordinator Capone reported that, based on the aerial photos and visiting the site, there did not appear to be any extension of the lawn area resulting from the project, and the homeowner seemed to have completed the work in compliance with the Commission's requests.

Chair Henkels asked if there were any questions, and upon hearing none, called for a motion.

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

Other Business :

Public Forum on Rodenticides:

Coordinator Capone shared information about an upcoming event on March 10, 2025, from 7:00 to 8:30 PM at Lincoln Public School Learning Commons, focusing on educating the public about the dangers of second-generation anticoagulants rodenticides (SGARs). These substances have been causing significant harm to wildlife, as they are slow-acting and lead to secondary poisoning of predators such as raptors, coyotes, bobcats, and foxes. She noted that Sudbury does not use these rodenticides on town properties, instead using snap traps, and is ahead of the curve in this regard.

The regional collaboration between Concord, Wayland, Sudbury, Weston, and Lincoln aims to reduce the use of rodenticides, with some communities working on Bylaws to prevent their use. In Sudbury, the plan is to launch an educational campaign to raise awareness about alternatives. Joe Miller has already started a page on the town's website, which will be updated with information about the March 10th meeting. The campaign will involve social media, flyers, and outreach to schools, with a goal of educating both residents and students about safer rodent control methods.

Chair Henkels asked Coordinator if there was anything the Commission should do to advance the initiative. She explained that once the full campaign plan is developed, they would reach out to the Commission for support, mainly through social media and public education efforts.

Comm. Rogers expressed support for the initiative, highlighting its importance. Comm. Sevier asked if there were alternatives to the anticoagulant rodenticides, and Coordinator Capone responded that there are options, including snap traps and alternative pesticides that don't affect predators, such as those based on cornmeal, which disrupt the mice's ability to absorb nutrients.

Comm. Porter inquired if they were receiving support from the rodenticide manufacturers, and Coordinator Capone clarified that the state has approved these products, and local governments cannot ban them. Efforts would need to come from the state legislature, although there is growing interest in addressing this issue at that level. Comm. Porter emphasized the moral responsibility of the manufacturers to support efforts to reduce the harm caused by these chemicals.

Adjourn Meeting

On motion by Comm. Sevier to adjourn the meeting at 8:24 PM, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.