



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, July 21, 2025

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Luke Faust (7:04 PM); Kasey Rogers; Mark Sevier; Harry Hoffman, Associate Member; Victor Sulkowski, Associate Member; and Lori Capone, Conservation Coordinator

Absent: Jeremy Cook; Bruce Porter

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 June 9, 2025 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative. (Comm. Faust was not present for this vote.)

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.

Chair Henkels noted that the DEP file number had not yet been received.

On motion by Comm. Sevier to continue the Hearing to August 4, 2025, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 26 Windmill Drive, DEP #301-1446

Chair Henkels resumed the Hearing for the project to construct a garage, expand the driveway, replace the existing deck and replace the walkway, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Aaron Widell was the applicant. This Hearing was continued from June 23, 2025.

Montgomery Nsamba, of Stamski and McNary, presented the updated plan for 26 Windmill Drive in Sudbury, noting that wetland flags had been replaced to reestablish the wetland boundary on site. He explained that they estimated the disturbed area within the wetlands and the 100-foot buffer zone, showing the extent of mulch and tree removal compared to the original tree line. To address the disturbance, he proposed separate planting plans for wetland restoration and for Buffer Zone restoration, with species lists prepared for each.

Mr. Nsamba also addressed prior questions about the garage size, confirming it is a two-bay garage and explaining that the driveway bump-out was needed to accommodate multiple cars and allow easier turnaround, noting it was slightly farther from the wetlands than the original driveway.

Coordinator Capone agreed with the wetland planting plan for the 631-square-foot disturbed area but questioned the buffer zone restoration plan for nearly 3,000 square feet, which included only 11 trees and mostly small plants. She asked how the plant species and sizes were chosen, expressing concern that the buffer zone plan was less robust than the wetland plan. Mr. Nsamba said the Buffer Zone plan was based on the original versus current tree line, but plant species were chosen partly in consultation with the client, who had requested certain trees.

Mr. Widell explained that the proposed plantings included black spruce and other native species, but he was open to adjusting the species if needed. He noted that a large weeping willow, which had severe rot, fell during a winter

storm and was removed for safety reasons, along with invasive vegetation like grapevine and garlic mustard in the area.

Coordinator Capone confirmed the species were not the main concern, but the plan lacked shrubs and had too few plants for the roughly 3,000 square feet disturbed. She suggested adding shrubs, increasing plant density, and possibly including a seed mix for stabilization. She also raised concerns about a dog fence in the area, which Mr. Widell confirmed would be removed. Coordinator Capone asked about wood chips, likely from the willow removal, and requested they be taken out by hand in wetland and buffer areas. She recommended invasive species removal, noting a large barberry bush nearby.

Coordinator Capone also mentioned the need for the impervious surface calculation, which was missing from the submission, to ensure adequate mitigation was provided. Chair Henkels stated that the Buffer Zone plan should be updated to address the missing plant coverage and that the impervious detail must be provided.

Mr. Nsamba explained that the net increase in impervious surface on site was only 199 square feet. Coordinator Capone confirmed that the proposed mitigation area provided almost 600 square feet—about a three-to-one ratio—which she considered adequate. She said the plantings near the wetland were appropriate but suggested moving the erosion controls to the far side of the mitigation area to protect the wetland until the site stabilized.

Coordinator Capone noted that the existing walkway was currently composed of widely spaced stepping stones, which are highly pervious, whereas the proposal called for an asphalt walkway. She questioned whether the quantification of the impervious increase accounted for this difference, suggesting that the current surface might have been overestimated as semi-impervious. Mr. Nsamba said he had calculated it as such, but agreed to review it.

Comm. Sevier proposed that the discrepancy arose because the CAD plan showed the walkway as a single continuous shape without representing each individual stone, thus not reflecting its pervious nature. Mr. Nsamba confirmed that the plan did not depict individual stones. Coordinator Capone agreed that if the mitigation plan weren't exceeding the impervious increase by such a large margin, the calculation might need closer scrutiny. Comm. Sevier concluded that the simplification in the CAD drawing was acceptable since the mitigation was already more than sufficient.

Chair Henkels then checked for any additional Commissioner questions.

