



## SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, April 6, 2026

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

**Absent:** Bruce Porter; Victor Sulkowski, Associate Member

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

### Minutes

A vote to accept the minutes for the meeting on March 23, 2026 was tabled due to the lack of a quorum.

### Wetland Applications:

#### **Notice of Intent: 447 Peakham Road, DEP #301-1464**

Chair Henkels opened the Hearing for the project to remove a deck and construct an addition within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Jaedra Stahan was the applicant.

Brandon Ducharme, of David E. Ross Associates, described a 22,000 square foot lot with an existing single-family home constructed around 1952. He explained that the Bordering Vegetated Wetland lies at the rear of the property, with the 100-foot Buffer Zone extending through the house. The proposal includes a 10-by-10-foot addition on Sonotube footings, removal of an existing deck, installation of a dripline recharge trench around the addition, and construction of a fence to contain the owners' dog. The work is entirely within previously landscaped lawn areas and does not require removal of trees or significant vegetation. The addition is approximately 85 feet from the wetland. He noted that, overall, the project results in a net reduction of approximately 100 square feet of impervious surface across the site, and erosion controls would be installed prior to construction.

Coordinator Capone stated that the adjacent wetland is a potential vernal pool and expressed concern that an unfenced yard could allow a dog to disturb breeding habitat. She explained that the fence location was constrained by the septic system but considered acceptable given its purpose and the already disturbed lawn conditions. She recommended issuance of an Order of Conditions with standard requirements, noting that the project would not create new impacts to the resource area and did not require mitigation.

Comm. Sevier asked for clarification on impervious surface calculations, and Mr. Ducharme confirmed a net decrease site-wide. Comm. Holtz questioned whether the addition should be considered more impervious than the existing deck. Coordinator Capone agreed that the addition would be treated as impervious, while the deck is semi-pervious, and noted that although there is a site-wide reduction, there would be a slight increase within the Buffer Zone. Mr. Ducharme added that the recharge trench would capture and infiltrate roof runoff, supported by well-draining soils.

Ms. Stahan, clarified that the existing deck would be removed and not replaced, and that the associated door would also be removed. She noted that the deck is deteriorated and not cost-effective to rebuild.

Chair Henkels then invited further questions from the Commission.

Comm. Rogers asked whether plantings were proposed between the fence and the vernal pool. Ms. Stahan, stated that no formal planting plan had been developed, noting they had just moved in and intended to maintain a natural landscape. She expressed interest in future guidance from the Commission and emphasized that the fence was important to keep their dogs out of the wetland area to prevent disturbance to wildlife.

Comm. Rogers also asked about the fence design. Ms. Stahan explained it would be a four-foot, black wire loop-style fence, open in appearance and set close enough to the ground to contain the dogs.

Chair Henkels asked Coordinator Capone about mitigation. Coordinator Capone confirmed that no mitigation had been proposed but suggested that, if the Commission desired, native plantings could be installed between the fence and the resource area to naturalize the buffer and provide additional protection for the vernal pool. Commissioners expressed support for this approach. Comm. Sevier noted it could be developed over time, while Comm. Rogers added that vegetation could help screen wildlife from the dogs. Comm. Faust and Chair Henkels also supported the idea.

Coordinator Capone explained that the Commission could include a condition requiring mitigation plantings, typically on a one-to-one area basis, and that she could work with the applicant to finalize details. The Commission agreed to proceed in that manner, allowing approval to move forward with a condition requiring coordination with Coordinator Capone on a planting plan.

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

Chair Henkels asked whether the applicants had reviewed the draft Order of Conditions. Coordinator Capone stated that it had not been sent in advance and briefly summarized its contents. She explained that it was a standard Order of Conditions requiring the project to be constructed in accordance with the approved plans, with appropriate erosion controls and designated construction staging areas. She further stated that an additional condition would be included, requiring commensurate native plantings between the fence and the vernal pool, to be developed in coordination with her office.

The applicant indicated agreement with the conditions. The applicant asked whether separate meetings would be needed for coordination with the fence contractor and the planting plan. Coordinator Capone confirmed that separate meetings would be appropriate.

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

### **Notice of Intent: 1011 Boston Post Road (Lot 10a), DEP #301-1463**

Chair Henkels opened the Hearing for the project to grade, clear, install utilities, and construct a common driveway within the 100-foot Buffer Zone and the local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Reinaldo Faria was the applicant.

