



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, February 9, 2026

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook (7:04 PM); Luke Faust; Bruce Porter; Mark Sevier; Victor Sulkowski, Associate Member; and Lori Capone, Conservation Coordinator

Absent: Kasey Rogers, Harry Hoffman

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

Minutes

On motion by Comm. Sevier to accept the minutes of the December 29, 2025 meeting, seconded by Comm. Holtz, with Comm Faust abstaining, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Porter to accept the minutes of the January 12, 2026 meeting, seconded by Comm. Sevier, with Comm Faust abstaining, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Faust to accept the minutes of the January 26, 2026 meeting, seconded by Comm. Sevier, with Comm Holtz abstaining, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Request for Determination of Applicability: 22 Bowditch Road, RDA #26-02

Chair Henkels began the meeting for the project to replace existing lawn with native plantings within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Raj Munnangi was the applicant.

The applicant was represented by Dan Wells of LEC Environmental Consultants, with Scott Indermuehle of Sudbury Design Group also present.

Mr. Wells began by orienting the Commission to the property, located off Route 20 in the western part of Sudbury near the Wayside Inn. He noted the presence of a certified vernal pool immediately south of the site on Town-owned land. The property contains an existing single-family home, and the owners are required to place a Conservation Restriction over approximately 1.4 acres at the rear of the lot.

He explained that the current owners purchased the property in 2017, but prior Orders of Conditions dating back to 1998 and 2002 had required a Conservation Restriction that was never finalized. The property changed hands multiple times, and the requirement was not addressed. The current owner is now working to close out those historic Orders of Conditions. In coordination with staff, they are moving to complete the Conservation Restriction and obtain the outstanding Certificates of Compliance.

During preparation of a Baseline Documentation Report for the Conservation Restriction, surveyors identified an approximately 510-square-foot area within the proposed restricted area that is currently maintained lawn. Mr. Wells stated that the purpose of the filing is to restore that lawn area to native vegetation so the Conservation Restriction can be properly established.

Photographs were presented showing the lawn area, ornamental shrubs, and the staked boundary of the proposed Conservation Restriction. The plan calls for removal of the ornamental shrubs, elimination of the lawn, and removal of any associated sprinkler system components in that area. The proposed plantings include spicebush, red twig dogwood, serviceberry, and a native conservation seed mix, intended to enhance habitat value, particularly given the proximity to the certified vernal pool. Mr. Wells emphasized that the intent is to improve habitat conditions and provide additional cover for vernal pool amphibians and other wildlife.

He noted that under the Wetlands Protection Act, planting native species in an existing lawn area is considered an exempt activity. However, under the Sudbury Wetlands Administration Bylaw, the work is within the adjacent upland resource area and therefore requires review. He requested that the Commission issue a Negative Determination.

Chair Henkels noted the long history of the property with multiple prior owners and outstanding Orders of Conditions. He inquired whether successful completion of the proposed restoration, along with a monitoring period to ensure plant establishment, would resolve the remaining administrative issues and allow closure of the historic filings. Coordinator Capone responded that she was very pleased to see the RDA submitted, as this restoration should represent the final step necessary to clear the old Orders of Conditions and finalize the Conservation Restriction.

Chair Henkels opened the floor to questions from the Commission.

Comm. Sevier asked how the edge of the proposed Conservation Restriction would be delineated in the field. Mr. Wells responded that the boundaries are marked by a combination of granite monuments and iron rods. He explained that when he visited the site to prepare the Baseline Documentation Report he had verified in 2022 that the monuments were properly installed. He noted that once the plantings are completed, he will need to reinspect the Conservation Restriction boundaries. If any rods are missing, they will have to be reinstalled before the Conservation Restriction can be finalized.

Comm. Sevier asked whether the boundary markers were shown on a survey plan and whether the plan being referenced was recent. Mr. Wells displayed the as-built plan from 2024, confirming that those rods were present at the time of that survey and would need to be present for completion of the restriction.

Mr. Wells acknowledged that due to snow cover he could not confirm the current condition of each marker. Mr. Indermuehle added that in late fall they observed one rod in the corner, but they did not specifically search for the others. He stated that the surveyors had placed stakes and installed rods adjacent to those stakes, and that at least one rod remains visible along the border.

Comm. Sevier expressed concern about relying on markers that are not easily visible and questioned what would prevent a future homeowner from reestablishing lawn in the restricted area if the boundary was unclear. Mr. Wells responded that the Commission, as grantee of the Conservation Restriction, would review and approve the final documents and could require additional or more visible monumentation if deemed necessary.