Comm. Holtz noted that the existing 11-foot-wide driveway likely couldn't accommodate parked cars and traffic at the same time. He asked whether widening the driveway by about 10 feet, instead of adding a bump-out close to the wetland, might be a viable alternative. Mr. Nsamba confirmed the entire driveway is within the 100-foot Buffer Zone, so widening it would still be in the Buffer and likely result in more impervious area overall.

Comm. Sevier pointed out that a 10-foot widening along the driveway's length would add significantly more impervious surface compared to the smaller bump-out, which is roughly 10 by 23 feet. Comm. Holtz considered whether the existing driveway's angle might reduce the impact, but Mr. Nsamba said the layout wouldn't change that fact.

Amy Widell, said they were open to different driveway footprints. She explained that part of the reason for the planned change was to slightly lengthen the driveway to align with a garage extension, as the current garage cannot fit both cars.

Comm. Sevier clarified that the current plan avoids pushing the driveway further into the wetland Buffer and, in his view, is the least bad option. He reiterated that widening the length of the driveway would add more impervious area than the current bump-out. Comm. Holtz acknowledged that without seeing side-by-side calculations, they couldn't be certain, but he agreed it probably would result in more impervious coverage.

Comm. Rogers agreed with Comm. Holtz's preference to avoid placing the bump-out so close to the wetlands. Mr. Nsamba acknowledged this, and Comm. Sevier asked whether the alternative would be to widen the driveway on the side nearest the house. Comm. Holtz clarified that his idea was to extend the width where pavement already exists, adding about ten feet total—possibly five feet on each side—so there would still be a turnaround at the rear of the property. Comm. Sevier walked through the layout on the plans to confirm Comm. Holtz's intent.

Comm. Sevier then asked if the purpose was to park cars along the driveway. Comm. Holtz explained that the bump-out's purpose was to allow parking without blocking access, but Comm. Sevier wanted confirmation from the homeowners. Mr. Widell clarified that the plan was not to park along the length of the driveway. Instead, they wanted to park one car in the driveway without blocking the garage and have enough space for a three-point turn to avoid backing down the long driveway in winter.

Assoc. Comm. Hoffman asked for confirmation that the garage would be extended to fit two cars and that an additional, possibly temporary, third car could park in the driveway. Mr. Widell confirmed this.

Chair Henkels noted the multiple questions raised and asked how the Commission wanted to proceed. He reminded them that the applicants would still need to return with an alternative planting plan to mitigate for the 1,200 square feet of Buffer Zone disturbance, as well as details on native seed coverage. He asked if they should also provide more driveway details. Comm. Sevier said he didn't think further detail was needed since the proposed three-point turn area was likely the minimal size needed for the applicants' plans.

Comm. Faust expressed that his primary interest lay in focusing on the area behind the house and the associated planting plan, indicating that he wanted the Commission's attention to be directed toward how that space would be restored and managed.

Assoc. Comm. Hoffman raised a question regarding the vegetation that existed behind the house prior to the clearing. Specifically, he inquired whether there was any tree-for-tree comparison available to understand what species and sizes of trees or shrubs had been removed. He noted that he shared concerns similar to those Coordinator Capone had previously raised about the predominance of smaller brush versus mature trees in the proposed replanting efforts, and he sought clarity on what was being replanted to restore the area adequately.

Coordinator Capone responded that the primary reference for understanding the pre-clearing vegetation was aerial photographs. She indicated that, aside from the willow tree that had been removed, it did not appear that any significant trees had been cut down in that area. She shared her screen to illustrate the current situation for clarity.

Mr. Widell confirmed that four large spruce trees remained on the site, indicating that these had not been removed.

Comm. Rogers reiterated her perspective that she did not see a compelling reason for the bump-out's existence. Coordinator Capone clarified the plan's details for Comm. Rogers, pointing out the approximate location of the garage extension and how parts of the current driveway and bump-out would be removed or altered accordingly. She also identified the stream's location relative to the driveway. Comm. Rogers maintained her position, expressing skepticism about the necessity of the bump-out, particularly given its proximity to the wetlands.