The representative for the applicant, Steven Balcewicz of Land Planning, Inc., explained that the lot contains a resource area along the frontage, necessitating a wetland crossing for access. To address this, the proposal includes an 18-foot-wide common driveway on Lot 11, constructed with porous asphalt, designed to maintain a grade of less than 5 percent to support stormwater recharge and minimize impacts within the Buffer Zone. He noted that the project would require review by the Planning Board for stormwater management.

He described the overall site layout, including the shared driveway with a fire apparatus turnaround, and the proposed single-family house, septic system, and individual driveway for Lot 10A. He stated that percolation testing had been completed successfully and that a septic permit would be sought. Detailed grading plans for the lot-specific improvements were also presented.

Coordinator Capone stated that her primary concerns related to the common driveway and would be addressed under the subsequent agenda item. She indicated that the house location itself was reasonable, as it avoided the boulder field that complicates access. She provided background that the lots had previously been before the Commission, with an earlier application withdrawn, and noted the difficulty encountered during recent test pit work due to extensive subsurface boulders.

Coordinator Capone raised questions regarding the classification of the stream on the property. She noted that it had previously been treated as perennial, with an associated Riverfront Area, but recent correspondence suggested it may be intermittent. She stated that the stream was currently flowing despite drought conditions and requested documentation to support any determination of intermittent status.

She also identified a potential vernal pool on the lot and noted that while the proposed work maintains a 100-foot Buffer, the proximity of development warranted consideration of permanent demarcation to prevent future

encroachment. She recommended similar boundary markers along the Buffer Zone adjacent to the Bordering Vegetated Wetland near the septic system. She further suggested that the proposed mitigation—two trees—may be insufficient given the extent of alteration and that additional mitigation should be considered.

Finally, she inquired about the installation of utilities within the common driveway, given the presence of the boulder field. The applicant's representative responded that utility placement had not yet been finalized and would depend on utility provider requirements, with the possibility of a combination of overhead and underground installation. He confirmed that the project would utilize private wells and on-site septic systems, with electric, telephone, and cable as the only utilities within the driveway corridor.

Chair Henkels asked whether blasting would be required given the presence of significant ledge and boulders on the site. Mr. Balcewicz, stated that blasting was not anticipated. He explained that the design of the common driveway involves filling over the existing boulder field rather than removing it. The approach includes placing large riprap between the boulders, followed by structural fill and filter fabric to create a stable base for the porous asphalt surface.

Chair Henkels asked whether the house locations had been staked in the field. Mr. Balcewicz stated that no staking had occurred, as the current focus was on obtaining approval for the common driveway to establish access before proceeding with house construction.

Chair Henkels inquired about the feasibility of installing private wells given subsurface conditions. Mr. Balcewicz responded that he did not anticipate issues but noted that access would need to be established before well drilling equipment could reach the site.

Chair Henkels raised concerns regarding tree removal, disturbance of boulders, and the potential for erosion and sedimentation downslope. He questioned whether silt fencing would be sufficient to control these impacts. Mr. Balcewicz stated that tree clearing would be limited to approximately 20 to 25 feet in width for the driveway, leaving surrounding canopy and root systems largely intact, and indicated that silt fencing would be adequate.

Comm. Rogers asked about the volume of fill required to construct the driveway. Mr. Balcewicz stated that earthwork calculations had not yet been completed but could be provided, particularly within the Buffer Zone. Chair Henkels added concerns regarding the source and quality of imported fill, including the potential introduction of invasive species.

Comm. Rogers further questioned whether the proposed fill over a steep slope and boulder field could lead to long-term erosion beneath the driveway structure. Mr. Balcewicz responded that the use of angular riprap would stabilize the fill and reduce water velocity, thereby minimizing erosion risks.

Chair Henkels asked whether driveway width and Fire Department access requirements would be addressed. Coordinator Capone stated that those details would be discussed under the subsequent Hearing for the common driveway associated with the adjoining lot.

Chair Henkels referenced concerns raised by Comm. Holtz regarding the proximity of the proposed house to the Buffer Zone around a vernal pool and expressed support for establishing a permanent demarcation of both the vernal pool Buffer Zone and adjacent resource areas. Comm. Holtz stated agreement with Coordinator Capone's earlier recommendation that permanent field markers should be installed to clearly delineate protected areas.

