



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, September 29, 2025

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

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

Wetland Applications:

Notice of Intent: 182 Wayside Inn Road, DEP #301-1434

Chair Henkels resumed the Hearing for the project to install a gravel driveway and stream crossing after-the-fact, renovate and expand an existing garage, construct an accessory out-building, exterior pool, and replace an existing culvert within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Andrew Leverone was the applicant. This Hearing was continued from November 18, 2024, June 23 and August 4, 2025.

On motion by Comm. Faust to continue the Hearing to October 20, 2025, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

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. Sevier to continue the Hearing to October 20, 2025, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 1011 Boston Post Road, RDA #25-10

Chair Henkels began the meeting for the project to install test holes within the 100-foot Buffer Zone and the 200-foot Riverfront Area, pursuant to the Sudbury Wetlands Administration Bylaw. Reinaldo Faria was the applicant.

Norman Hill, of Land Planning Inc. representing Mr. Faria, introduced the project concerning two existing wooded lots, one of which contains wetlands at the front, making access challenging. He explained that the applicant is considering a common driveway to serve both lots without impacting the wetland. The other lot has a steep hillside that directs potential development toward the wetland. He described the proposed soil testing locations for percolation and deep-hole tests, noting that these areas are more than 100 feet from any wetland. He outlined that a small track backhoe would be used, with topsoil and subsoil carefully separated and returned after testing to minimize damage, and that no trees would be removed. He emphasized that the work is intended to have minimal impact, with site restoration expected within one to two weeks of completion.

Coordinator Capone presented the site plan, highlighting the hillside, the wetland, and a vernal pool. She clarified that while the activity is exempt under the Wetlands Protection Act, it falls under the local Bylaw, which does not provide that exemption. She noted that invasive species are minimal on the raw lot, and the proposed conditions aim to maintain the land until future development. She recommended a Negative Determination of Applicability limited to the testing, with conditions including a pre-construction meeting, cleaning of equipment to prevent introduction of invasives, survey-marked test hole locations, no substantial vegetation removal, restoration of the land to pre-existing conditions, and photographic documentation of all disturbances.

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

Comm. Sevier asked if a test hole would be placed at each proposed square along the driveway. Mr. Hill confirmed that each square represents a test hole approximately five feet deep, intended to determine soil classification, infiltration rates, and groundwater depth, with all holes located downhill from the proposed common driveway. Comm. Sevier noted that the infiltration system would manage driveway runoff, which Mr. Hill confirmed.

Comm. Holtz inquired whether additional test holes might be needed near the future structures or vernal pool. Mr. Hill explained that each house would have four deep holes and two percolation tests, with additional holes for stormwater management to handle roof runoff near each house.

Comm. Rogers asked about the logistics of digging the holes. Mr. Hill described the use of a small track backhoe, clearing a roughly 12 by 12-foot area if necessary, separating topsoil from subsoil, logging the soil information, and backfilling each hole before proceeding to the next. Coordinator Capone added that because the equipment stays mostly on top of the forest floor, ground disturbance would be minimal, and no erosion controls were required given the relatively flat terrain.

Chair Henkels observed that the area appeared rough with ledge outcroppings and questioned whether the equipment could navigate it. Mr. Hill confirmed that the backhoe is small, roughly car-sized, and can maneuver around ledge and trees to minimize impact.

Chair Henkels then opened the floor to any audience questions and prepared to take a motion on the matter.

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

Request for Determination of Applicability: 11 Barbara Road, RDA #25-11

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. William E. and Barbara G. Cole were the applicants.

Mr. Cole presented a request to remove five trees on his property. He explained that one tree near the house was rotting and had dropped branches close to the porch. Another tree overhung the house and solar collectors, which it shaded and threatened, reducing solar output by about half. Two additional trees were angled and leaning, with the potential to fall and create debris, prompting him to request preemptive removal. The fifth tree, a large pine in the woods, had already fallen during the spring, and he wished to clear it.

Coordinator Capone provided an aerial overview of the site. She noted a stream along the southern boundary and bordering wetlands with a 100-foot buffer zone extending into the property. She indicated that most of the trees proposed for removal were at the edge of the lawn and posed safety concerns for the house, making removal reasonable. However, she questioned the necessity of removing the fallen large pine, noting it provided habitat as a snag and log near the wetlands. She did not recommend mitigation for the other trees, as their removal would not affect the overall wetland health.