Comm. Sevier suggested that larger markers, such as boulders, might be more noticeable. Mr. Wells noted that some corners are marked with concrete bounds with drill holes, while most of the remaining markers are iron rods. The granite monuments are located at select corners, particularly on the eastern side of the property.

Mr. Indermuehle suggested that additional visible features, such as granite bollards or other markers, could be designated along the lawn edge to better delineate the restoration area. Comm. Sevier indicated that something more visible would provide greater clarity over time.

Comm. Sevier also asked whether the current owner was undertaking the work in anticipation of selling the property. Mr. Wells stated that he was not aware of any pending sale and had only recently become involved. Comm. Sevier concluded that if the restoration becomes well established over time, the boundary may become more apparent as vegetation takes hold.

Chair Henkels noted that ideally such restrictions are identified during due diligence prior to property sales, acknowledging that past oversights had led to the current situation. He asked whether there were any additional questions from the Commission.

Chair Henkels asked Coordinator Capone to review the proposed conditions for the Determination. Coordinator Capone outlined three conditions. First, a pre-construction meeting would be required after installation of erosion controls, so staff could meet with the landscaping contractor to ensure everyone is aligned on the scope and expectations. Second, all plantings must survive for at least two growing seasons, with any failed plantings replaced at the applicant's expense. Third, following installation, the area must be manually monitored for invasive species and invasives removed until the restoration is signed off by the Commission and the Conservation Restriction is fully recorded. She noted that the area immediately behind the proposed restoration is

heavily infested with bittersweet and emphasized the importance of preventing that species from reestablishing in the restored area before the vegetation becomes established.

Chair Henkels then asked whether the Commission should address Comm. Sevier's concerns about boundary markers. Coordinator Capone stated that an additional condition could be added requiring that the Conservation Restriction boundary be visibly marked, such as with granite bollards as discussed. She explained that older Orders of Conditions typically required iron pins, which is why those were installed, but acknowledged that in this case they had not proven sufficiently visible or effective.

Chair Henkels expressed support for visible boundary markers, and the Commission indicated agreement.

Assoc. Comm. Sulkowski asked about the existing fence around the pool. Mr. Indermuehle explained that it is a four-foot chain link fence that encloses the pool area and ties into the house at both ends. Assoc. Comm. Sulkowski suggested that extending the fence could potentially serve as a visible boundary marker, but acknowledged that granite bollards or similar markers might be preferable and could provide flexibility to the applicant. Mr. Indermuehle noted that extending the fence would not naturally connect into the front yard configuration. Coordinator Capone added that fences can be removed over time, whereas granite bollards or embedded posts would provide a more permanent demarcation. Several Commissioners indicated that the choice of visible marker could be left to the owner, provided it is durable and clearly identifiable.

Chair Henkels asked whether there were any further questions from the Commission or from members of the public. Hearing none, he requested a motion to issue a Negative Determination of Applicability.

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: 89 Stone Road, DEP #301-1459

Chair Henkels resumed the Hearing for the project to construct additions, install associated utilities, construct a stormwater management system, replace existing septic system, and repave driveway within the 100-foot Buffer Zone and local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Ramol Partners LLC was the applicant.

On motion by Comm. Cook to continue the Hearing to February 23, 2026, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 74 and 80 Maynard Road: Bonnie Brook Realty Corp., DEP #301-1341

Chair Henkels resumed the Hearing for the project to construct a roadway and associated drainage system and utilities in the 100-ft Buffer Zone and Adjacent Upland Resource Area for a 6-lot residential subdivision, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. John Derderian was the applicant. This Hearing was continued from June 7, August 9, September 27, 2021, August 22, 2022, July 24, 2023, August 26, and December 16, 2024.

Bruce Saluk of Bruce Saluk & Associates explained that the applicant has been working extensively with the Planning Board and its consultant, Horsley Witten. The most recent plan revision was dated September 16, 2025, accompanied by an addendum to the stormwater report. Following consultant review in October, the project received what he described as a "clean letter," with the primary request being that the proposed restoration area—approximately 1.6 acres—be supported by a formal planting plan prepared by a landscape architect rather than simply included as a condition of approval. The applicant engaged landscape architect Michael Radnor to prepare a three-sheet planting plan detailing species, spacing, and planting specifications. That plan was presented to and approved by the Planning Board in December.