Comm. Holtz responded affirmatively, indicating that although most Commissioners might believe the current setup was the best option in terms of minimizing wetland impact, he and Comm. Rogers still had some reservations. He requested to see an alternative plan that eliminated the bump-out (which was approximately 18.2 feet from the wetlands) and instead widened the driveway to roughly 20 feet. He noted that, while this alternative might still represent a greater impact than the current proposal, it would be worthwhile to review the calculations and compare the impacts directly.

Comm. Sevier pointed out that widening the driveway wouldn't necessarily meet the applicants' needs because they aren't looking to park cars along the driveway. Rather, their goal is to avoid having to back down the driveway by creating space to turn a car around in front of the garage doors. He emphasized that simply making the driveway wider wouldn't solve the problem of maneuvering the vehicles.

Comm. Holtz shared his own experience, describing a similar setup at his house where he uses a turnaround area in front of the garage to back in and then pull straight out, illustrating the practical nature of the proposed design.

Mr. Widell sought clarification, asking whether the bump-out under discussion was the one parallel to the stream or the one at the very top of the driveway. Comm. Holtz confirmed that the concern was with the bump-out closest to the wetland, approximately 18.2 feet away, suggesting its elimination if possible.

Mr. Widell expressed openness to that idea, provided that the remaining bump-out at the top of the driveway would allow enough space to turn the car without needing to drive on the grass. Both Mr. and Mrs. Widell

indicated they would be amenable to removing the bump-out near the wetland in favor of retaining the one at the top for three-point turns. Comm. Rogers voiced her agreement with that compromise.

Comm. Sevier suggested a practical exercise to better understand the spatial constraints: having the Widells test the turning radius by staking out the proposed driveway area and physically maneuvering their vehicle to see if the design is workable. Mr. Nsamba agreed with the suggestion, reinforcing the value of a hands-on test.

Comm. Holtz then expressed that he was willing to move on if the Commission preferred, stating that his suggestion was simply a point for consideration, not a matter to hold the project up over. Comm. Rogers noted she wasn't enthusiastic about the idea but was willing to defer if the majority wished to proceed.

Comm. Sevier clarified that his intention was not to push back but rather to help the group understand that the current drawing is likely a reasonable compromise given the site constraints and vehicle needs. He reiterated the importance of having the requested drawing and turning radius calculations available at the next meeting, emphasizing that such details should be straightforward to produce. Chair Henkels agreed, noting it should not be difficult to prepare those materials.

Chair Henkels then summarized the next steps: the driveway discussion would be continued once the revised drawings and calculations were submitted, and the Commission would also expect a revised planting and mitigation plan addressing the native species, quantity, and coverage of approximately 1,200 square feet. Coordinator Capone added that the mitigation package should include invasive species removal and monitoring, potentially including adjacent properties if invasives are present there.

Mr. Nsamba confirmed his understanding of the requests, and asked for clarification on Coordinator Capone's note about erosion controls near the mitigation area. She explained that the erosion control barrier should be relocated to the right side of the restoration area—between the mitigation plantings and the wetland—to protect the wetland until the soil stabilizes, particularly since the lawn will be removed and replanted. Mr. Nsamba acknowledged and agreed to implement that adjustment.

Chair Henkels asked Mr. Nsamba for permission to continue the hearing to the next scheduled meeting, which Mr. Nsamba confirmed.

On motion by Comm. Faust to continue the Hearing to August 4, 2025, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 64 Brewster Road, RDA #25-05

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. Alan Corin was the applicant.

Mr. Corin, of 64 Brewster Road, described the situation regarding several dead and unstable trees on his property behind the house, adjacent to wetlands mapped. He noted many dead ash trees scattered throughout the woods, focusing on one particular ash east of the house with a significant lean (approximately 10 to 15 degrees) toward the driveway and home. This tree is located on a steep slope, raising concerns about root stability and the potential risk if it were to fall.

Mr. Corin detailed that, in addition to the leaning ash, there are approximately five other trees involved in the removal request. Three are ash trees, one is a maple near the dead ash which has a main trunk heavily leaning toward the yard, and two are tall pine trees at the far side of the property. The maple, while possibly not directly threatening the house if it fell, would cause significant disturbance in the backyard. He mentioned that removal using a crane, accessible from the street, would minimize disruption to the driveway, yard, and wetlands.

