



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, February 23, 2026

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Luke Faust (7:01 PM); Bruce Porter (7:23 PM); Kasey Rogers; Mark Sevier; Harry Hoffman, Associate Member; Victor Sulkowski, Associate Member; and Lori Capone, Conservation Coordinator

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

Minutes

On motion by Comm. Cook to accept the minutes of the February 9, 2026 meeting, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative, with Comm. Rogers abstaining and Comm. Porter not present.

Conservation Restriction:

219 Wayside Inn Road: Presentation of Conservation Restriction

Coordinator Capone explained that the 10-acre parcel is located on Wayside Inn Road near the Marlborough town line. The property had previously come before the Commission in 2022 for an Order of Conditions permitting construction of a single-family home. She stated that the approved development was located entirely within the Buffer Zone, with the edge of disturbance five feet from wetlands in an unaltered Adjacent Upland Resource Area. She noted that it is unusual for the Commission to allow construction that close to wetlands on an undeveloped lot, but in this case, approval was granted because the majority of the property would be permanently protected.

Coordinator Capone explained that the lot was created in the 1950s and subdivided specifically for a single-family house, and there was no feasible way to develop it with less impact to the wetland resource areas. The Commission therefore issued an Order of Conditions allowing a small single-family house, conditioned on permanent protection of most of the land through direct ownership and a conservation restriction to be held by Sudbury Valley Trustees on the building lot.

She stated that the buildable portion of the lot is five acres, and originally 4.62 acres were to be placed under restriction. During preparation of the draft CR with Anthony Scibelli of Sudbury Valley Trustees, it was determined that the reserve septic system shown on the approved plans would fall within the restricted area. She recommended a minor modification to the CR boundary to include the reserve septic area within the developed portion of the lot. As a result, the restricted acreage was reduced by 0.02 acres, bringing the total restricted area to 4.6 acres. She described the change as minor but noted it required Commission review.

Coordinator Capone summarized that the CR is standard in form and provides that the land be maintained primarily in its natural state. Trails are permitted but limited to six feet in width, must maintain natural substrate, and require prior written approval from the Commission. She stated that allowances for infrastructure such as bog bridges and culverts were intentionally excluded due to the wet nature of the site. She also noted that provisions related to firewood cutting and removal of downed trees had been revised and resolved.

She explained that the draft CR is before the Commission for preliminary feedback prior to state review and review by Town Counsel. The document would return to the Commission for formal vote and signature after state approval and prior to recording, along with approval by the Select Board and the Secretary.

Mr. Scibelli of the SVT introduced himself and stated that he was seeking preliminary approval so the document could be submitted to the Division of Conservation Services. He noted that the grantor is currently the estate, though it may later become a nominee trust, and that this possibility has been flagged in the draft.

He reviewed the document, confirming that the restricted area has been revised to 4.6 acres and that the plan attached as Exhibit A reflects the updated boundary. He stated that the plan is currently in draft form and will be finalized and recorded.

Mr. Scibelli explained that the CR largely follows the state's model conservation restriction template. He highlighted a limited exception referencing the 2022 Order of Conditions to allow the approved house. He noted that permitted uses are standard and include vegetation management and limited passive recreation. Any trail development would require prior written permission from the Commission. Provisions related to cutting require approval and a stewardship plan, and the prior firewood provision was removed.

He stated that the CR includes standard enforcement, notice, amendment, and legal provisions, as well as language confirming there is no public access right. He noted that Sudbury Valley Trustees requested a limited access right across the property to reach the rear five acres, which will ultimately be conveyed to them, in order to monitor and steward that land. Mr. Scibelli explained that a baseline documentation report will be prepared prior to recording.

Chair Henkels invited Elizabeth and Paul Rudenberg to introduce themselves and offer any comments.

Paul Rudenberg stated that he resides at 12 Clifton Road in Falmouth, ME and clarified that, based on discussions with the project engineer, the plan currently under review represents the final version. He explained that all stakes shown on the plan are correct and will be placed in accordance with that final plan.

Mr. Scibelli responded that he had discussed with the Rudenbergs the importance of sufficient monumentation along the restricted property line so that the conservation restriction boundaries can be clearly identified in the field. He noted that they agreed to ensure that appropriate markers are installed.