Mr. Saluk then summarized the evolution of the project. The original proposal was for a nine-lot subdivision on just over 30 acres along Maynard Road. That plan included slightly more than two acres of impervious area, approximately 9.2 acres of disturbance, and about 0.9 acres of tree restoration. It also required a more extensive and distributed stormwater management system with multiple chamber systems.

The current proposal has been reduced to six residential lots and a 7.74-acre open space lot to remain permanently undeveloped. The limit of disturbance has been reduced to approximately 7.3 acres, and impervious area has decreased to about 1.7 acres. Tree restoration has increased to roughly 1.6 acres. With the development footprint shortened, the stormwater system has been simplified into a single centralized underground chamber system. The system includes three forebays and a Cascade Separator for total suspended solids removal prior to discharge to the main chamber system.

He noted that the site soils are sandy and well-suited for infiltration. The design includes two level spreaders: one associated with the outlet of the primary stormwater system, and another on Lot 6 near a small culvert crossing, which incorporates a four-bay culvert forebay upstream of the crossing. Stormwater calculations were performed for the 1-inch, 2-year, 10-year, 25-year, and 100-year storm events, and the project demonstrates reduced peak flow and reduced runoff volume compared to existing wooded conditions for all design storms, in compliance with state and local requirements.

The proposed roadway length remains the same as previously presented, but the overall development intensity has been reduced, with fewer lots and increased restoration area. Mr. Saluk also noted that due to the Town's recently adopted affordability bylaw, the project is required to include one affordable unit. The applicant proposes to construct a duplex on the first lot, with one of the two units designated as affordable housing.

Mr. Derderian added that the Commission needed to discuss the disposition of the open space parcel within the subdivision. He explained that he does not intend to build the project himself but plans to sell it to a developer. He stated that the two options discussed with staff were either to donate or gift the open space parcel to the Conservation Commission or to place a Conservation Restriction over it. If the Commission had no strong preference, he would prefer to leave the choice to a future developer.

Chair Henkels summarized that the Commission's role this evening was to determine whether it would prefer to accept ownership of the open space parcel outright or instead require a Conservation Restriction. He noted that, regardless of that decision, individual Conservation Restrictions would apply to lands outside the approved limit of work on each lot.

Coordinator Capone clarified that the subdivision approval establishes a defined limit of work, and all land outside that limit would be subject to Conservation Restrictions tied to the subdivision Order of Conditions. Although the current filing before the Commission addresses roadway, drainage, and utilities, five of the six individual house lots fall within the buffer zone and will require separate Notices of Intent. Those future Orders of Conditions would incorporate the details of the individual Conservation Restrictions.

Chair Henkels asked for additional context regarding the open space parcel, particularly given its proximity to wetlands and conservation land. Coordinator Capone explained that the open space parcel abuts the Town-owned Wake Robin Conservation Land and the Sudbury Valley Trustees' Mineway Brook Corridor. However, the parcel itself functions somewhat as an island, with substantial wetlands on either side connecting it to the other conservation properties.

She noted that the Wake Robin parcel has significant beaver activity. During the course of subdivision review, an Order of Conditions had been issued to allow potential management of a beaver dam at the outlet of the stream, but that Order was closed without work being performed. What did occur was trapping activity by an adjacent landowner on the open space parcel. Coordinator Capone advised that if the Commission were to accept ownership of the open space, it would assume responsibility for any current or future beaver management issues. Even if beavers are not currently active, she indicated the habitat is prime for recolonization.

Another consideration she raised was that accepting ownership would remove the parcel from the tax rolls. In contrast, placing a Conservation Restriction would preserve the land while keeping it in private ownership.

Coordinator Capone also recalled prior discussions about the potential for a public trail connection between Wake Robin and the Sudbury Valley Trustees land. SVT had previously expressed opposition to a public connection into its property, citing concerns about impacts to wildlife habitat. However, if the Commission chose the Conservation Restriction route, it could reserve the right within the restriction for the holder to establish a public trail in the future, preserving flexibility without requiring immediate public access.

She added that, from an administrative standpoint, Conservation Restrictions require annual monitoring, and the department already manages a number of them. However, because each of the individual house lots will also carry Conservation Restrictions, staff will already be conducting monitoring in that area. Monitoring the additional open space parcel under a Conservation Restriction would not be significantly burdensome.