Mr. Balcewicz asked what types of physical barriers are typically used for Buffer Zone demarcation. Chair Henkels responded that the Commission has previously used a range of methods, including bounds and natural materials such as rock, particularly where suitable stone is available on-site. He suggested the applicant return with a few viable options for the Commission to consider.

Mr. Balcewicz proposed using existing rocks from the site as boundary markers, placed at regular intervals (approximately every five feet) along the Buffer Zone edge, noting that this would align with materials already present and required for construction. Coordinator Capone added that whatever method is selected should also include a durable interpretive component, such as signage or placards, to ensure that future property owners understand the significance of the demarcation as a no-disturbance boundary.

Chair Henkels further suggested that a site walk would be beneficial prior to the next Hearing so the Commission could better understand the resource areas, proposed house locations, and Buffer Zone constraints in the field.

Mr. Balcewicz provided clarification that stormwater management design would proceed to Planning Board review and that access during construction would be through Boston Post Road, subject to state curb cut permitting, with phased construction involving simultaneous driveway installation and site clearing over the boulder field.

Chair Henkels noted the need for continuation and identified upcoming available meeting dates. The applicant requested continuation to April 27, 2026. There were no public comments.

On motion by Comm. Cook to continue the Hearing to April 27, 2026, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

### **Notice of Intent: 1011 Boston Post Road (Lot 11), DEP #301-1462**

Chair Henkels opened the Hearing for the project to construct a house with associated common driveway, utilities, grading and clearing within the 100-foot Buffer Zone and the local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Reinaldo Faria was the applicant.

Steven Balcewicz of Land Planning, Inc. presented the 1011 Boston Post Road (Lots 10A-11) common driveway proposal. The project consists of an 18-foot-wide shared driveway serving two residential lots, each with a single-family home and septic system. The driveway is intended to avoid a direct wetland crossing by traversing a steep, heavily bouldered portion of the site, with associated grading, tree clearing, and utility installation required to complete access.

Coordinator Capone reiterated that the site presents significant constraints due to a glacial boulder field and steep slopes. She described the conditions as challenging from a constructability standpoint and questioned how erosion controls would be physically installed and maintained in such terrain. She recommended that the Commission conduct a site walk prior to further deliberation, emphasizing that the field conditions are difficult to fully evaluate from plans alone. The applicant described a construction approach that relies on filling over existing boulders with riprap and AASHTO stone to create a stable platform for the driveway, with work advancing in phases as grading progresses.

Coordinator Capone noted that fire standards typically call for a wider corridor and adequate turning capability for emergency vehicles. The applicant indicated that the design follows the town's common driveway regulations, including a 90-degree turnaround configuration, but acknowledged that confirmation with the Fire Department is still required. This issue remained unresolved at this stage.

Stormwater management was also a key topic of discussion. The design relies on porous asphalt, subsurface stone recharge beneath the driveway, and roof runoff infiltration trenches. Coordinator Capone raised concerns about the long-term effectiveness of porous pavement, particularly regarding future maintenance by property owners and whether infiltration performance would be sustained over time. She referenced earlier discussions of alternative approaches and expressed concern that long-term functionality may not be reliable without ongoing upkeep.

Erosion and sedimentation control posed another significant concern, particularly given the terrain. Mr. Balcewicz proposed standard measures such as silt fence and straw wattles, to be installed progressively as construction advances. Coordinator Capone questioned how such controls could be installed in a boulder-dominated landscape and whether they would be in place early enough to effectively protect downgradient resources.

Questions were also raised regarding the source, quantity, and stability of imported fill material. Mr. Balcewicz noted that detailed earthwork calculations have not yet been completed, but indicated that riprap and clean fill would be used to establish the roadway platform and shoulders. The Commission expressed concern about unknown fill volumes, potential sourcing issues, and overall slope stability given the extent of proposed grading.

Utility infrastructure remained unresolved, with electric service potentially being installed overhead or underground depending on utility company determinations. Private wells are proposed for both lots, and septic systems are planned subject to Board of Health approval. Commissioners noted that utility design remains conceptual and will require further coordination with outside agencies.

