



## SUDSBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, December 8, 2025

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

**Absent:** Jeremy Cook; Harry Hoffman, Associate Member

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

### Minutes

On motion by Comm. Rogers to accept the minutes of the November 17, 2025 meeting, seconded by Comm. Sevier, with Comms. Faust and Porter abstaining, via roll call the vote was unanimous in the affirmative.

### Wetland Applications:

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

Chair Henkels resumed the Hearing for the project to construct a garage with associated driveway and drainage, relocate an existing fence, and remove trees within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Dwight D. Henderson was the applicant. This Hearing was continued from August 26, October 21, 2024 and October 20, 2025.

On motion by Comm. Sevier to continue the Hearing to December 29, 2025, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

#### **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 and 200-foot Riverfront Area, 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.

Coordinator Capone explained that the matter had been before the Commission for more than a year. She said the issue began when a culvert on the property was replaced and a gravel road was installed to access the front and rear portions of the site. She said a Notice of Violation had been issued, and because the owner was required to file a Notice of Intent, additional proposed work had been incorporated into the filing, including reconstruction and expansion of the barn, construction of an outbuilding, replacement and expansion of patios and decks, and installation of a pool with associated patio. She stated that Mr. Leverone had spent the past year preparing a complete plan detailing all proposed work.

Coordinator Capone said the property had experienced two drought periods during the review process. She said that during the non-drought period, Mr. Leverone had collected sufficient photographic evidence documenting thirty days with no flow in the on-site channel. She said this demonstrated that the stream was intermittent rather than perennial, and some Commissioners had observed vegetation within the channel consistent with an intermittent flow regime. She said that although the Riverfront Area was no longer a consideration, much of the project remained within the Buffer Zone. She said Mr. Leverone had prepared a plan addressing the various project elements and proposing mitigation for increased structure footprints and for the unpermitted stream crossing.

Mr. Leverone said he had divided the work into four projects: the stream crossing, a garage, an outdoor area involving deck and patio work, and an outbuilding. He said the first priority was the stream crossing associated

with the Notice of Violation. He described the replacement of the existing crossing with a sixteen-foot by eighteen-inch culvert pipe and the placement of gravel over the crossing and along the access route from the front to the rear of the property.

He said alternative access from Pride's Crossing had been considered but would also affect wetlands, presented access issues for equipment, and was less suitable because the existing crossing was already present when he purchased the property. He said the stream bisected the parcel, making a crossing necessary to reach the rear of the property. He reiterated that site visits and photographic documentation supported reclassification of the stream from perennial to intermittent.

Mr. Leverone said he had incorporated all prior Commission feedback into the plan and added a new mitigation proposal. He said the project disturbed approximately 2,500 square feet, and he was proposing to remove invasive vegetation from approximately 7,500 square feet of the property. He identified bittersweet, Norway maple, burning bush, and buckthorn as dominant invasive species and said an additional site visit was scheduled to identify further invasive species. He said the affected areas were roughly a fifty-fifty mix of invasive and non-invasive vegetation.

He said he believed that extensive planting in areas dominated by invasives would be ineffective and that invasive removal would provide more meaningful mitigation. He described the remediation areas on the plan, including sections bordering Pride's Crossing, the gravel drive, the stream crossing, and long strips along both sides of the stream.

Coordinator Capone said she had not revisited the site since the updated materials were submitted. She said she was familiar with the stream corridor and believed it contained some trees and otherwise invasive vegetation. She said she was less familiar with the area along Pride's Crossing, though she recalled large pine trees and significant bittersweet in that location. She said she would need to inspect the area to determine the proportion of invasive vegetation and whether supplemental plantings should be included as part of mitigation.

She asked how much of the proposed remediation area was within the Buffer Zone. Mr. Leverone said he did not have exact measurements but estimated that roughly half of the large area along Pride's Crossing lay within the Buffer Zone. Coordinator Capone said that appeared reasonable. She said that for the final filing, he would need to include the methodology for managing each invasive species, identify whether plantings would be used to outcompete regrowth, and provide a long-term maintenance plan to ensure mitigation success. Mr. Leverone agreed to include that information.

Chair Henkels invited questions from the Commission.