Chair Henkels then invited questions or comments from the Commissioners.

Comm. Faust agreed with Coordinator Capone that the fifth tree, the fallen pine, and the associated downed log would be preferable to leave in place for habitat purposes. Comm. Rogers inquired about prior plantings associated with an earlier Order to remove invasive species along the street fronts of Barbara and Ronald Streets. Coordinator Capone explained that the prior Order required clearing invasives and implementing a planting plan to establish native vegetation once invasives were under control. Mr. Cole stated that the removal of invasives was ongoing and that no new plantings had yet been completed, noting the process was iterative as new growth continued to appear. Chair Henkels reminded Mr. Cole to submit a planting plan to Coordinator Capone before completing additional clearing work.

Comm. Sevier addressed the fifth tree, emphasizing that while it might be an eyesore, from the Commission's perspective, it provided habitat for birds and wildlife and should remain. Chair Henkels and other Commissioners concurred, reiterating that the Conservation Commission's concern was the protection of natural resources, not

property aesthetics. Coordinator Capone confirmed that the fifth tree was located within a wetland and thus fell within a protected area.

On motion by Comm. Sevier to issue a Negative Determination of Applicability #3 to remove the 4 trees near the house, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 68 Barton Drive, RDA #25-12

Chair Henkels tabled the meeting 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. Nadia Shah, Applicant. The abutters were not properly notified, as required under the Bylaw. This meeting will begin on October 20, 2025.

Notice of Intent: 46 Blackmer Road, DEP #301-1453

Chair Henkels opened the Hearing for the project to install a fence within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Kathryn & Alexander Brennan were the applicants.

Mrs. Brennan introduced herself and her husband, Alex, noting they recently moved to 46 Blackmore Road with their two young children and a dog. She explained their priority was constructing a fence around their backyard lawn, describing it as six-foot vinyl along the house and four-foot chain link along the back and sides. She noted the area is within the Buffer Zone near a creek and acknowledged prior vegetation spraying, which will not be repeated. She indicated that if vegetation does not recover, a planting plan will be submitted to the Commission. She emphasized safety for her children and dog as the main objective.

Coordinator Capone displayed an aerial photo to familiarize the Commission with the site, describing the proposed fence layout and noting healthy raspberry bramble areas and minor invasive species. She stated that, given the site conditions and prior development, the fence would not be detrimental to the wetland, and no trees would be impacted. She recommended reviewing the fence layout with the fence company before installation.

Comm. Holtz inquired about wildlife access. Mrs. Brennan stated small animals could pass, while larger animals would be deterred. Coordinator Capone confirmed the stream channel provides habitat continuity. Comm. Holtz also asked about follow-up planting if raspberries did not recover; Mrs. Brennan stated she would coordinate with Coordinator Capone or the office regarding native species and planting plans.

No audience members raised questions.

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

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

Notice of Intent: 10 Brookdale Lane, DEP #301-1454

Chair Henkels opened the Hearing for the project to demolish an existing garage and construct an addition within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. David Biondolillo was the applicant.

Mr. Biondolillo, of Advanced Guard Builders LLC, described plans to demolish an existing attached two-car garage and reuse the foundation to limit construction debris. He outlined a proposed 864-square-foot addition, including a garage facing the right-of-way and habitable space at the rear, representing approximately a 30% increase in size.

Mr. Biondolillo noted that the property is entirely within the 200-foot Buffer Zone of the Sudbury River. He described mitigation measures, including existing blueberry bushes acting as a natural barrier near a steep drop-

off toward the river. He referenced an erosion control plan, including a 300-foot silt fence, and stated that construction would extend approximately 16 feet away from the river.

Coordinator Capone noted that a significant portion of the property is subject to a Conservation Restriction. She confirmed that the addition would be located on the existing driveway, with the existing foundation being reused and no new impervious surfaces introduced. A foundation drain would direct roof runoff into existing dry wells. Given the lack of new impervious surfaces and the existing drainage plan, Coordinator Capone did not recommend additional mitigation.

Chair Henkels invited questions from the Commissioners.