Elizabeth Rudenberg introduced herself and stated that she has been working with Mr. Scibelli for a couple of years to move the conservation effort forward in accordance with the plan to permanently protect the property. She noted that she also resides in Falmouth, Maine.

Chair Henkels asked whether the expectation is that the baseline report would be completed and included as part of the final set of documents submitted in conjunction with sign-off by the Select Board and the Conservation Commission. He also inquired whether work on the baseline had begun.

Mr. Scibelli replied that while individuals have been out to the site, the baseline documentation report has not officially begun. He explained that several procedural steps needed to occur before reaching this stage and that once the draft conservation restriction is submitted for state review, work on the baseline will proceed in earnest. He added that SVT would be happy to share the completed baseline documentation report with the Commission for their records.

Chair Henkels invited comments from the Commissioners, noting that they had reviewed the draft conservation restriction distributed in advance of the meeting. He remarked that the document was very well prepared and contained provisions he had not seen in prior restrictions, describing that as both interesting and commendable.

He then asked Coordinator Capone whether a formal vote was required that evening. Coordinator Capone responded that no official vote was necessary because the Commission was not taking formal action on the draft. Rather, the purpose of the discussion was to provide SVT and the Rudenbergs with the Commission's general comfort level with the conservation restriction as drafted prior to submission for state review.

Chair Henkels then asked the Commissioners whether they had any questions or comments and whether they were comfortable with the conservation restriction in its current form.

Comm. Holtz asked about the existing stone wall shown on the plan, noting that certain areas appeared to indicate removal. He asked whether the stone wall within the conservation restriction area would remain and whether any portion outside the restricted area would be removed, particularly near the proposed driveway entrance.

Ms. Rudenberg stated that there is no intention to remove the stone wall. She explained that the wall has existed as long as the property has been in her family and that the goal is to sell the property with the wall intact. She added that they would be comfortable clarifying that intention if necessary. She noted that the only anticipated alteration would be at the driveway entrance serving the building lot.

Comm. Holtz then asked about a notation on the plan reading “SSM to be removed,” seeking clarification on what “SSM” meant. Mr. Rudenberg explained that three survey boundary markers had originally been installed. However, through review of the CR, it was determined that the boundary was not properly marked on the east side. He stated that the three markers would be removed and replaced in accordance with the revised boundary. Comm. Holtz confirmed that “SSM” referred to survey markers in engineering terminology. Mr. Scibelli added that the final recorded plan would reflect the updated boundary markers.

Comm. Holtz asked whether it would be helpful to explicitly guarantee that the stone wall within the conservation restriction area remain in place, noting the possibility that a future owner might wish to remove it.

Mr. Scibelli reviewed the CR language and explained that, under the prohibited acts and uses section applicable to the restricted area, there is already language prohibiting adverse impacts to stone walls, including disrupting, removing, or destroying them, as well as boundary markers. He clarified that within the CR area, destruction of stone walls is currently prohibited. He added that if the Commission wished, additional language could be added addressing stone walls outside the restricted area, though that would apply only to the unrestricted portion of the lot.

Comm. Holtz observed that the property is located along a historic road and suggested that other local protections may also apply. He stated that he was satisfied that the CR language adequately addressed the concern.

Ms. Rudenberg noted that there could be a limited circumstance during house construction in which a portion of the wall might need to be temporarily removed and replaced to accommodate construction equipment wider than the driveway entrance. Mr. Rudenberg clarified that any such activity would occur outside the CR.

Comm. Holtz indicated he was satisfied with the explanation. Chair Henkels then invited any additional questions from the Commissioners.

Chair Henkels conducted an informal straw poll of the Commissioners, asking whether they were reasonably comfortable with the CR as drafted. Hearing no objections, Chair Henkels expressed appreciation for the consensus.

Coordinator Capone noted for the record that Comm. Porter had joined the meeting at that time. Chair Henkels acknowledged this.

Wetland Applications:

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. This Hearing was continued from January 26, 2026.

On motion by Comm. Sevier to continue the Hearing to March 9, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative, with Comm. Rogers visually signaling her vote due to technical difficulties.

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 outbuilding, 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, August 4, and December 12, 2025.

On motion by Comm. Porter to continue the Hearing to March 23, 2026, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative, with Comm. Rogers visually signaling her vote due to technical difficulties.