Comm. Holtz said he supported removing invasive species but noted that without installing native plantings, the cleared areas would likely be recolonized by invasives. He said replacing invasives with native vegetation would help outcompete regrowth. Mr. Leverone said he understood the concern and was trying to balance the scope of removal with the time and resources needed for replanting. He said that clearing the full area would require significant effort and that planting would likely reduce the feasible removal area. He said he sought feedback on the preferred approach.

Comm. Holtz asked whether removal would be done by hand. Mr. Leverone said it would be hand pulling and hand sawing, noting that some bittersweet was as thick as a baseball bat. He said he planned to cut vines and stems, apply herbicide to cut surfaces, and maintain the area regularly. He said winter provided an opportunity for removal work and that he wanted to resolve mitigation details as soon as possible.

Chair Henkels asked for additional questions.

Comm. Porter asked whether Mr. Leverone would need to specify the native species that would replace invasives and whether a suite of replacement plantings was necessary to achieve mitigation. Mr. Leverone said that was the central question—whether clearing invasives and maintaining the area would allow existing native species to reestablish, or whether he would need to plant new native species in a smaller area. He said he was seeking guidance on which approach was appropriate.

Comm. Porter raised additional questions about the relationship between native and invasive species and how planting strategies would influence mitigation outcomes. Chair Henkels said it was difficult to respond without a proposed planting plan. He said Coordinator Capone would revisit the site, and a Commissioner might also visit,

to assess the scope of invasive vegetation. He said Mr. Leverone could then prepare a planting and mitigation plan for consideration at the next meeting. Chair Henkels asked Mr. Leverone if that approach made sense, and he said it did.

Chair Henkels then invited additional questions from the Commission.

Mr. Leverone introduced Project 2. He said the existing garage was in disrepair with rotted structural wood and was unsafe to use. He described the current structure as approximately 30-by-33 feet on a poured slab. He said the proposal was to demolish it and construct a new 36-by-40-foot garage on a poured slab with frost walls. He said the building would include electricity and plumbing. He said an electric trench would run along the east side of the house from the existing electrical box and that the garage would connect to the existing septic system installed in 2021. He said he had discussed septic capacity with Town staff and had been told the system could accommodate the additional use, though further work and formal approval were required.

He said construction access would be through the existing front gravel driveway and that fresh gravel would be placed and graded after construction. He said the garage project encroached into the Buffer Zone by roughly 150 square feet from a small pond at the rear of the property. He said the mitigation proposal included planting native species on the west side of the garage and constructing a rain garden to manage roof runoff. He said the total remediation area would be 450 square feet. He listed the proposed native species: New England Aster, swamp milkweed, cardinal flower, blue flag iris, sensitive fern, and tussock sedge.

On the plan, he identified the existing garage footprint and the proposed new footprint, noting that a separate outbuilding shown on the plan was not part of this portion of the project. He highlighted the 450-square-foot remediation area on the west side. On the remediation slide, he indicated the dashed orange Buffer Zone line and showed that only the garage corner extended into the Buffer Zone. He said the plantings and rain garden would be located in the same area.

Coordinator Capone said that for the final plan, she would need to see the utility connections and any grading associated with the rain garden. She said the rain garden would need to be designed as a depressed area and sized appropriately for roof runoff.

Chair Henkels invited questions from the Commission.

He then asked Mr. Leverone to explain where the gutter system would discharge into the rain garden. Mr. Leverone indicated that runoff would drain to the back corner of the garage and flow directly toward the rain-garden location.

Comm. Sevier asked about the roof type. Mr. Leverone said it was a combination roof with a central peak, directing water to both sides. He said he could include the architectural plan in the next submission. Comm. Sevier asked about gutter placement and the significance of the white and red lines on the plan. Mr. Leverone said the red line represented the exterior of the frost wall and slab perimeter, and the slab dimensions were 36-by-44 feet.

Comm. Sevier asked about utility connections. Mr. Leverone said utilities would run from the house and that the trenching would be shown on the updated plan. Comm. Sevier asked whether the presence of plumbing indicated a bedroom use. Mr. Leverone said it did not. He said the house had a 5-bedroom septic system but was currently used as a 4-bedroom home. He said he had been informed that removing a bedroom from the house would allow the accessory structures to connect to the system. He said the garage would have a utility sink and the outbuilding would have a bathroom, but there would be no bedrooms in either structure. Comm. Sevier asked about possible business use of the sink. Mr. Leverone said it would be for general hand-washing and utility use only. Comm. Sevier said he had no further questions.

