



## SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, March 24, 2025

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

**Absent:** Ken Holtz, Vice Chair; Jeremy Cook

The meeting was called to Order by Chair Henkels at 7:00 PM via roll call.

### Minutes

On motion by Comm. Rogers to accept the minutes of the March 10, 2025 meeting, seconded by Comm. Faust, 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. This Hearing was continued from January 27, 2025. Matthew Drew was the applicant.

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

#### **Request for Determination of Applicability: 120 Longfellow Road, RDA #25-2**

Chair Henkels began the meeting for the project to reconstruct the existing house within the 100-foot Buffer Zone and local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. William Curley was the applicant.

Coordinator Capone summarized the project, which involves demolishing an existing house down to its foundation and rebuilding on the same footprint, with no change to the foundation, decks, or driveway. The property has a stream bisecting the backyard and a bordering vegetated wetland to the north. The entire site falls within the 200-foot Riverfront Area. The applicant is seeking a Negative Determination, as the only vegetation removal is limited to foundation-level growth, and there will be no ground disturbance. Erosion controls will be placed close to the foundation to prevent any alteration of the resource areas.

Comm. Sevier asked if the new construction would sit exactly on the existing foundation, to which Coordinator Capone confirmed that the developer plans to maintain the same footprint. However, if changes become necessary after demolition, the Commission would have the right to require a Notice of Intent. Comm. Rogers inquired about the deck and a small protruding section at the back, and Coordinator Capone confirmed that the deck footprint would be maintained, with only a potential reduction.

Comm. Sevier noted that the ceilings appeared to be of normal height in street-view images, but Coordinator Capone explained that the developer's concern was with ceiling height adjustments requiring full demolition.

Chair Henkels asked whether the septic system needed any modifications. Coordinator Capone confirmed that it had passed Title 5, and no changes were proposed since the bedroom count remained the same.

Chair Henkels also inquired whether an as-built plan would be required. Coordinator Capone stated that as-builts are not typically required for RDAs, but she recommended including a condition to confirm that no footprint changes occurred. She also proposed conditions including a pre-construction meeting, ensuring native

landscaping, requiring an as-built plan post-construction, and submitting photo documentation to confirm compliance.

Comm. Rogers confirmed that the property includes a two-car garage, which will remain unchanged. Comm. Porter inquired about the size and capacity of the waste disposal system, and Coordinator Capone verified that it is a four-bedroom system, which aligns with the current bedroom count.

Comm. Porter also raised concerns about potential excavation near the disposal system, but Coordinator Capone reiterated that the contractor stated there would be no excavation beyond the removal of vegetation around the foundation.

Comm. Sevier questioned how the house would be dismantled, noting that the usual practice involves heavy machinery. Coordinator Capone explained that, given the sensitive location and the applicant's request for an RDA rather than a Notice of Intent, the demolition would be done manually over approximately two days, with the only potential equipment being a lift. She assured that any deviation from this plan would necessitate halting work and requiring a Notice of Intent.

Comm. Porter expressed concerns about potential pollutants from the building materials. Coordinator Capone noted that the house was built in 1978, close to the time when certain hazardous materials, such as lead paint or asbestos, were phased out. Ensuring proper demolition and disposal would fall under the purview of the building permit process.

Comm. Sevier asked about the timeline for demolition, and Coordinator Capone indicated that the developer intends to begin as soon as possible, though no specific date was provided. She mentioned that since the applicant was not present, the Commission could choose to continue the hearing if they felt it necessary. Comm. Sevier acknowledged the unusual nature of the proposal but saw no immediate reason for concern. Coordinator Capone reassured the Commission that the conditions discussed would also be incorporated into the building permit process.

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

Anna Newberg, an abutter at 112 Longfellow Road, expressed concerns regarding a row of tall pine trees along the property line. She noted that these trees have been shedding large branches, particularly in windy conditions, and questioned whether the proposed work would disturb their roots, potentially weakening them further. She emphasized that the trees already appeared unhealthy and posed a concern for her.

Chair Henkels asked Coordinator Capone to display an aerial view of the site to help identify the trees in question. Comm. Sevier noted that based on the application details, there did not appear to be any plans to alter or remove the trees. Chair Henkels confirmed that tree removal was not part of the RDA and therefore not within the scope of the Commission's review.

Coordinator Capone then received an email from the project contractor, Mr. Curley, and Chair Henkels invited him to speak. Mr. Curley introduced himself and confirmed that there would be no excavation on the lot. He reiterated that the house would be dismantled manually with a demolition crew, and that salvageable wood would be repurposed. The only planned vegetation removal included a birch tree growing over the roof and some struggling plantings along the foundation. He confirmed that the new structure would remain entirely within the existing footprint, including the decks, and that the foundation was in good condition.

Mr. Curley stated that the only equipment potentially used on-site would be a small rubber-track machine, similar to a Bobcat, to assist in loading materials into dumpsters. He referenced a similar project at 82 Hemlock, where a fire-damaged home was removed with minimal ground disturbance. He emphasized that maintaining the yard was in his best interest to avoid additional restoration costs.

Chair Henkels thanked Mr. Curley for his comments and invited him to share any additional information.

Mr. Curley reiterated that no work would be conducted on the side of the property where the trees in question were located. He stated that he was open to discussing the matter with Mrs. Newberg and had no objections to pruning the limbs if necessary. Mr. Curley confirmed that, to his understanding, the trees were on his lot but acknowledged Mrs. Newberg's concerns and expressed a willingness to be respectful of them. He also suggested that Coordinator Capone could inspect the trees if needed.

Chair Henkels noted that the trees appeared to be within Mr. Curley's property and encouraged him to reach out to Newberg directly. Curley agreed and provided his phone number for Mrs. Newberg to contact him. Mrs. Newberg confirmed she had received prior notification of the project and noted the number for future reference.

Chair Henkels thanked Mr. Curley for his participation and asked the Commissioners if they had any additional questions for him while he was available.

The Commission discussed Mrs. Newberg's concerns about the stability of the trees near her property line. She acknowledged that since the work was being conducted in accordance with regulations, her only concern was whether the project might disturb the trees. She appreciated having a way to contact Mr. Curley if needed. Chair Henkels and Mr. Curley clarified an earlier miscommunication about Mr. Curley's phone number, ensuring that Mrs. Newberg had the correct contact information. Mr. Curley confirmed he had no additional comments or questions.

Comm. Sevier noted that learning the house had been struck by lightning helped clarify the need for reconstruction.

On motion by Comm. Faust to issue a Negative Determination of Applicability #3 with the conditions discussed, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

### **Notice of Intent: 70 Ridge Hill Road, DEP #301-1439**

Chair Henkels opened the Hearing from the project to replace an existing septic system within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Alice Sapienza was the applicant.

Coordinator Capone stated that Ms. Sapienza had requested a continuance due to ongoing comments from the Board of Health that could impact the design footprint.

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

### **Adjourn Meeting**

On motion by Comm. Porter to adjourn the meeting at 7:27 PM, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.