Notice of Intent: 32 Emerson Way, DEP #301-1458

Chair Henkels resumed 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. This Hearing was continued from December 12, 2025.

On motion by Comm. Faust to continue the Hearing to March 9, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative, with Comm. Rogers visually signaling her vote due to technical difficulties.

Notice of Intent: 94 Pride's Crossing Road, DEP #301-1455

Chair Henkels resumed the Hearing for the project to demolish an existing carriage house and construct a single-family house within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. First Colony Development Co. was the applicant. This Hearing was continued from September 29, November 17, December 29, 2025 and January 26, 2026.

On motion by Comm. Faust to continue the Hearing to March 9, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative, with Comm. Rogers visually signaling her vote due to technical difficulties.

Certificate of Compliance:

Bose/Gilvin, 46 Brewster Road, DEP #301-1339

Coordinator Capone explained that the Order of Conditions was issued a few years earlier to allow removal of 23 trees. The trees were primarily located too close to the septic system, overhanging the house, or leaning toward the structure and contributing to roof rot. She stated that there were legitimate concerns about safety and infrastructure impacts. A robust planting plan was approved at that time to mitigate the removals and replace vegetation.

She noted that there have since been some modifications to the original planting plan, which Amanda Gilvin would describe. She added that it is somewhat unusual to have applicants appear before the Commission for a Certificate of Compliance, but given winter conditions and the prevalence of herbaceous plantings that would not be visible until late spring, she felt it was appropriate to have the applicant explain the work completed. She also mentioned that the property owners are in the process of selling their home.

Mrs. Gilvin introduced herself and stated that she and her husband, Samrat Bose, appreciated the Commission's consideration of their request. She explained that after moving in and living with the property for a full year, they adjusted the original planting plan to better reflect site conditions and what they learned about the yard over time.

She described removal of the 23 trees, noting that an arborist had identified them as posing risks to the septic system and the house. Once removed, she said it became clear that some of the pines were hollow and potentially hazardous. She expressed gratitude for the Commission's approval of the removals.

Mrs. Gilvin reviewed the originally approved planting plan and explained how it evolved. While they installed berry bushes such as elderberry and flowering raspberry, as well as ferns and woodland sunflowers, they reduced the number of American hollies originally proposed. She explained that significant subsurface rock was encountered during tree removal, and the effort required to move additional stone diminished their appetite for more intensive regrading that would have been needed to install certain plantings as originally envisioned.

She stated that they emphasized species that were thriving and available through Native Plant Trust, including elderberry, flowering raspberry, mountain mint, asters, and woodland phlox. She noted that flowering raspberry and mountain mint performed particularly well and supported wildlife, while some plantings such as woodland sunflower varied depending on deer browse.

Mrs. Gilvin described efforts to address invasive species encountered on the site. She explained that bittersweet was prevalent in one area and required professional clearing followed by ongoing manual maintenance to allow ferns and other native species to establish. She also identified knotweed on the east side yard and described ongoing efforts to suppress it while supporting woodland phlox and other native plants.

She noted that many of the installed species are herbaceous and would not be visible at this time of year, but they have multiplied and filled in over successive growing seasons. She also described creation of additional native plant beds outside the specific mitigation area, emphasizing her commitment to native species such as echinacea, black-eyed Susan, native irises, asters, and bird's-foot violets, which have attracted pollinators.

Mrs. Gilvin concluded by expressing that complying with the Order of Conditions had been a rewarding experience and that she appreciated the Commission's guidance and support.

Coordinator Capone stated that although the work completed differs somewhat from the originally approved planting plan, she believes the overall intent of the Order of Conditions has been achieved. She explained that the Commission's options are to issue either a full Certificate of Compliance, which would provide a clean record for the pending sale of the property, or a partial Certificate of Compliance, which would require any outstanding or additional planting work to be completed by the new owners in the spring. She recommended issuance of a full Certificate of Compliance.

Comm. Sevier commented that it was unfortunate the applicants would not be staying, given the evident care invested in the property. Mrs. Gilvin responded that the move was driven by employment, and although it was a difficult decision, she has greatly enjoyed creating and maintaining the native garden.

Comm. Holtz raised a concern about berry-producing plants such as elderberry and flowering raspberry, noting that while the current owners are comfortable with wildlife consuming them, a future owner might wish to harvest the fruit and potentially install fencing or structures that could conflict with conservation objectives.