Chair Henkels asked Mr. Leverone to restate how stormwater or roof runoff would be directed, either above or below ground. Mr. Leverone said the plan currently involved above-surface flow and that additional design work was still needed to determine the final configuration. He said runoff would be directed above grade toward the proposed rain-garden area, consistent with what he previously described.

Chair Henkels invited questions from the Commission. Hearing none, he asked Mr. Leverone to continue.

Mr. Leverone introduced the outdoor-amenities portion of the project. He said there was an existing deck and patio, both of which were proposed for expansion. He said a pool was proposed on the east side of the property with a surrounding concrete patio. He said the deck would be composite material, the pool would be a fiberglass insert, and the pool patio would be concrete. He said a fence would enclose the pool patio to meet safety requirements.

On the plan, he identified the existing deck and the proposed expansion, the existing patio and its proposed expansion, and the proposed pool and new patio area. He said the 50-foot Buffer Zone from the stream ran adjacent to the proposed patio, with one corner of the patio touching the Buffer Zone line. He said this portion of the proposal remained incomplete because he was seeking guidance from the Commission on remediation expectations now that the stream had been confirmed as intermittent. He said his goal was to understand what mitigation was required for new impervious surfaces and Buffer Zone impacts.

Coordinator Capone said she needed details on the pool equipment, including filtration, maintenance methods, and whether backwashing or dewatering would be required, and how those operations would be managed. She said mitigation would likely follow a one-to-one standard for new impervious areas, with existing impervious surfaces able to be credited toward the calculation. She asked whether porous pavers would be used, and Mr. Leverone confirmed they would. She said the deck, although open, would still be treated as a structure for mitigation purposes because a future owner could choose to roof it. She asked whether a fence would enclose the pool, and Mr. Leverone confirmed the fence would follow the perimeter of the patio. She said she would also need utility details for the pool.

Mr. Leverone asked what components of the proposal triggered mitigation. Coordinator Capone said nearly the entire area—except a portion of the patio on the left of the plan—lay within the 100-foot Buffer Zone. Mr. Leverone confirmed the 50-foot and 100-foot Buffer Zone lines on his plan. He said his landscape architect had identified possible plantings, including trees, but that he needed to quantify all proposed restoration and mitigation measures.

Chair Henkels invited questions.

Comm. Rogers asked where pool chemicals and equipment would be stored. She asked whether Mr. Leverone planned to have a shed or other structure near the pool. Mr. Leverone said they had considered using the outbuilding as a pool house but were not pursuing that. He said storage would likely be temporary equipment placed on the patio rather than a new structure, though he would continue to evaluate that.

Comm. Sevier requested that Mr. Leverone zoom out to show the entire property to understand possible alternative pool locations, and asked whether there was any feasible location outside the Buffer Zone. He said the apparent answer was no, to which Mr. Leverone agreed. He said the front yard had more usable non-jurisdictional space but was adjacent to the street and contained a well, making it undesirable for a pool. He said the current proposal was placed as far from the stream as practical while maintaining privacy through proposed fruit-tree plantings.

Comm. Sevier asked whether Mr. Leverone was seeking clarification on mitigation requirements, which Mr. Leverone said affirmed. He said he had been uncertain how the intermittent-stream determination affected requirements. He said he thought the revised classification might create greater flexibility. He said he now needed a clear understanding of expectations given that the 100-foot Buffer Zone remained applicable. Comm. Sevier said the change reduced the jurisdiction from 200 feet to 100 feet, which he said made the situation “less bad,” but emphasized that the project remained almost entirely within the 100-foot Buffer Zone. Mr. Leverone agreed.

Chair Henkels asked Mr. Leverone whether he had spoken with his landscape architect about this portion of the project and whether any specific comments had been offered. Mr. Leverone stated that there were no comments specific to mitigation for the pool. He said that the landscape architect had ideas on plant types and overall design but that he first needed clarity on the mitigation calculation. He said that the cost and labor of one-to-one mitigation for the gravel road and other components were significant and influenced whether he pursued certain project elements. He said he preferred to conduct invasive removal deeper into the property, noting that approximately half of his five-acre parcel consisted of invasive species. He said he would prefer to focus on invasive removal rather than purchasing and installing extensive non-invasive plantings within an invasive-dominated area.