Mr. Corin also shared concerns about the pine trees, which are tall (estimated 80 to 100 feet) but have foliage only at the top, making them somewhat precarious. The pine trees sway noticeably in the wind, and he expressed worry about their potential to fall toward the house.

Coordinator Capone shared a visual overview with the Commission to orient them to the locations of the trees in question. She pointed out the wetland boundary nearby, explaining that over half of the property consists of forest and wetlands. Coordinator Capone confirmed that the ash trees are completely dead and do not provide meaningful wetland benefits, and that many dead trees throughout the forest actually help maintain habitat and

provide wind protection for the remaining healthy trees. She indicated that removing these few dead or unstable trees would not negatively impact the wetlands.

Because the trees are within forested wetland areas and not on lawn edges, no mitigation plantings are proposed. Coordinator Capone noted that Mr. Corin actively manages invasive species like bittersweet and burning bush by hand removal within the forest, which contributes significantly to wetland health.

Coordinator Capone recommended issuing a Negative Determination of Applicability for the tree removals, subject to conditions including: a pre-work meeting with the tree service to review crane placement and confirm which trees will be removed; continuation of the invasive species hand removal; and submission of photo documentation following the work to demonstrate compliance with the Determination.

Chair Henkels invited Commissioners to ask questions and opened the floor to the audience for any questions or comments. There were none.

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

Notice of Intent: 79 Ford Road, DEP #301-TBD

Chair Henkels opened the Hearing for the project to construct a patio, remove trees, and install landscaping within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Steven & Maureen Wolin were the applicants.

Mr. Wolin of 79 Ford Road introduced himself and explained that his wife was unable to attend due to a family emergency. He outlined their proposed backyard project, which involves the removal of several dead or partially dead trees predominantly located to the left side of their house. The wetlands are located in the rear of the property. He expressed concern about the stability of these trees, noting that on windy days the trees creak and sway toward the home, posing a potential safety hazard.

Mr. Wolin described the project design, prepared by their landscape architect Jonathan Russo, which includes leveling the yard area where the trees will be removed and planting new grass and native plantings. The existing grass line runs behind a large patio adjacent to the house, and the new grass will mainly extend to the left of the house—away from the wetlands. Additionally, they plan to install a bluestone patio and pathway along the back of the house, approximately halfway toward the wetland edge. A fireplace feature has already been added near the right side of the house.

Coordinator Capone reviewed aerial photographs showing the existing conditions. She confirmed the presence of a pond and bordering vegetated wetlands approximately 40 feet from the existing lawn. The prior owner had cleared several trees before the current owners moved in, resulting in fewer trees on the right side and front yard. Most trees slated for removal are located in a corner on the left side and consist mainly of large oak and hemlock trees, many of which are dead or in poor condition. She highlighted a hemlock leaning downhill toward the wetlands, which is also planned for removal. The project includes regrading this hillside to level the area.

Coordinator Capone expressed some concerns regarding leaving a large volume of woody debris from the tree removal, suggesting it should be carefully placed to avoid negative impacts on the wetlands or Buffer Zone. She also questioned the viability of the numerous proposed plantings in the heavily wooded area adjacent to the lawn, as many might not thrive without further clearing. She recommended a pre-construction meeting with the landscape architect to clarify these details.

Coordinator Capone noted that while many of the proposed plants are native species, several are cultivars, which may not support native insects or wildlife as effectively. She emphasized the preference for incorporating more straight native species into the landscape design.

Regarding the proposed bluestone patio, Coordinator Capone requested construction details to verify that it would be pervious as indicated in the application. She noted that the area is generally flat, minimizing runoff concerns, but steep slopes beyond the lawn will require erosion controls during construction, which were not currently shown on the plan. She offered to coordinate with the contractor to ensure appropriate erosion controls are installed prior to disturbance.

Coordinator Capone also addressed planned lighting in the backyard, which includes fixtures aimed upward into trees near the wetlands. She raised concerns about potential light pollution affecting wildlife and suggested eliminating this element if not necessary.

Lastly, Coordinator Capone mentioned existing lawn debris pile near the wetland edge left by both previous and current owners. She has discussed with the applicant the requirement of removing this material as part of the project and prohibiting future dumping in that area.