Ms. Capone concluded by stating that it would be helpful for the Commission to decide on this issue. She noted that only four Commissioners—Chair Henkels and Comms. Holtz, Porter, and Sevier—have participated in the review of the project from the beginning and therefore should be the voting members on this matter to maintain procedural consistency. Chair Henkels acknowledged this.

Comm. Porter recalled that some time ago there had been efforts to streamline permit applications to help the project move forward, but his recollection was that those efforts never passed. He also remembered that the number of lots had dropped as a result of some of that action. He asked whether anyone could review what happened during that period and what became of the deficiencies that had been identified at the time. He questioned whether those issues had been fixed, left unresolved, or incorporated into new permitting requirements.

Chair Henkels responded that those were good questions. He noted that the development had been reduced from nine lots to six, with one of the six designated as affordable housing at the entrance to the property. He explained that over the four to five years the project had been before the board, several issues had been worked on, including stormwater management and conservation-related concerns. He said the stormwater component appeared to be close to resolution. He also mentioned mitigative plantings being presented again, as well as the open space versus conservation restriction issue. He added that numerous other issues had been addressed over time by the Conservation Department, Planning, the Board of Health, and others. He emphasized that the focus of the current meeting was primarily on the conservation restriction piece and possibly the mitigative plan.

Comm. Porter said that was reasonable but clarified that he was looking for a summary of how the previously identified problems had been resolved or disclosed, and whether they were incorporated into new permitting. Chair Henkels said they could likely provide a summary or outline of the project history, noting that there had been about seven meetings over the past three and a half to four years.

Comm. Sevier added that the short version was that the number of lots had gone from nine to six, and that issues such as the driveway had worked their way through the planning process with input from Coordinator Capone. He said that was essentially how they had arrived at the current point, with those details finally worked out. Comm. Porter reiterated that he wanted to ensure the problems identified in the past had been fixed. Comm. Sevier responded that they had been keeping those issues on the radar and that reviewing the minutes would provide specifics. Comm. Porter asked whether the Conservation Commission would resolve past deficiencies going forward, and Comm. Sevier replied that they believed those issues had already been addressed.

Chair Henkels asked Coordinator Capone to summarize the Conservation Restriction and ownership aspects. Coordinator Capone explained that outright ownership was an option and that the parcel directly abutted Wake Robin, adding more than seven acres to that area. She said that if the Commission developed Wake Robin in the future, trails could potentially be added, although the land was currently quite wet. She noted that climate conditions could change over time. She explained that whether the land was held under a Conservation Restriction or owned outright, the Commission would monitor it to prevent dumping, encroachment, or lawns creeping into the open space. She pointed out that under a Conservation Restriction, the Commission would be legally responsible for monitoring boundaries and ensuring no prohibited activities occurred. She also mentioned that the town owned many small conservation parcels that were rarely visited, so regular monitoring could be beneficial. In either case, she said, the land would be permanently protected in its natural state and negative activity would not be permitted.

Chair Henkels then asked who would be responsible for monitoring beaver dams if they returned, assuming they likely would. Coordinator Capone then clarified that responsibility would depend on ownership. If a dam were built and created a health or public safety issue, it would be the landowner's responsibility, whether that landowner was the town or a private entity. If the land were protected under a Conservation Restriction, she assumed responsibility would likely fall to a Homeowner's Association (HOA) representing the subdivision. In that case, the homeowners would need to petition the town to manipulate the dam, as had been done previously, or to trap beavers during the approved trapping season.

Comm. Sevier asked what kind of HOA would exist and who would realistically coordinate any response years down the road. Mr. Derderian replied that they were not proposing a HOA association for the land itself. If the parcel were not held separately, it could be incorporated into larger individual lots or gifted, but it would not necessarily remain a separate parcel with its own association. Coordinator Capone pointed out that there was already a HOA association proposed for drainage. Mr. Derderian confirmed that the association would cover drainage infrastructure, while the roadway would be turned over to the town.

Comm. Sevier suggested that the conservation land could conceivably be added to that association, but he questioned what would realistically happen if there were a future beaver issue. With six new taxpayers in town, he felt it might make more practical sense for the town to take responsibility for managing beavers or similar environmental concerns. He doubted that a small HOA, not accustomed to working together on complex matters, would effectively address such issues. Chair Henkels agreed, saying he would not want to rely on an HOA, particularly given the complexities involved.