Jurisdictional issues were also discussed, particularly the status of a stream on the property that affects Riverfront Area determinations. Coordinator Capone noted that the stream had previously been treated as perennial but may exhibit intermittent characteristics based on seasonal observations and recent correspondence. She requested additional documentation to support the classification, as it directly affects regulatory applicability. The proximity of a potential vernal pool and associated Buffer Zones was also highlighted, along with the need for clearer demarcation to prevent future encroachment.

Mitigation was another area of concern, as the project would result in substantial Buffer Zone disturbance associated primarily with the driveway. Coordinator Capone indicated that the proposed mitigation of two trees appeared insufficient given the scale of impact and suggested that additional mitigation measures be considered. She also recommended establishing permanent boundary markers or other demarcation along resource areas to ensure long-term protection and clarity for future property owners.

Access logistics were discussed in relation to both construction sequencing and long-term use. Mr. Balcewicz explained that initial site access required off-site entry due to the existing boulder field, but that future access would be established via Boston Post Road following the necessary permits. Construction would proceed incrementally, with clearing, filling, and access development occurring in stages.

The Commission expressed broad consensus that a site walk is necessary to better understand the physical constraints and feasibility of the proposal. Members noted the importance of evaluating erosion control practicality, driveway alignment, and overall site conditions in person. Additional information was requested regarding fire department requirements, fill sourcing and quantities, stormwater design assumptions, and stream classification before further action is taken.

Chair Henkels opened the discussion to the audience for any questions.

Comm. Sevier asked whether the proposal included any natural gas infrastructure or whether the homes were intended to be fully electric or oil-based. Steven Balcewicz responded that he would need to confirm the utility plan with the applicant but believed the homes would likely be served by electric and/or oil, with no confirmed natural gas service at this stage. He indicated he would verify utility assumptions for both lots before the next Hearing.

Coordinator Capone recommended the matter not proceed significantly further until the Planning Board had reviewed the stormwater management design, noting that those findings could materially affect Conservation Commission review. She emphasized that the stormwater review could substantially change the scope of impacts and design assumptions relevant to the Commission's jurisdiction.

Mr. Balcewicz stated that the stormwater report and plan set were approximately 90 percent complete and requested continuation to the May 11 meeting. He also offered to share the draft materials with the Commission in advance of Planning Board review so that Conservation staff could begin early review. Coordinator Capone supported receiving the materials early, noting that she would be heavily involved in reviewing the Planning Board submission and that earlier access would improve her ability to prepare comments. Mr. Balcewicz acknowledged this and agreed to provide the materials.

Chair Henkels then confirmed with Mr. Balcewicz that they were agreeable to continuing the Hearing to May 11, 2026. Commissioner Henkels requested a motion to continue the hearing to that date.

On motion by Comm. Cook to continue the Hearing to May 11, 2026, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

### **Notice of Intent: 33 Douglas Drive, DEP #301-1465**

Chair Henkels opened the Hearing for the project to construct an addition, porch, and deck, relocate the shed, and replace a septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Joao Bitencourt was the applicant.

Daniel Carr, of Stamski and McNary, summarized the project as an expansion and reconfiguration of an existing single-family home located near a pond with associated Bordering Vegetated Wetland and a 100-foot Buffer Zone. He described the proposed changes as a squaring off of the existing structure, addition of a front porch and

rear deck, and installation of a new septic system consisting of a 2,000-gallon dual-compartment tank and a Presby soil absorption system. He noted that the septic components were sited as far from the wetland as feasible given site constraints.

He further explained that the existing cesspool would be abandoned by pumping, backfilling with clean sand, and restoring the area with loam and seed. He contrasted the existing system with the proposed modern septic design, describing improved treatment through a septic tank and enhanced biological treatment within the Presby system. He also noted that an existing shed would be relocated to meet required setbacks from the leach field and that no trees were proposed for removal as part of the project. An attached garage was also proposed but located outside the Buffer Zone.

Coordinator Capone asked whether the Board of Health had approved the septic system. Mr. Carr responded that it had been reviewed but not yet permitted. Coordinator Capone then asked whether any stormwater management was proposed for the increase in impervious area. Mr. Carr confirmed that no formal stormwater infrastructure was currently included in the design.

Coordinator Capone noted that the site generally slopes toward the pond and emphasized that the Commission typically requires stormwater from any increased footprint to be infiltrated rather than allowed to discharge directly toward the resource area. She also stated that while the overall proposal did not raise major concerns, the submitted plans were difficult to interpret due to lack of color coding, and she recommended that future submissions include clearer colored drawings for review.