Coordinator Capone has prepared draft special conditions for the Commission's consideration and has shared them with the applicants.

Chair Henkels asked the Commissioners for questions or comments.

Comm. Holtz asked if any of the proposed regrading or lawn work would disturb existing trees that are planned to remain on the property or if mature trees would be removed in those areas. Mr. Wolin confirmed that none of the remaining trees would be affected by the regrading, as those trees are outside the grading area. Coordinator Capone clarified that the trees to be removed would be within the grading area, but the remaining trees would not be impacted by the regrading, alleviating concerns about exposing roots or harming trees that are meant to stay.

Chair Henkels recapped the draft Order, which includes special conditions related to reviewing the planting plan, confirming the impervious surface area and patio details, removal of lighting, installation of erosion controls during construction, and removal of landscape debris. Coordinator Capone confirmed these were the principal special conditions. Additionally, she verified with Mr. Wolin that no irrigation system is planned for this part of the project.

When asked if he had any questions, Mr. Wolin noted one potential change: the fireplace on the patio might be repositioned to face the house rather than the neighbor. The footprint of the fireplace would remain the same, but its orientation could change.

Chair Henkels asked Coordinator Capone if this adjustment should be incorporated into the Order. She replied that it would be better addressed during the pre-construction meeting to finalize details before work begins, and indicated that either position would be acceptable.

Chair Henkels then invited questions from the audience. There were none.

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

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

Notice of Intent: 7 Newton Road, DEP #301-1448

Chair Henkels opened the Hearing for the project to remove 19 trees within the 100-foot Buffer Zone, 200-foot Riverfront Area, and Bordering Land Subject to Flooding, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Bruce Katz was the applicant.

Mr. Katz explained that their home is bordered to the north by Newton Road and to the south-southeast by Dudley Brook. Over the years, several trees in the vicinity have fallen, including one that caused significant roof damage about 20 years ago, another that struck their deck around eight years ago, and a recent tree fall last March that narrowly missed the house. Due to these incidents, they have grown concerned about the condition of nearby trees. They enlisted Rusty's Tree Service to assess the situation, who identified multiple overgrown, rotted, and precariously leaning trees threatening the home, some with double trunks posing additional risks. The application seeks removal of these hazardous trees, including several ornamental trees at the front whose branches have begun to rub against roof tiles. Most of the targeted trees are diseased or damaged.

Mr. Katz noted the area is heavily wooded with mature trees and natural ground cover. He expressed confidence that any voids left by tree removal will be quickly filled either by new plantings or natural regrowth. He also acknowledged the assistance of Coordinator Capone and Rusty's Tree Service in preparing the application and thanked the Commission for their attention.

Coordinator Capone then presented an aerial overview, noting the house location relative to Dudley Brook and the property boundaries. She explained that much of the property lies within the 100-year floodplain and riverfront area, which imposes stringent environmental protection standards, including a 100-foot undisturbed zone around perennial streams. The house predates these regulations, having been built in 1976.

Coordinator Capone recommended a site visit due to the property's unique characteristics, describing how the house is becoming engulfed by trees. While a substantial number of trees are proposed for removal, this is minimal relative to the heavily forested surroundings. The forest is in transition from a first-generation pine-dominated stand to a second-generation hardwood forest; thus, tree removal will allow hardwoods to flourish beneath the pines. She noted there is minimal lawn area and the understory is healthy with abundant native ground cover such as ferns.

Coordinator Capone shared photos illustrating the hazardous condition of the targeted trees and reported that the Department of Environmental Protection (DEP) issued a project number without comment, which was somewhat unexpected.

Coordinator Capone recommended an Order of Conditions requiring that tree removal be performed carefully using a crane to minimize damage to surrounding hardwoods. Stumps will remain in place. Plantings were proposed as needed after tree removal to address any large gaps and maintain forest health, with Mr. Katz willing to assist in restoration efforts.

Coordinator Capone also noted the presence of small invasive species in the understory, including bittersweet and burning bush, which require ongoing manual removal and monitoring to prevent them from overtaking the recovering forest. She pointed out that the burning bush, part of the original 1970s landscaping, is not slated for removal but should be reconsidered to prevent its spread given its prolific seeding.