Comm. Sevier responded that the long-term need for invasive control raised questions about how the property would be managed if ownership changed. He said the Commission needed mitigation on a timeline similar to the new work to avoid a situation where a new owner did not follow through. He said Mr. Leverone could consider using native plants already present on the property rather than purchasing large quantities of nursery stock. He said the choice was between time and money and said that, from his perspective, mitigation should occur within the same timeframe as the pool installation if the project proceeded.

Chair Henkels asked Mr. Leverone about the overall timeline for the multi-phase proposal. Mr. Leverone said he expected the full plan to take approximately four years and noted that he understood he would need an extension after three years. He said this was why he submitted a comprehensive plan rather than separate filings. He said that three to four years was a reasonable estimate for completion.

Chair Henkels asked which component Mr. Leverone intended to undertake first. Mr. Leverone said the stream crossing was his top priority because there was an existing violation that needed to be resolved and because winter was a suitable time for invasive removal. He said the garage would follow. He said that, after discussion of one-to-one mitigation for the pool and outbuilding, he reconsidered the cost, time, and labor required and placed those elements on the back burner.

Chair Henkels asked Coordinator Capone whether the Commission or the applicant could consider how to handle the mechanics of the full project over a three- to four-year period near the end of an Order of Conditions. Coordinator Capone said the Commission should first focus on mitigation for the gravel driveway because that area had already been constructed. She said invasive removal during the winter could address that square footage without involving other project components. She said the garage was largely outside jurisdiction and would require minimal mitigation, and that the outbuilding and the pool required the most mitigation. She said those elements should be significantly underway before the applicant pursued the pool. She said she would check compliance during building permit sign-offs to confirm that each phase remained in good standing.

Mr. Leverone asked whether Coordinator Capone was suggesting that the project be broken up and that he returns at a later time for separate approvals. Coordinator Capone said that was not necessary and that all elements could remain under one Order of Conditions, provided he began invasive removal this winter to offset the driveway. She said she would conduct check-ins at each building permit milestone to confirm that the applicant had completed the mitigation associated with the preceding phase. Mr. Leverone said he understood.

Assoc. Comm. Sulkowski asked Mr. Leverone whether the project elements could be separated if the pool could not move forward due to insufficient offsetting mitigation. Mr. Leverone said he could separate them if needed. He said he had submitted the full proposal because the Commission was already reviewing the entire property. He said he had considered removing the outbuilding earlier but continued forward to obtain clarity and direction. He said he could remove components if the costs or requirements did not make sense.

Chair Henkels asked Coordinator Capone about the possibility of approving all elements except the pool and then adding the pool later through an Amendment near the time an Extension was required. Coordinator Capone said Amendments could not expand impacts and were limited to minor modifications. She said this was why she tied mitigation requirements to each phase. She said the Commission could issue one Order of Conditions for all elements, and the applicant did not need to construct each one. She said that if the applicant did not build the pool, the mitigation for that component would not be required.

Comm. Sevier said he understood Mr. Leverone to be seeking clarity on square footage requirements so he could calculate the cost of the pool and outbuilding along with their mitigation. He said Mr. Leverone could include all components and decide later whether to construct them, as Coordinator Capone had described. Mr. Leverone agreed.

Comm. Sevier asked whether the Commission had confirmed that mitigation for the pool and outbuilding required a one-to-one replacement of square footage, except for areas where existing patio and deck space could be subtracted. Mr. Leverone said he understood that and said the larger question was whether the Commission would accept a combination of invasive removal and native plantings rather than requiring all new plantings. He asked whether a blended approach, such as half new plantings and half invasive removal, would be acceptable.

Comm. Sevier asked whether the applicant was proposing invasive removal in one location and native plantings in another. Mr. Leverone confirmed that the areas would be separate. Comm. Sevier then asked where the new

native plantings would be placed. Leverone said his landscape architect had proposed trees, shrubs, and native plantings around the pool and in areas behind it, although that area might not achieve the full one-to-one requirement, and additional planting areas might be needed.

Comm. Sevier said Mr. Leverone appeared to be proposing conversion of lawn areas into naturalized areas. Mr. Leverone confirmed that. Comm. Comm. Sevier said the Commission had historically accepted lawn conversion to natural habitat as mitigation. He said both lawn conversion and invasive removal could count together toward the applicant's numerical example.

Coordinator Capone said that mitigation areas must be naturalized and that landscaped beds would not qualify. Mr. Leverone said that naturalized areas aligned with his preferred approach and with his landscape architect's plan.