Comm. Sevier added that a homeowner whose yard was not being flooded might resist contributing to mitigation costs, which could create conflict within the neighborhood. He reiterated that it might be more practical for it to become a town responsibility.

Coordinator Capone said the situation was manageable either way, but she expressed a reservation about town ownership. When the beaver issue had previously arisen, it did not meet the threshold for the town to permit trapping or dam manipulation based on health and safety standards. While there might be more flexibility if neighbors came to a private agreement, the known dam was located on the northernmost portion of the parcel, far removed from the developed lots. She emphasized that as long as the public understood that beaver management would only be permitted if it rose to a health or safety issue, it should not present a major challenge.

Comm. Holtz reflected on what had recently occurred. He noted that when Mr. Derderian owned the land, he came to an agreement with neighbors and resolved the issue through trapping—something the Commission likely would not have allowed under its standards. If the town owned the land and neighbors brought concerns, he said, the Commission might sympathize but still would not permit trapping, relocation, or installation of devices such as beaver deceivers unless the situation rose to a true health or safety concern. He suggested that town ownership could be costly, labor-intensive, and potentially detrimental to neighbors who already had concerns about a recurring issue.

Comm. Sevier responded that Mr. Derderian had acted because he needed to in order to move the project forward. Once the land was divided among six homeowners, the dynamic would change. He questioned whether an affected neighbor would attempt legal action against other homeowners and suggested that town involvement might provide a more neutral forum for discussion, rather than neighbors resorting to expensive legal disputes. Comm. Holtz countered that even then it would still be neighbors versus neighbors, except that the town would be one of them. Comm. Sevier maintained that town government might serve as a more neutral mediator than private parties in conflict.

Comm. Holtz then asked whether installation of a beaver deceiver could be required as a condition of a Conservation Restriction. Coordinator Capone explained that the existing dam was too small to support that type of infrastructure. The options had been either to remove it entirely, which would prompt the beavers to rebuild, or to allow the adjacent property owner to manually remove debris as it accumulated. Comm. Holtz confirmed that a beaver deceiver would not be effective in this case. Chair Henkels added that the dam in question was approximately six feet across and two and a half feet high.

Mr. Derderian acknowledged that the dam, while small, had still been enough to prompt neighbors to raise concerns. Comm. Holtz asked whether it had been sufficient to start impacting lawns. Chair Henkels responded that the neighbors had brought the issue to the Commission's attention, and Mr. Derderian had stepped up and addressed it in response to those concerns.

Mr. Derderian then refocused the discussion on the two options before the Commission: town ownership or a conservation restriction. He asked Coordinator Capone whether, in both scenarios, the Town would ultimately bear responsibility for the land's integrity in terms of health, safety, and resident welfare. Coordinator Capone confirmed that was correct in terms of oversight. Comm. Sevier pointed out, however, that the previous issue had not actually risen to a health and safety level but was more about lawn concerns. Coordinator Capone clarified

that there had been no lawn flooding; the water level had remained two to three feet below the lawn elevation. The greater concern had been standing water increasing mosquito breeding and the potential risk of EEE, though no confirmed public health threshold had been met. She noted that the swamp is monitored by Middlesex County Mosquito Control, which maintains traps in the area. If EEE were detected, that would elevate the matter to a health and safety issue; without that, it would not.

Chair Henkels wondered whether anything could be written into a Conservation Restriction to give homeowners or abutters some limited opportunity to address a similar issue in the future. He also observed that there was another dam farther north that had reportedly grown over time and was not easily visible without walking through the brush. Coordinator Capone and others acknowledged that there were likely multiple dams affecting water levels in that area.

Chair Henkels summarized that stewardship would ultimately fall to the Town either way. Coordinator Capone clarified that while oversight might, the cost would differ. If the Town owned the land and a health or safety issue required trapping or other action, the expense would fall to the Conservation Commission. Under a Conservation Restriction, the cost would fall to the private owner of the land where the issue occurred. Chair Henkels confirmed that currently there was no HOA for the land itself, only for the stormwater system. Mr. Derderian added that if the parcel were not separately owned, the back lots could be enlarged with restrictions preventing development, meaning one or more individual owners would bear responsibility depending on where lot lines fell.

Comm. Sevier said that, considering how the situation had recently played out, he was beginning to see Comm. Holtz's perspective. If the matter rose to a true health and safety concern, town officials and monitoring agencies would already be involved. If it were simply about mosquito annoyance, that was a different category altogether.