Coordinator Capone concluded that provided invasive species are controlled, the project could proceed without causing degradation to the Riverfront Area.

Chair Henkels invited Commissioners to ask questions.

Comm. Holtz confirmed with Mr. Katz that there is a clear willingness to manually remove invasive species in the area where trees are being removed, to help ensure healthy regeneration of native vegetation. Mr. Katz affirmed this, emphasizing their desire to maintain the privacy and natural buffer provided by the wooded area, and to prevent large gaps from forming due to invasive species taking over after tree removal.

Comm. Holtz also asked about the possibility of planting native shrubs or trees if natural regeneration does not adequately fill in the voids left by tree removal. Mr. Katz confirmed that they would consider plantings if necessary. Comm. Holtz noted that the draft special conditions may need to address this possibility explicitly.

Chair Henkels then asked if there were any further audience questions; there were none.

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

Coordinator Capone highlighted invasive species management as the key condition and proposed adding language that the site would be reevaluated two years after completion to determine if sufficient natural regeneration has occurred or if mitigation plantings are needed.

Comm. Holtz agreed this was appropriate and suggested the condition allow for planting from a native species list, ideally with consultation with the Commission's office.

Assoc. Comm. Sulkowski then requested to join the site visit before final approval, noting that invasive and hazardous tree issues like this are very common in his neighborhood and he wanted to better understand the site conditions visually. Coordinator Capone agreed to include him.

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

Notice of Intent: 61 Virginia Ridge Road, DEP #301-1449

Chair Henkels opened the Hearing for the project to remove 5 trees, replace and extend existing retaining walls, replace existing patio and walkway, and install dry wells within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Chia Ying Chen was the applicant.

Mr. Chen identified their address as 61 Virginia Ridge Road and introduced Kassio Oliveira from Green Leaves Landscape as the presenter.

Mr. Oliveira explained the project scope: reconstructing an existing walkway (non-pervious pavers), installing a small dry well in front to capture roof runoff and prevent water from reaching wetlands, reconstructing and expanding a stone patio at the back of the house with permeable pavers, and rebuilding three retaining walls—one at the upper area, one supporting the patio, and one near the deck replacing existing timber walls with engineered blocks. Additional stepping stones would be added to connect the existing patio to the yard. Two dry wells will be installed to manage gutter drainage. Removal of five small arborvitae near the driveway is also proposed. No other tree cutting or wetland disturbance is planned.

Coordinator Capone then shared a clearer aerial photo and site plan to clarify the work area. She noted the front walkway is non-pervious and drains away from the house. A downspout currently causes driveway degradation, so the project includes redirecting water to a new dry well to reduce erosion.

Coordinator Capone identified the arborvitae to be removed as small and located near the driveway. The existing rear patio is degraded with a collapsing stone retaining wall, which will be repaired and expanded approximately 4 feet closer to the wetland boundary. The timber retaining wall near the deck will be replaced with engineered blocks and extended to retain the side yard.

The wetland and conservation restriction lie close behind the retaining walls; no work will occur within the conservation restriction area. Coordinator Capone noted a few small invasive plants near the wetland edge that she planned to discuss removing with Mr. Oliveira during the pre-construction meeting.

Except for the front walkway, all new hardscape surfaces will be pervious to avoid increasing runoff, and drainage will be improved with the dry wells. Details for these structures were included in the application.

Chair Henkels then invited Commissioners for questions.

Comm. Holtz asked whether the existing brick walkway is considered impervious or pervious. Coordinator Capone explained that it depends on construction, but since the bricks are tightly placed with no gaps, it is currently considered an impervious surface.

Comm. Holtz then inquired about the dry wells, asking if they resemble a catch basin and whether there were concerns about the water table. Mr. Oliveira explained they are 75-gallon dry wells, installed about five feet deep with crushed stone and landscape fabric surrounding them to retain water. The gutters will direct runoff into these dry wells. He stated there is no expected harm to the water table.

Comm. Holtz asked if an overflow system would be included. Mr. Oliveira replied no overflow system is planned; excess water will simply overflow into the yard, which is currently the case. The dry wells are sized for the partial roof drainage they receive and are not expected to be overwhelmed. He added that the project aims to better direct water away from the retaining walls to prevent freeze-thaw damage that could push and eventually collapse the walls.