Mrs. Gilvin clarified that they did not ultimately plant blueberries and that, although flowering raspberry can produce edible fruit, they have not observed meaningful fruit production to date. She suggested the shrubs are functioning more as ornamental native plantings at this stage.

Comm. Holtz then asked what information a new homeowner would receive upon purchase regarding ongoing responsibilities. Coordinator Capone explained that the Certificate of Compliance would be included in the closing documents and would reference any perpetual conditions associated with the Order of Conditions. She noted that any work within 100 feet of wetlands would require review and approval by the Commission. In addition, the Conservation Office sends a new homeowner packet to property owners adjacent to wetlands or subject to conservation-related conditions. That packet includes information about wetland boundaries, regulatory requirements, and the need to seek Commission approval for future work.

Mrs. Gilvin asked whether installation of fencing would require Commission approval. Coordinator Capone confirmed that it would, if located within jurisdictional areas.

Comm. Holtz asked whether the Commission's jurisdiction covers the east side yard. Coordinator Capone explained that the Buffer Zone extends in a semicircular pattern behind and around much of the house, encompassing the entire backyard and most of the side yards, including the east side.

Comm. Porter asked whether responsibility for compliance with the Order of Conditions transfers automatically to a new owner and whether documentation clearly communicates that obligation. Coordinator Capone responded that the Certificate of Compliance becomes part of the closing paperwork, though closing practices vary. For that reason, the Conservation Office supplements the legal documents with a direct mailing to new homeowners, reiterating the presence of perpetual conditions, providing copies of relevant documents, and including a wetlands map and clear notice that work within 100 feet of wetlands requires Commission review and approval.

Mrs. Gilvin added that, while not legally binding, she intends to leave notes and information about the garden and native plant resources for the next owner to encourage continued stewardship.

Chair Henkels thanked her and asked whether there were any further questions from the Commissioners.

Assoc. Comm. Sulkowski asked how long the Conservation Office has been sending informational packets to new homeowners. He remarked that the planting plan looked excellent and expressed that property transfer has always been a concern in terms of continuity.

Coordinator Capone responded that the office has sent such mailings for at least the duration of her tenure. She acknowledged that past practices may have varied in thoroughness but stated that the current approach is to provide comprehensive information tailored to each property's unique conditions.

Assoc. Comm. Hoffman added that when he moved into his home adjacent to wetlands approximately four years ago, he received the informational mailing. He noted that it did not arrive immediately after closing but several months later, which he found helpful because it stood out at that point. He commented that he had not read all of the closing documents at the time of purchase, so the separate mailing was beneficial.

On motion by Comm. Faust to issue the complete Certificate of Compliance, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative, with Comm. Rogers visually signaling her vote due to technical difficulties.

Enforcement Order Update:

73 Wayside Inn Road: Parking Lot Restoration

Chair Henkels noted that, given current weather conditions, it was likely that no progress had been made. Coordinator Capone confirmed that no work has occurred to date.

Other Business:

Coordinator Capone reminded the Commission about the upcoming Town Forum scheduled for Thursday evening.

Comm. Holtz raised a procedural question regarding attendance at the Town Forum. He asked whether the Commission needed to formally post it as a meeting if multiple members planned to attend, noting concerns about quorum and Open Meeting Law requirements.

Coordinator Capone responded that if only three members attended, a quorum would not be present and a posted meeting would not be required. Chair Henkels indicated that he would attend and informally polled for no more than two additional members in order to avoid reaching a quorum.

Assoc. Commissioner Sulkowski commented that, while he does not count toward quorum, he had recently reviewed the Open Meeting Law materials and believed that attending as audience members would not necessarily constitute a meeting. Coordinator Capone noted that it can be a gray area. She explained that if members are simply attending a public function and not deliberating among themselves, the concern is reduced, particularly in a Zoom setting. However, she added that it is procedurally cleaner to avoid having a full quorum present unless the event is properly posted as a meeting.

Chair Henkels asked whether there were any additional questions regarding the Town Forum before proceeding.

Adjourn Meeting

On motion by Comm. Holtz to adjourn the meeting at 7:48 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative, with Comm. Rogers visually signaling her vote due to technical difficulties.