Assoc. Comm. Sulkowski noted that the matter would likely be continued due to phasing issues and suggested that since no decision was being made that evening, perhaps the Commission could reach out to current abutters before the next meeting to ask whether they would prefer dealing with the town as land manager or with individual homeowners in the future. Comm. Sevier responded that abutters would not be unbiased and would likely favor Town ownership as the more predictable option. He added that, in light of the prior events, he was leaning toward the Conservation Restriction option.

Comm. Holtz shifted the conversation to the land itself. He described the cul-de-sac and a path leading back to the open space, including a peninsula area near Mineway Brook that would require crossing the stream to reach additional open space. He asked whether that peninsula area was usable for activities such as playing football, or whether it was largely wet and wooded, and whether any crossing was planned.

Mr. Derderian responded that the area was wooded and densely vegetated in many places. He did not believe clearing would be permitted under the restrictions. At most, there might be informal walking trails, though he noted the terrain was dense and prone to ticks. Chair Henkels agreed, adding that the land slopes downward toward the resource areas and that part of the peninsula likely lies within a protected resource area. Comm. Holtz recalled that access had been difficult when walking the site and acknowledged that it was not easily usable open space.

Comm. Faust said the Conservation Restriction option felt less likely to result in future trail connections between adjacent conservation lands. If connectivity were a priority, he suggested that Town ownership might make that easier. However, if maintaining the current status quo in terms of connectivity was acceptable, then the Conservation Restriction seemed to make more sense to him.

Comm. Holtz responded by offering a different perspective. He suggested that under a Conservation Restriction, the Commission could include language allowing for potential future trails, subject to Commission review and approval. By contrast, if the land were Town-owned, residents might assume they had the right to walk through it freely simply because it was public land. He felt the Commission might actually retain more control under a Conservation Restriction, including control over whether trails were established or connections made to adjacent lands such as Sudbury Valley Trustees property or Wake Robin.

Chair Henkels confirmed there were no trails on the parcel and agreed that a Conservation Restriction could clearly define what was and was not permitted. He asked Coordinator Capone whether a baseline report would be required if the parcel were placed under a Conservation Restriction. Coordinator Capone confirmed that it would.

Comm. Sevier then asked, from a practical standpoint, whether the parcel would become part of the HOA's management responsibilities. Coordinator Capone said that based on Mr. Derderian's earlier comments, it sounded like the lot lines might be adjusted so the land would be owned by one or more individual lot owners rather than the HOA. Comm. Sevier clarified that if that were the case, the HOA would have nothing to do with it under a Conservation Restriction and responsibility would rest with individual owners.

Comm. Holtz asked whether they could view the currently proposed lot lines, noting that the plan was difficult to interpret due to the number of lines. Chair Henkels suggested that Mr. Derderian provide a clearer copy and that the Commission discuss the matter in more detail at the next hearing. Comm. Sevier added that if Mr. Derderian intended to modify the lot lines based on the Commission's leaning toward a Conservation Restriction, it would be helpful to present a revised plan showing clearly how ownership would be structured and whether it affected other permitting processes.

Mr. Saluk said the lot lines could be shown and reviewed. He also raised the issue of access. If future beaver management were required, it might make more sense to access the area from Wake Robin Road rather than through the proposed cul-de-sac, as that would cause less environmental disturbance. He noted that this was how access had been handled previously. From that standpoint, he suggested the precise placement of lot lines might not matter much in practice, since neighbors would likely allow access if mosquito concerns arose.

Comm. Sevier returned to the question of responsibility. He pointed out that someone would ultimately bear responsibility for the land—whether one homeowner, two, or more. If Mr. Derderian adjusted the lot lines to avoid HOA involvement, that responsibility would fall to specific individual owners. Mr. Derderian acknowledged that perhaps they should regroup on that point, saying he had initially thought enlarging certain lots would be simpler but was open to reconsidering whether HOA involvement might be preferable.

Comm. Sevier said this was the time to think through how the arrangement could potentially go wrong in the future. Assigning responsibility to an HOA would distribute it among all homeowners, whereas placing it on a single lot owner could create a significant burden that the buyer might not fully understand. He suggested that the takeaway from the discussion seemed to be a general leaning toward a Conservation Restriction, and that Mr. Derderian should consider how that would be structured within the development plans and return with a clearer proposal at the next meeting.