She then raised a more significant regulatory concern regarding conservation restrictions on the property. She explained that there are two conservation restrictions affecting the lot, including a 10-foot protected area adjacent to the pond. While one restriction appeared to be respected, she noted uncertainty about how the second restriction aligns with mapped site features, particularly given that the lot has been previously combined and includes improvements such as a garden, pool, driveway, and shed. She indicated that portions of the existing improvements may fall within restricted areas and suggested that potential violations of the conservation restriction be addressed as part of the current application.

Chair Henkels asked whether restoration of any conservation restriction violations would be considered alongside mitigation for the proposed project impacts. Coordinator Capone confirmed that restoration would be required for any violations, and that separate mitigation would also be expected to offset the additional Buffer Zone impacts from the proposed addition.

Chair Henkels asked for clarification on the extent of the proposed increase in impact area. Mr. Carr stated that the project would result in approximately 1,025 square feet of new roof area within the buffer zone. Chair Henkels also asked about stormwater management and whether gutters or other runoff controls were proposed. Mr. Carr confirmed that no stormwater infrastructure was currently included but stated that it would be considered further.

Comm. Holtz asked for confirmation of the conservation restriction location on the drawing and asked where the garage was proposed. Coordinator Capone stated that the shed, if located properly, would be outside the restriction but that northern elements would fall within the conservation restriction.

Chair Henkels requested Commission questions and then invited Mr. Bitencourt to speak after introduction.

Mr. Bitencourt stated that he was the owner and stated that the conservation area was not used in relation to the property and that the property was purchased as it existed. He stated that the conservation lot was located behind the shed and asked about marking placement. He stated that the garage would be within the first 0.75-acre lot and referenced an easement line, and that the front addition faced the street and not wetland or pond areas. The back deck used footing pins with minimal ground disturbance and that the same method could be used in the front. The garage would require a foundation. A pool referenced in deed records existed historically and that a current removable pool was used seasonally. The driveway was unchanged aside from gravel addition. He stated that two tanks would be removed for a new system. Lastly, he stated that grass conditions had changed.

Coordinator Capone referenced driveway appearance and Mr. Bitencourt stated that only gravel was added and no expansion occurred. Coordinator Capone referenced fencing and Mr. Bitencourt confirmed fence replacement after failure. Coordinator Capone referenced a pool area and Mr. Bitencourt described discovery of a pool through

permit review and deed reference and stated it was near the pond. Coordinator Capone stated that the referenced pool differed from a seasonal removable pool. Mr. Bitencourt confirmed the distinction.

Coordinator Capone stated that the area required evaluation for restoration to natural condition and referenced possible driveway expansion. Mr. Bitencourt denied expansion and stated that gravel and grass improvements occurred and that trees were removed due to failure and storm damage. He stated that a tree fell on a car from the conservation area behind the property.

Coordinator Capone requested the revised plan displaying of all conservation restriction elements for Commission evaluation of compliance and restoration needs. She referenced historical conditions from the 1990s and later imagery showing driveway presence.

Mr. Carr stated that existing conservation restriction elements included a deck around a pool, a pool area, a garden bed, and a portion of gravel driveway. Coordinator Capone asked about tree removal related to shed relocation near the conservation restriction boundary. Mr. Carr stated the shed required movement a few feet and confirmed clearance from septic system constraints. Mr. Bitencourt requested clarification on a direction for relocation. Mr. Carr identified current and required shed positions and stated it required movement to a specified location. Mr. Bitencourt confirmed his understanding. Coordinator Capone stated that structures were not allowed within the conservation restriction and that the area allowed limited use and no structures.

Comm. Sevier asked how the driveway ended up within the conservation restriction. Mr. Carr stated that access to the parcel required crossing the conservation restriction because the right-of-way connected at a single point and that access without entering the conservation restriction would not be possible. He stated that he would review the conservation restriction language and that there may be an access provision.

Comm. Sevier asked whether the situation related to the Bent Estates development. Coordinator Capone stated that it was part of Bent Estates and that 0 Washington had a separate conservation restriction. She added that she would confirm whether Bent Estates included a related subdivision component. Comm. Sevier referenced a locus map and stated that it appeared to include 0 Washington. Coordinator Capone clarified that 0 Washington was across the pond.