Comm. Holtz inquired about the location of the septic system. Mr. Biondolillo indicated the existing septic is situated to the upper-left of the northeastern most drywell on the displayed site plan. Comm. Holtz also confirmed that utilities, including gas and electric, are located on the side of the existing dwelling. Mr. Biondolillo clarified that the red square on the site plan denotes the proposed dumpster location, while the yellow square indicates the proposed materials storage and staging area.

Comm. Sevier asked about site work involved with the proposed addition. Mr. Biondolillo explained that excavation would match the existing 10-inch foundation walls, extending approximately four feet, four inches, with a five-inch garage slab. Excavation to date has been minimal, using post-hole diggers to confirm existing conditions, and any spoil that cannot be backfilled will be removed off-site. Temporary stockpiling of materials and spoil will occur on the right-of-way side, away from the Sudbury River, around the proposed extension area for efficient backfilling.

Chair Henkels confirmed that erosion control measures consist of a 300-foot silt fence, as outlined in the plans, and Mr. Biondolillo confirmed this.

No audience members raised questions.

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

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

Notice of Intent: 94 Prides Crossing Road, DEP #301-TBD

Chair Henkels opened the Hearing for the project to demolish an existing carriage house and construct a single-family house within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. First Colony Development Co. was the applicant.

Doug Dillon, with Goddard Consulting, described the existing property as containing a roughly 600-square-foot carriage house/garage situated on a flat grass area, with the nearest resource area approximately 50 feet from the existing structure. He noted that the proposed development includes a 3,500-square-foot single-family home, approximately 700 square feet of driveway connecting to a shared driveway, and 700 square feet of decks and patios. All construction is located outside of 50 feet from the wetland, on existing grass, with no vegetation to be removed. The septic system, including leach field, tank, and d-box, is entirely outside the 100-foot Buffer Zone. He confirmed erosion control measures, consisting of a 10-inch straw wattle, will fully encapsulate the vegetated area perimeter.

John Delli Priscoli of First Colony Development Co. introduced himself and provided historical context, explaining that the remaining garage and breezeway represent approximately one-third of a former house destroyed by lightning around 2001. He confirmed that the proposed house location is 50 feet from the wetland edge, clarified the condition of the vegetated slope, and described his long-term familiarity with the property dating back to 1980. He emphasized that the wetland has historically remained at the base of the slope, with no encroachment upslope.

Dave Henkels invited further comments from Mr. Priscoli. There were none at this time.

Coordinator Capone advised Mr. Dillon that, under the Town's Stormwater Bylaw, any project disturbing more than 5,000 square feet requires a stormwater permit. She noted that the proposed house, including porches, decks, garage, and septic system, exceeds this threshold, and stormwater management features would likely fall within the Buffer Zone. Mr. Dillon stated he would consult with the project engineer regarding these requirements. Coordinator Capone also recommended that mitigation measures be proposed for any new impacts to the Buffer Zone, with a breakdown of impervious surfaces included in the next iteration of the plan.

Mr. Priscoli addressed potential land disturbance near the 50-foot wetland Buffer, confirming excavation would be limited to the immediate foundation area and that stockpiling of materials could be staged toward the street, minimizing impact on the Buffer Zone. Coordinator Capone confirmed this approach would be acceptable and requested documentation regarding the Agricultural Preservation Restriction (APR) on the property to ensure no alterations had occurred, and a Request for Certificate of Compliance to close the outstanding prior Order from 2003. First Colony Development Co. confirmed the APR remains in good standing and that the site has been maintained as hayfields without additional structures.

Coordinator Capone requested an update on mitigation associated with an existing Order of Conditions at 150 Wayside. Mr. Priscoli described progress on prior work, including establishment of agricultural grasses and infiltration measures, and stated that additional plantings and introduction of livestock are planned for the spring to further enhance the Buffer Zone. Coordinator Capone acknowledged the update and indicated no further comments.

Chair Henkels invited questions or comments from Commissioners. Mr. Priscoli offered to conduct site visits for the Commission on any of the lots if needed.