Chair Henkels said he was unsure how the HOA would be structured and whether it was entirely up to the developer. Mr. Derderian replied that the road would be a town road and that certain elements would be communal. Chair Henkels questioned whether the HOA is established by the developer and passed on to purchasers, or whether the town has any role in requiring it. Mr. Saluk explained that, in his experience, the developer's attorney drafts the HOA documents. These are typically recorded as deed riders attached to each lot. At closing, each purchaser signs those documents and accepts the responsibilities outlined within them.

Chair Henkels then asked Mr. Derderian and Mr. Saluk to come back at the next meeting with a clearer outline of the lot configuration if the Conservation Restriction option were pursued. Comm. Sevier added that the Planning Board likely influences the scope of HOA responsibilities, especially where shared infrastructure such as drainage or driveways is concerned. He observed that a developer might not voluntarily assume additional HOA obligations unless required, particularly if it could complicate sales.

Mr. Derderian questioned what would happen if the developer preferred to donate the land to the Town, but the town declined to accept it? Chair Henkels said that was an interesting point and suggested it was something to investigate before the next meeting. The Commission noted that in past situations they had declined offers of donated land, so it was not a purely theoretical issue.

Comm. Sevier reiterated that this was the time to anticipate potential future complications. He suggested Mr. Derderian review whether it made sense to enlarge one or two lots to incorporate the conservation-restricted area, or to structure it differently, and then return with a clearer proposal. Mr. Derderian agreed to do so.

Chair Henkels then opened the floor to public comment.

Anna Bhattacharya of 84 Maynard Road stated that she had surveyed her trees and submitted a tree protection plan to the Conservation Commission because clearing on Lot 6 would significantly impact the critical root zones

of her trees. She asked that the Commission review the plan again and ensure that restrictions are in place to protect her trees and property.

Coordinator Capone responded that she would need Anna to resend the tree protection plan so she could review it again. She also asked whether Anna had raised the issue with the Planning Board, since portions of the driveway and lot layout might fall outside the Conservation Commission's jurisdiction. Coordinator Capone explained that she would need to determine which aspects were within the Commission's authority.

Mr. Derderian stated that, to his knowledge, Ms. Bhattacharya had brought several concerns before the Planning Board over time and had attended many meetings. He said that the Planning Board had recently approved a plan showing the house placement relative to her property and that nothing had changed since that approval.

Chair Henkels noted that additional detail could be provided before the next discussion so that Ms. Bhattacharya and other interested parties would have clearer information regarding the plans and any applicable protections.

Mr. Saluk explained that the plan had been revised to show no grading near the lot line. He indicated that the proposed limit of disturbance was approximately 60 feet from the common lot line, ensuring a buffer from the neighboring property.

Doreen Neale of 75 Wake Robin Road spoke about the beaver dam and its flooding impacts. She described that, although the dam was small, it caused significant water encroachment and disrupted areas that had previously been usable for recreation, including paths to Codman and Mineway Brook. She also noted that mosquitoes became problematic and that her family's backyard activities, including using their pool, were heavily impacted. She emphasized the financial and logistical burden of dealing with beaver trapping the previous year and expressed interest in being involved in future decisions affecting the area.

Assoc. Comm. Sulkowski commented that feedback from existing neighbors was important and encouraged the Commission to ensure that affected residents had a voice regarding whether future land management would fall under an HOA, individual ownership, or town responsibility.

Comm. Sevier acknowledged the complexity of the situation, noting the balance between human development and natural beaver activity. He suggested that while placing responsibility in the Town's hands could relieve individual homeowners from undue burden, such as mosquitoes near private pools, did not rise to a public health concern and therefore did not necessarily fall under the Conservation Commission's direct purview. He emphasized that soliciting neighbor feedback was still worthwhile, even if it might not directly influence the Commission's legal responsibilities.

Chair Henkels acknowledged the Commission's ongoing efforts to carefully evaluate options regarding beaver dams, land ownership, and responsibility, emphasizing that the discussion was intended to inform a strong recommendation. He clarified that the issues included whether land should be kept as open space, placed under a Conservation Restriction with the town assuming certain responsibilities, or managed through an HOA, the mechanics of which were not fully clear at the time. He indicated that the Hearing would continue once further information was obtained and before requesting formal affirmation.