Chair Henkels requested clarification on required information from the applicant for the next discussion. Coordinator Capone stated that the Commission needed to understand the conservation restriction content and allowed uses and stated agreement that access considerations were relevant. She stated that although the applicant did not install the driveway, aerial imagery showed expansion and that the Commission needed to understand applicant-made changes. The conservation restriction did not allow a driveway and stated that improvements to that condition would be relevant. She expressed concern regarding shed placement near the conservation restriction boundary and potential tree removal and stated that alternative placement should be considered.

Mr. Bitencourt stated that removal of sheds would not be an issue because a garage was planned and stated that garden and pool-related structures could be removed. Coordinator Capone asked whether the existing driveway provided access to the proposed garage layout. Mr. Bitencourt stated that it did not and that the driveway followed existing conditions and referenced fence and mulch areas. Mr. Carr identified the driveway location. Mr. Bitencourt confirmed the driveway location and described surrounding features.

Comm. Sevier stated that Mr. Carr should have a direct discussion with the applicant. Mr. Carr stated agreement and stated that further review of conservation restriction allowances was needed. Mr. Bitencourt asked about garage access alignment and driveway entry points. Mr. Carr identified the proposed garage location and existing structure location and stated that the structure required relocation. Mr. Bitencourt confirmed understanding of relocation direction.

Chair Henkels instructed Mr. Carr to coordinate with the applicant and to prepare additional detail regarding conservation restriction impacts and potential restoration requirements.

Chair Henkels requested Commission questions and, hearing none, opened the floor.

Briana Lund, a resident of 69 Stone Road, stated that fence installation had occurred and that improvements had been made since acquisition. Multiple trees had been removed from conservation land. She requested that the conservation area be restored to a natural condition. She further stated that driveway use included frequent construction vehicle traffic and large vehicles.

Chair Henkels referenced a written question regarding stormwater runoff toward 61 Hickory Road. Mr. Carr stated that no change to runoff was expected and stated that flow direction moved toward the south and west. Chair Henkels asked about grading changes and water flow. Mr. Carr stated that minimal grading changes would occur and stated that no hydrology change would result. Chair Henkels asked about erosion controls. Mr. Carr stated that erosion controls included a siltation barrier and straw bale and fabric measures.

Michael Iodice stated that he resided at 51 Hickory Road and asked whether trees marked with blue tags outside the fence would be removed from the conservation area. Chair Henkels stated that no trees were proposed for removal. Mr. Carr confirmed that no tree removal was proposed.

Chair Henkels stated that the matter required continuation and referenced outstanding conservation restriction detail requirements identified by Coordinator Capone. Chair Henkels requested continuation of the Hearing. Daniel Carr agreed to continue to April 27, 2026.

On motion by Comm. Cook to continue the Hearing to April 27, 2026, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

### **Request for Determination of Applicability: 104 Plympton Road, RDA #26-03**

Chair Henkels began the meeting for the project to construct a soil absorption system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Andrew & Emily Bouley were the applicants.

Peter Bemis stated that a Notice of Intent had been filed in 2024 for a project including an addition to the rear of the building and a swimming pool. Mr. Bemis stated that earlier design work had anticipated a wetland located near the existing dwelling area, and that during the work the wetland line was observed. The restoration work was completed in that area, including tree plantings that remained in place and wildflower seeding in a meadow area. The area was shaded and that wildflower establishment may have been limited, and stated that additional plantings could be evaluated and supplemented during the spring season if needed.

He stated that the proposal was to keep an existing Order of Conditions open while requesting approval for additional work located outside the 50-foot Buffer Zone and near the edge of the 100-foot Buffer Zone. The work included replacement of a leaching area and installation of a new septic tank. The work was required due to bedroom limitations under Title V constraints tied to deed restrictions and room count determinations. The existing system was a four-bedroom septic system, and the additional rooms require an upgraded soil absorption system and septic tank.

He stated that the proposal included connection to an existing pipe leaving the dwelling, relocation of the septic tank outside a jurisdictional limit, installation of a larger two-compartment tank, and installation of a new soil absorption system. The reserve area was located in a zone intended to preserve existing trees. The soil testing supported the revised design and that the system would meet current Title V requirements and improve system capacity.

He stated that the work was located at the outer edge of the Buffer Zone and that erosion controls from prior approved work remained in place. Prior mitigation included infiltration of 100 percent of roof runoff through installed chambers. The swimming pool construction had been completed.