Chair Henkels said the first two project elements appeared acceptable based on Mr. Leverone's presentation. He said Coordinator Capone would return on-site with Mr. Leverone to determine the extent of invasives on the north side of the property. He said that quantity might factor into the mitigation equation referenced by the Commission. He said the Commission would also want detailed information about the pool and its mitigation, separate from invasive removal calculations. Mr. Leverone agreed that this was reasonable.

Mr. Leverone said he would proceed to the final project component. He described an additional outbuilding behind the garage with electricity and plumbing on a slab foundation with a stone patio. He said the structure was entirely within the Buffer Zone and covered 770 square feet including the patio. He said the mitigation would be one-to-one. He identified the red area on the plan as the structure, the yellow as the patio, and the adjacent area as mitigation. He said the structure's footprint was presently covered by invasives that he would remove. He said the mitigation area to the west and north of the garage included manicured lawn and additional invasives, and that he would clear that area and plant natives. He said this component was the most straightforward but the lowest priority for him.

Coordinator Capone said the rain garden areas appeared differently sized relative to the buildings they served. She asked whether the rain gardens were connected. Mr. Leverone said they were intended to function as one large connected system but were shown separately for presentation purposes. Coordinator Capone said the Commission needed detailed grading and construction plans for the rain garden and confirmation that it was sized appropriately for planned infiltration.

Chair Henkels asked for Commission questions.

Comm. Rogers asked whether the additional outbuilding was necessary given the proposed garage expansion. Mr. Leverone said an earlier design proposed a second floor on the garage, but that created excessive building mass. He said the separate structure was intended as an office apart from the garage's use for tools and vehicles.

Coordinator Capone asked whether Mr. Leverone had spoken with the Planning Department about stormwater requirements. She said he should do so as the design developed. Mr. Leverone agreed.

Chair Henkels then asked Mr. Leverone whether he felt prepared to move forward given the guidance from the Commission and Coordinator Capone. Mr. Leverone said he did and said further offline discussion with Coordinator Capone would help him understand the level of detail and format needed for a final presentation.

Chair Henkels asked for additional Commissioner questions. He then invited members of the public to raise their hands or use the chat.

Chair Henkels said the Hearing would need to be continued. He asked whether the Commission had permission to continue the hearing to January 12, to which Mr. Leverone agreed.

On motion by Comm. Porter to continue the Hearing to January 12, 2026, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

## **Request for Determination of Applicability: 18 Wolbach Road, RDA #25-14**

Chair Henkels began the meeting for the project to improve an existing trail within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Dan Stimson was the applicant.

Mr. Stimson, Director of Land Management for Sudbury Valley Trustees said he was in the midst of an All-Persons Trail project at its headquarters at 18 Wolbach Road. He presented information on the existing conditions and the overall plan, and said Phase 1 consisted of an All-Persons Trail around the headquarters grounds. He described the stabilized stone dust path used for Phase 1 and said it provided an even surface for wheelchair users, strollers, and people using canes. Phase 1 had opened in July.

Mr. Stimson said Phase 2 would extend an accessible trail into the forest. He said the work would follow an existing section of the Lewis Trail that tracked along an old forest road. Approximately 1,200 feet of trail would be converted to the same type of surface used in Phase 1. The project would include rest areas on the high side of the trail, set away from wetlands, for benches and wheelchair pull-offs.

Mr. Stimson described the grade conditions. The area near the building had grades of 5 percent or less, with some segments reaching ADA ramp grade of 8.33 percent. Phase 2 segment would be slightly steeper and said the project would follow Federal Forest Service Accessible Trail Guidelines. The rest areas were essential for users managing the steeper sections.

Mr. Stimson said that all construction would occur above existing grade to avoid cutting tree roots. The trail would be built on a base of gravel and crushed stone with stabilized stone dust above. The intent was to preserve mature trees. He identified one tree proposed for removal where a rest area would be located. An earlier plan had proposed an accessible bridge over an intermittent stream to reach another loop, but SVT had reconsidered the plan because of vegetation and spring ephemerals in that area. The accessible trail would now end at the stream crossing.