Chair Henkels opened the floor for public questions; none were raised.

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

Coordinator Capone reminded Mr. Oliveira that a pre-construction meeting must be held after erosion controls are installed to review project logistics. She also requested invasive plant removal along the Conservation Restriction boundary, which Mr. Oliveira agreed to address during the meeting.

No other issues were raised.

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

Request for Determination of Applicability: King Philips Wood, RDA #25-06

Chair Henkels began the meeting for the project to replace a beaver deceiver flow device within Land Under Waterbodies, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Lori Capone was the applicant.

Coordinator Capone described a project at King Phillips Woods involving Old Berlin Road, which runs adjacent to a pond and connects via a stream to an intermittent stream discharging toward the Sudbury River. Beavers had clogged an 8-inch pipe installed under the trail, causing flooding on a portion of Old Berlin Road.

The proposed solution, advised by Beaver Solutions, is to reuse the existing 8-inch pipe by lowering it about six inches through partial removal of the dam above and below the pipe, creating freeboard next to the road. An extension pipe would be installed approximately into the pond, ending where lily pads begin, fitted with a protective cage similar to one used successfully at Hop Brook Conservation Land.

A pipe with a cage would be also be installed on an existing 8-inch pipe downstream in the intermittent stream to prevent beaver activity from simply relocating and causing further blockage. This pipe lies on the ground in the stream channel, so the work would occur within both Land Under Water Bodies.

The Hop Brook system has proven effective, reducing maintenance from bi-weekly clearing to only a few visits over two years. The design aims to maintain sufficient water level to keep the beavers satisfied and prevent further dam building.

Coordinator Capone also noted a forthcoming Notice of Intent to restore Old Berlin Road to its original gravel surface and to remove approximately three acres of invasive species to reveal historic stone walls and tavern foundations on the property, with installation of historical and environmental signage. This subsequent work would include substantial mitigation.

Chair Henkels expressed support and enthusiasm for the project, emphasizing the historical significance of the site.

Assoc. Comm. Sulkowski confirmed the effectiveness of the Hop Brook system based on personal observation.

Coordinator Capone mentioned that attempts to clear the existing pipe resulted in beavers quickly blocking it again, reinforcing the need for a protective device. The project is funded through the Community Preservation Committee (CPC).

No further questions were raised from the Commissioners or the audience.

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

Certificates of Compliance:

Maillet: 9 Trevor Way, DEP #301-1247

Mark Arnold of Goddard Consulting spoke on behalf of Marcel Maillet regarding the Orders of Conditions for the property at Trevor Way in Sudbury, specifically DEP files 305-0944 and 301-1247. He began by providing a detailed history of the project and its current compliance status. The subdivision was originally permitted in 2006 for four single-family lots, including the installation of infiltration systems, driveway stockpiling, and planting of street trees. At the time, the site was significantly degraded, which justified the extensive work allowed under the permit. Three houses on Lots 1, 2, and 3 were constructed with completed drainage and stabilization measures, and street trees were planted. However, there was an issue with Lot 4 due to violations where the work performed did not align with what was approved in the original plan.

In 2019, a new Order of Conditions was issued to address these violations. This order focused on habitat restoration, removal of fill piles, invasive species management—including Japanese knotweed, black locust, and phragmites—and protection of the wetlands and vernal pool on site. Mr. Arnold noted that the restoration and invasive species management have been successful, and the site is now believed to be in compliance with the 2019 Order.

Mr. Arnold then discussed the original 2006 Order, which contained conditions prohibiting construction within 50 feet of the vernal pool and required Deed Restriction to preserve native vegetation Buffer Zones around the wetlands. The Order also called for permanent bounds to be placed marking these Buffer Zones on each lot. Some of these conditions were never fully implemented, complicating the full closure of the Orders.

Mr. Arnold proposed a path forward to clear the records and bring the project into full compliance. He recommended submitting a Notice of Intent, rather than a Request for Determination of Applicability, for any modifications related to Lot 4. He further suggested preparing Deed Restriction and interim as-built plans, obtaining an engineering review letter to confirm that stormwater management systems comply with the plans, and installing bounds. Following these steps, both Orders could be closed out properly. This process would allow Lot 4's development to proceed under a new Order issued specifically for that lot.