Comm. Sevier inquired about the existing driveway that crosses a property line and its relationship to adjacent properties. Mr. Priscoli clarified that the driveway is within a permanent Easement recorded to service the barn and will remain as a gated access for fire egress. The Easement has priority over other encumbrances, and the road will continue to serve as main access to the farm once the neighboring property at 150 Wayside is developed. He provided additional context regarding the history of the driveway, the barn, and utilities, noting town water service was added when Jack Pine Road was constructed.

Mr. Dillon summarized three items for follow-up: a breakdown of impervious surfaces for stormwater permitting, mitigation measures, and the Certificate of Compliance for a prior Order. Mr. Priscoli confirmed they would coordinate with the Planning Department on stormwater management and mitigation, noting that the proposed features may fall within the Commission's jurisdiction. Coordinator Capone confirmed that the Commission would like to review the proposed stormwater measures, even if they are not yet approved, and also requested the Certificate of Compliance to close the outstanding prior Order.

Comm. Sevier emphasized that stormwater management features must comply with current regulations and that prior site conditions are not relevant to new permit requirements. Mr. Priscoli asked whether stormwater review could be coordinated through the Conservation Commission rather than requiring separate Planning Board review. Coordinator Capone explained that while the Planning Board may remit responsibility to the Commission, the Commission would need to retain a third-party engineer for review, which could extend the timeline. It was agreed that Mr. Priscoli would coordinate with the Planning Board first and then return to the Commission with the plan.

Chair Henkels invited further questions from Commissioners. Chair Henkels then asked if anyone in the audience had questions or comments.

Hearing none, he addressed Mr. Dillon regarding the three to four items previously discussed that require follow-up, and presented available dates for a continuation of the hearing. Mr. Dillon confirmed that October 20, 2025, would work for the continuation.

On motion by Comm. Sevier to continue the Hearing to October 20, 2020, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Certificates of Compliance:

Larson, 25 Singletary Lane: DEP #301-1389

Coordinator Capone reported that the project addressed drainage issues from the roadway that were causing erosion on site. The work included installing stormwater features under the driveway, replacing retaining walls, and incorporating native plantings in eroding areas. All required work had been completed except for the removal of burning bushes, which could not be removed because they were on neighboring property.

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

Sorsaburu, 150 Prides Crossing Road: DEP #301-1421

Coordinator Capone explained that a prior ORAD had confirmed wetland boundaries for the previous owners, who had installed a horse corral partly within the buffer zone. An Order of Conditions was filed to record that the corral was permitted. The current owners, in place for approximately one year, have made no further modifications and requested a Certificate of Compliance.

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

Rakatansky, 22 Fox Run Road: DEP #301-1353

Coordinator Capone explained that the project involved after-the-fact tree removal by the prior owner, who had been required to replace the removed trees with approximately 40 shrubs. Some shrubs had died, but native vegetation had since filled in the area. She recommended issuing the Certificate of Compliance.

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

Fenton, 8 Singing Hill Circle: DEP #301-1265

Coordinator Capone explained that the Order had addressed an after-the-fact violation involving tree removal, wetland fill, and storage of construction materials within the Buffer Zone dating back to 2019. The homeowner had restored the wetland immediately. The only outstanding item, a Conservation Restriction covering most of the property, had since been recorded and the baseline report completed. She confirmed the property was in good standing and ready for a Certificate of Compliance.

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.

Kotikian, 438 Concord Road: DEP #301-1395

Coordinator Capone explained that the project involved replacement of the septic system and removal of an existing 10x12 shed, with construction of a new 12x12 shed. The homeowner requested to retain the original shed as a memorial for a friend who helped build it and had recently past, which was surrounded by vegetation and over 50 feet from the wetland. She noted that the shed's presence did not affect the issuance of the Certificate and recommended issuance.

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.

Watson, 25 Bridle Path: DEP#301-1407

Coordinator Capone explained that most of the required plantings were installed immediately after the original Order of Conditions, though a few did not survive and were recently replaced. Some areas had been temporarily landscaped with mulch in preparation for the property sale. The landscaping company committed to removing the mulch and completing the remaining plantings within the next two weeks, restoring the site fully to its naturalized mitigation state.

She recommended issuing a partial Certificate of Compliance to provide assurance to the prospective buyers that the work had been substantially completed while alerting them to outstanding obligations, including a two-year period to ensure the new plantings remain established.

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

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 8:26 PM, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.