Coordinator Capone said the existing All-Persons Trail near the building differed from the proposed work through the forest. She said building on top of the existing surface rather than excavating would reduce impacts. She said some grading and excavation would be required at rest areas due to steeper terrain. The applicant intended to use small equipment and boulders or logs to retain earth in rest areas to reduce the need for larger disturbances. She noted some tree roots extended into the trail area and said care would be needed to avoid damage during compaction and construction. As some rest areas were near wetlands, she had requested erosion controls. About two-thirds of the trail segment was within jurisdiction, while the section near the building was not. She did not anticipate negative impacts on the wetlands and said her concern related to long-term tree health.

Chair Henkels asked whether Coordinator Capone anticipated any specific conditions. Coordinator Capone said she wanted to meet on-site with the contractor to review construction logistics. She recommended straw wattles for erosion control downgradient of the Winter Brook resting area, the meditation point, and the Middle Stream Overlook. Photo documentation would be required after completion demonstrating stability and restoration.

Chair Henkels thanked her and asked for questions from Commissioners and the public.

Comm. Holtz asked whether it would make sense to add plantings along the trail, particularly near the stream or rest areas, to enhance the trail experience with native vegetation, even if not for mitigation or infiltration purposes. Mr. Stimson said SVT had considered adding plantings and thought it would improve the sitting areas along rest spots, though no specific plan had been developed.

Comm. Porter asked if there was any historical significance to the property. Mr. Stimson said the property was in the Historic District. Phase 1 had considered historic features, including fieldstone walkways designed by the Olmstead firm, which had been preserved. For Phase 2, they were not aware of historic elements along the trail, but they were mindful of consistency with the property's existing stone walls and overall design.

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

### **Request for Determination of Applicability: 42 Hudson Road (Parkinson Field), RDA #25-15**

Chair Henkels began the meeting for the project to excavate two soil test pits within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Marcia Rasmussen was the Applicant.

David Nader of TEC, Inc., joined by Sydney Lewis representing the Town, presented a Request for a Determination of Applicability for the excavation of two test pits within the buffer zone at 42 Hudson Road. Mr. Nader explained that the test pits are intended to support stormwater design for a potential parking lot formalization project. Test Pit 1 is approximately 50 feet from the nearest wetland flag, and Test Pit 2 is approximately 60 feet away. Mr. Nader confirmed that improvements would include a stormwater system and a safer, more delineated parking lot, though the final paving decision was not yet determined.

Coordinator Capone noted that the wetland had been recently delineated and confirmed in the field. She explained that while the activity would be exempt under the Wetlands Protection Act, it requires review under the town Bylaw, which does not exempt exploratory borings. She recommended issuing a Negative Determination #3 for work in the Buffer Zone. She also recommended a pre-construction meeting with the contractor to clearly define test pit locations and that the applicant provide photo documentation of site restoration upon completion.

Comms. Sevier's and Holtz's questions regarding site layout and gravel locations were addressed, with clarification on existing conditions and test pit placement on the southern end of the existing gravel lot.

Chair Henkels invited any further questions from Commissioners. Chair Henkels then opened the floor for public comment.

Roanna London, a resident at 46 Hudson Road, expressed concern about the placement of the test pits behind her property. She requested that notes be taken during the excavation and asked if the test pits were a precursor to a larger excavation. Mr. Nader confirmed that the test pits would minimally disturb vegetation, are intended solely to determine soil and groundwater conditions for stormwater mitigation, and would be closed immediately after excavation.

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: 319 Hudson Road, RDA #25-16**

Chair Henkels began 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. Peter Panagopoulos was the applicant.

Mr. Panagopoulos, the resident at 319 Hudson Road, requested permission to remove four trees on his property that posed a potential hazard to his house. He explained that recent storms had caused some trees to fall, damaging his fence and encroaching on the driveway, and noted that one tree near the street might only require pruning. He clarified that he intended to cut the trees down to the stump without removing the stumps.

Coordinator Capone provided additional context, showing the property layout and noting that the trees were within Mr. Panagopoulos portion of a paper street right-of-way. She observed that two of the trees were in severe decline, one was heavily infested with bittersweet vines, and one had a severe lean toward the house. While the trees were within the inner riparian zone, normally a no-remove area under the Rivers Act, their hazardous condition justified removal. She recommended mitigation by managing the bittersweet to protect remaining trees and discussed the potential for planting shrubs, noting that planting trees would likely create future conflicts with the house.

Coordinator Capone outlined conditions for the Determination: she would meet with the tree service prior to work to confirm which trees would be removed, ensure bittersweet management to prevent future tree failure, and receive photo documentation following completion.