Mr. Arnold acknowledged that since the 2006 plan, the wetlands have shifted, and they intend to re-delineate the wetlands, which may reduce the developable area on Lot 4 compared to the original conceptual plan.

Coordinator Capone noted she has worked with Mr. Arnold on this project for several years and commended the restoration efforts completed to date. She agreed with most of Mr. Arnold's summary but clarified that the Deed Restriction ties to both DEP Orders and must be completed before Certificates of Compliance can be issued. She mentioned that some meeting minutes were missing, complicating the record, but agreed the proposed approach is a reasonable way to move forward.

Chair Henkels confirmed that both DEP files remain open. He then invited questions from members.

Chair Henkels asked Coordinator Capone if she was recommending issuance of a Certificate of Compliance (COC) at this time. She responded that she was not. Mark Arnold clarified that they were not requesting a COC at this stage either, as it would make the record confusing. He expressed satisfaction that, except for the Deed Restriction, Coordinator Capone was happy with the project's compliance, reflecting the significant restoration efforts accomplished. Mr. Arnold invited the Commission to ask questions or provide guidance on preparing the Notice of Intent (NOI) for Lot 4, aiming for a smoother process.

Mr. Arnold then showed the original conceptual plan for Lot 4, noting it was more expansive than current conditions and that adjustments would be made to respect the wetlands more carefully.

Chair Henkels inquired about the expiration status of the current Order of Conditions. Mr. Arnold initially had to check, but confirmed the Order was issued in 2019. Chair noted this meant it had expired three years ago. Coordinator Capone added that due to COVID-related extensions, including a recent two-year extension from the Governor, the Order was still valid.

Chair Henkels summarized that assuming the Order expires within the next 12 to 16 months, the expectation would be for a new NOI to be submitted before any work begins.

Mr. Arnold explained their goal to file the NOI for Lot 4 along with a Deed Restriction plan showing how Lot 4 would be protected around the wetlands, including placement of bounds. The intent was for the Deed Restriction and bounds to be approved as part of the COC process concurrently with the Lot 4 NOI, ensuring consistency and protecting the wetlands before issuing the new Order for Lot 4. This would prevent any conflicting conditions or confusion later.

Comm. Holtz stated he would like to schedule a site visit at some point, given the complexity of the property.

Chair Henkels acknowledged that and agreed, emphasizing that the process as outlined by Mr. Arnold and Coordinator Capone was a clear and effective approach to proceed once the NOI is submitted.

Mr. Arnold invited any further direction or suggestions from the Commission to ensure the NOI is prepared with all considerations in mind. Chair Henkels commended the detailed outline and approach, noting it addresses much of the previous complexity and missing information. He acknowledged that additional conditions may arise when the NOI is reviewed, but those are future details.

Mr. Arnold estimated 4 to 6 weeks to file the NOI due to the need to update plans, conduct wetland delineation, and prepare engineering materials. He noted no new work is currently proposed, and restoration is proceeding well.

Chair Henkels asked if the Commission needed to take any other steps before proceeding; Lori responded no.

Holtz: 175 Landham Road, DEP #301-1248

Coordinator Capone explained that the project involved a garage, an addition, a deck, and a patio within the Buffer Zone and Riverfront Area, along with mitigation plantings. The addition and its associated CULTEC system were not constructed. The garage addition was completed along with modifications to the driveway, including drainage improvements. The mitigation plantings were installed, and the homeowner had also performed additional landscaping using native plants to further mitigate the work done.

Coordinator Capone noted that the deck and patio locations were swapped from the original approved plan, and a front walkway was installed on the opposite side of the house in the outer riparian zone, which had not been part of the plan. Because the addition was not built, the total impervious surface remained below the allowable threshold.

At this point, the applicant had no intention of constructing the addition and requested to close out the permit. Coordinator Capone recommended issuing a Certificate of Compliance. The applicant also requested that the Certificate be modified to allow for continued manual removal of invasive species.

Chair Henkels then asked the Commissioners if they had any questions.

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

Adjourn Meeting

On motion by Comm. Sevier to adjourn the meeting at 9:09 PM, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.