Coordinator Capone then addressed two additional items: the planting plan and the project phasing plan. She noted that the planting plan, intended to restore areas cleared for the roadway and slopes, had not previously been submitted for review. While the species composition was suitable and included native trees and shrubs, the proposed plants were very small (essentially seedlings). She requested the square footage of each planting area, particularly those adjacent to resource areas, to confirm adequate coverage. She also raised questions regarding the handling of existing leaf litter—whether it would be stockpiled and replaced—and whether supplemental leaf litter or seed mixes would be necessary to stabilize areas where plantings are small, especially near resource areas or steep slopes.

She asked for clarification on the overall site development phasing. While the current construction pertained to the roadway and utilities, clearing shown on the plans included all lots. She wanted to ensure that cleared areas would not be left fallow, which could promote invasive species and degrade adjacent conservation lands. Specifically, she sought a conceptual understanding of how much area would be open at one time, how lots and materials would be managed, and whether stabilization measures would precede or coincide with lot development.

Mr. Saluk responded, confirming that the landscape architect planned to remove, stockpile, and replace existing leaf litter, and acknowledged that additional leaf litter could be required. Regarding the construction sequence, he explained that a suggested framework is provided in the construction documents, but the contractor typically proposes the detailed sequence just prior to the pre-construction conference, allowing review by the Commission and Planning Board. He also noted that while the proposed vegetation consists of seedlings, the species selection was all native and appropriate for reforestation. He confirmed that density near resource areas is a factor and that the planting schedule and common names of trees and shrubs are included in the plan.

Coordinator Capone emphasized that the Commission would usually require larger plantings for areas directly affecting resource areas to restore those areas more effectively. She suggested that for very small seedlings, supplemental seed mixes could help stabilize and naturalize the site, while cautioning against introducing invasive species through imported leaf litter.

Mr. Derderian added that the use of seedlings early in construction, prior to water management in the area, was intended to enhance plant survivability. This approach aimed to give these plantings a better chance of establishing before the site conditions changed with the introduction of water and construction activity.

Mr. Saluk explained the anticipated sequence for site stabilization and planting. He outlined that during the earthwork stage, immediate planting is not feasible. Instead, a conservation seed mix would be hydroseeded to provide initial ground cover and erosion control. Transitional vegetation would establish first, including grasses, followed later by seedlings and shrubs. Over time, the grass would diminish, allowing trees and natural ground cover to flourish, gradually restoring a wooded state.

Coordinator Capone noted that the current plan did not specify the seed mix or transitional planting and emphasized the importance of having the anticipated sequence documented. She questioned whether the land would remain largely untouched until the contractor was on site, to avoid issues such as clearing large areas prematurely and leaving them fallow. Mr. Derderian clarified that this was not the intent, and Mr. Saluk confirmed that the first construction phase would focus on rough grading the roadway to gain site access, with lots opened sequentially according to marketing and erosion control considerations.

Coordinator Capone stressed that a written plan should be provided detailing the anticipated phasing, so it could be conditioned and monitored. Mr. Saluk agreed, noting that while a framework could be proposed now, the contractor might adjust the sequence later.

Chair Henkels reminded all parties that there are significant responsibilities tied to the vegetation plan, including the survival of over 200 seedlings and proper leaf litter management over a 2–3-year monitoring period, with a survival expectation of 90–100% as confirmed by Coordinator Capone. He then proposed continuing the Hearing, suggesting potential dates of February 23, March 9, or March 23. Mr. Derderian requested to confirm with Mr. Saluk before committing but tentatively agreed to March 23.

On motion by Comm. Sevier to continue the Hearing to March 23, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

[Enforcement Order Update:](#)

73 Wayside Inn Road: Parking Lot Restoration

Chair Henkels stated that, due to the weather, no work had been carried out on the parking lot restoration. This was confirmed by Coordinator Capone.

[Other Business:](#)

Coordinator Capone explained that the Town Forum, scheduled for February 26th at 7:00 PM via Zoom, would present the upcoming update to the Open Space and Recreation Plan, anticipated to be completed by December of the year. She described the forum's purpose as introducing the project and explaining the process, noting that public input on the plan's content would be solicited through other engagements and surveys later in the year.

She also mentioned that a consultant had been engaged for the King Philip project, with work expected to occur over the spring and summer, as soon as the ground thaws.

Chair Henkels then invited any further comments.

Comm. Holtz inquired about receiving invitations to the Town Forum. Coordinator Capone clarified that announcements would go out via town email lists, and she offered to forward the information once available. Assoc. Comm. Victor Sulkowski noted that the Zoom link and details were also available on the town website.

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 8:52 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.