Chair Henkels then invited questions from the Commissioners.

Comm. Holtz asked about the proximity of the tree closest to the road, which might be pruned rather than removed. Mr. Panagopoulos stated it was approximately 25–30 feet from the corner of the house. Comm. Holtz suggested the possibility of planting a cluster of replacement trees, such as birches, in that location without interfering with overhead power lines. Coordinator Capone responded that the area was currently dense with vegetation and that planting would only be feasible if the tree were removed, but even then, tall trees could eventually grow back into the wires.

Comm. Holtz also asked about managing bittersweet that extended onto the Town-controlled portion of the paper street. Coordinator Capone noted that the thickest bittersweet growth was on Mr. Panagopoulos' side. She would have no objection to managing it on the Town side, although the Town did not have plans to address the bittersweet.

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.

#### **Request for Determination of Applicability: 96 Cutler Farm Road, RDA #25-17**

Chair Henkels began 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. Joshua Heckler was the applicant.

Mr. Heckler requested permission to remove two white pine trees located within the Commission's wetlands jurisdiction. He explained that both trees posed a safety hazard to the home and had been assessed by a local arborist. He noted that the trees were accessible from the side lawn and driveway, with no anticipated intrusion into the wetland area.

Coordinator Capone noted that both trees appeared healthy, with only minor signs of potential rot. The arborist had noted these trees as hazards due to their potential of having root rot due to their species and high groundwater in the area. She explained that T1 and T2 were approximately 30 feet or more from the wetland edge, with T1 being a very large pine and T2 slightly further from the wetland. She suggested leaving T2 as a 20–30-foot snag for wildlife habitat, while T1 posed a significant lean toward the recently constructed patio, creating a safety risk. She recommended that buckthorn be removed around T1's base and that shrub plantings be considered to fill the canopy gap created by its removal.

Coordinator Capone outlined conditions for approval: a pre-construction meeting with the tree service, leaving a 20–30-foot snag for T2, manually removing buckthorn around T1, planting four native shrubs in the cleared area, and providing photo documentation after completion.

Comm. Holtz clarified that T1 had the significant lean toward the patio and asked about stump removal. Mr. Heckler confirmed T1 would be cut flush to the ground and stumps would remain.

Chair Henkels then opened the floor for additional questions from Commissioners and opened the floor to the audience for questions.

Chair Henkels asked Mr. Heckler if he had any questions regarding the conditions outlined by Coordinator Capone. Mr. Heckler confirmed that he and Coordinator Capone had already discussed the specifics, and agreed with the conditions.

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

#### **Notice of Intent: 32 Emerson Way, DEP #301-TBD**

Chair Henkels opened the Hearing for the project to construct a detached garage within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Frank Vincentelli was the applicant.

Anthony Gee introduced himself as a wetland scientist with Goddard Consulting and explained that the purpose of the Hearing was to open a dialogue with the Commission regarding a proposed detached, multi-use garage. He

noted that the majority of the garage would be constructed over existing lawn and driveway to minimize impervious surface increase. The project includes stormwater measures. The garage would not contain bathrooms or bedrooms, and would be built on a slab, not a basement, with only electric service proposed.

Mr. Gee addressed prior conversations with Coordinator Capone regarding the erosion control barrier, stockpiling location, and groundwater concerns. He noted that the applicant agreed to relocate stockpiled materials, remove unnecessary portions of the existing driveway. He also explained that the proposed stormwater system would store runoff and, in the event of overflow during large storm events, allow water to exit naturally and infiltrate the surrounding landscape.

Coordinator Capone requested confirmation that the garage was currently proposed as a one-car structure, noting a 600-square-foot increase in impervious surface on site, and the importance of incorporating mitigation plantings to offset impervious surface additions. She asked for clarification on the stormwater system capacity and overflow management, as well as its potential use for irrigation of landscaping. Mr. Gee confirmed that the system was designed to handle large storm events, and any overflow would be managed via natural infiltration in areas already stabilized with existing plantings.

Coordinator Capone asked for clarification regarding the proposed solarium within the garage, specifically whether any water would be used for interior plantings, since no plumbing is proposed. Mr. Gee confirmed that the stormwater buffering system would serve both the solarium and the surrounding restoration plantings, emphasizing that the system's primary purpose is to support the existing plantings.

Mr. Vincentelli, the property owner, introduced himself and explained that the intent of the stormwater system is to protect a previously stabilized buffer area. He noted that prior guidance suggested no specific stormwater treatment was required for a project of this scale, but he wanted to capture and use rainwater to maintain the buffer plantings and prevent erosion, thereby protecting both the environment and his property.

Coordinator Capone acknowledged this clarification, emphasizing that the Commission's concern was that water use inside the solarium not reduce infiltration benefits to the exterior environment. She also noted the presence of two catch basins in a nearby cul-de-sac and recommended that silt socks be installed around them during construction to prevent sediment discharge.

Mr. Vincentelli clarified that the soil stockpile was not requested by the applicant and that it would be relocated as part of the updated site plan. Mr. Gee confirmed this adjustment would be reflected in the next plan iteration.

Coordinator Capone inquired about the prefabricated garage's exterior finish and whether any additional exterior work would be required after installation. Vincentelli confirmed the prefabricated structure arrives complete, with only interior finishes needed.

Comm. Rogers inquired whether the garage is single-bay or multi-bay and whether it is single-story or two-story. Mr. Vincentelli clarified that the structure is a two-story, multi-bay garage, with only one access point currently planned, though this may change. Any modifications, including potential additional access points, would be reflected in the final submission to the Commission.

Coordinator Capone noted that the Board of Health would need to review the project to confirm that the garage is adequately supported by the existing septic system. Since no bedrooms or plumbing are proposed, she did not anticipate any issues. She further clarified that as long as the total disturbance remains under 5,000 square feet, no additional stormwater review would be required, leaving oversight primarily with the Conservation Commission and the Building Department.

Comm. Rogers asked whether drainage would be required within the solarium for watering plants. Mr. Vincentelli and Mr. Gee confirmed that plants would be in pots and that no internal drainage system would be necessary.

Comm. Holtz raised concerns about fire access to the rear of the house given the proposed garage placement and the presence of existing structures. Mr. Vincentelli confirmed that there is adequate access around the southern side of the house and that one temporary structure could be moved if needed. Mr. Gee noted that any required access considerations would fall under the purview of the planning department, separate from Conservation permitting.

Chair Henkels concluded by requesting that the applicants confirm with the Planning Department regarding any access requirements. No further questions were raised by the Commission. He then asked if anyone in the audience had questions or comments; none were raised.

Chair Henkels noted that there was no DEP file number at this time and reviewed potential upcoming hearing dates. Mr. Gee confirmed the December 29 date as preferable and agreed to work with Mr. Vincentelli to complete any necessary site plan changes before then, coordinating with Coordinator Capone as needed. Chair Henkels requested permission to continue the hearing to December 29, 2025, which Mr. Gee granted.

On motion by Comm. Sevier to continue the Hearing to December 29, 2025, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

### **Other Business:**

#### **Enforcement Order: 73 Wayside Inn Road**

Chair Henkels began the meeting concerning the restoration of an unpermitted parking area within the Buffer Zone and Riverfront Area to pre-existing conditions. He noted that the owner of record was the Wayside Inn Foundation.

Coordinator Capone reported that on November 11, she observed work occurring near the barn, behind the existing parking lot. The area is mostly within the Buffer Zone and partly within the Riverfront Area. No trees had been removed, but the site is very close to wetlands. She had stopped the work, required the installation of erosion controls, and issued a Notice of Violation.

The owner wishes to restore the area and pursue proper permitting for any future parking lot expansion. Coordinator Capone noted that asphalt millings had been incorporated into the site and emphasized that the Enforcement Order should require confirmation that all foreign material is removed to prevent long-term degradation. She proposed a target date of December 20 for restoration, recognizing that seeding would need to occur in spring, and requested an update for the December 29 meeting confirming restoration or providing justification if the work could not be completed by the target date.

Chair Henkels asked if Commissioners had questions.

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

### **Other:**

Coordinator Capone informed the Commission that the Hop Brook Association is seeking CPA funding for additional chemical treatment of the mill ponds and requested a letter of support from the Commission. She noted that the Commission had provided letters for their past two applications and asked for a vote to authorize her to provide a letter on the Commission's behalf.

On motion by Comm. Rogers to issue the letter of support, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

### **Adjourn Meeting**

On motion by Comm. Sevier to adjourn the meeting at 9:24 PM, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.