Coordinator Capone stated that during review of the addition, the potential need for a septic system had been discussed and that earlier coordination would have been beneficial. Placement outside the Buffer Zone had been encouraged, with only the septic tank located within jurisdictional areas. The system location largely involved front lawn areas and that positioning straddling or outside the Buffer Zone was less significant than ensuring optimal placement. Complete placement outside the Buffer Zone was possible with removal of one tree, and Mr. Bemis confirmed that one large and one smaller tree would be affected, noting preference to avoid removal of a large tree.

Coordinator Capone stated that restoration plantings had been installed but were not fully assessable due to seasonal conditions. Coordinator Capone stated that pool-related impervious surface appeared slightly increased from the original proposal and that additional plantings in the mitigation near the wetland resource area would offset this change. Mr. Bemis stated that if wildflower seeding did not establish successfully, additional shrubs

and trees could be installed and lawn areas within the Buffer Zone could be eliminated as intended. Mr. Bouley added that prior growth in the area resembled grass-like cover and that interpretation of intended restoration results had been unclear.

Coordinator Capone stated that the wetland would benefit from additional mitigation and asked whether Board of Health approval had been received. Mr. Bemis stated that approval was still pending but near completion and that soil testing supported the proposed leaching area location. Coordinator Capone asked whether Board of Health modifications would alter the proposal. Mr. Bemis stated that no changes would occur to work limits, mitigation, or previously approved conditions under the Order of Conditions.

Coordinator Capone stated that she was comfortable with a negative Determination for the septic system with a condition requiring additional mitigation plantings to offset increased impervious area near the pool. If major Board of Health modifications occurred, the applicant would need to return for further review.

Chair Henkels requested Commission questions.

Mr. Bouley asked how planting lists would be provided. Coordinator Capone stated that Mr. Bemis would propose plantings and submit them for review prior to installation. Mr. Bouley asked about timing and conditions related to the Order of Conditions. Coordinator Capone stated that the Order of Conditions was valid for three years and could be extended if needed. Mr. Bouley stated intent to complete work within that timeframe.

Chair Henkels asked whether anyone in the audience had questions, but no audience response occurred.

Chair Henkels stated that a motion was in order to issue a Determination of Applicability contingent upon Board of Health approval of the design and including a provision requiring additional restoration work. He asked whether the restoration requirement would be incorporated under the existing Order of Conditions or under the Determination of Applicability. Coordinator Capone stated that the restoration requirement should be included within the Determination of Applicability because the Order of Conditions could not be modified without an amendment.

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

#### **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. Cook to continue the Hearing to June 1, 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-foot 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, and February 9, 2026.

On motion by Comm. Faust to continue the Hearing to April 27, 2026, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

**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 April 27, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

**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.

Doug Dillon stated that a prior discussion had addressed a proposed gravel and milling driveway and that additional review had been conducted through Planning Board and stormwater processes. The feedback had indicated the roadway needed to be widened to 20 feet to comply with state fire code requirements. A memo had been submitted outlining impacts to areas of concern to the Commission, including approximately 1,080 linear feet of roadway located within either Agricultural Preservation Restriction areas or Buffer Zones.

Mr. Dillon further stated that most of the proposed roadway was within Agricultural Preservation Restriction areas, with some portions near a Bordering Vegetated Wetland and Buffer Zone. The proposal involved widening an existing 14 to 16-foot roadway by approximately 4 feet to meet fire code requirements. The proposed widening would add impacts of approximately 5,450 square feet within regulated areas and that widening would be directed to the northern side of the roadway to increase separation from the wetland.

Mr. Dillon further stated that mitigation was proposed through removal of an existing asphalt driveway at 94 Pride's Crossing and 100 Wayside Inn Road and conversion to a grassed surface. This removal would total approximately 5,630 square feet and would result in a net reduction of approximately 200 square feet of impervious surface across the properties. He requested that the Commission amend the prior request to allow the roadway to remain in a compliant configuration under state fire code requirements.

Mark Elbag stated that the project was undergoing Planning Board review and stormwater permitting and that land disturbance permits were being filed for 94 Pride's Crossing and 150 Wayside Inn Road. The final roadway design was needed before completing stormwater filings.

Coordinator Capone stated that prior driveway construction had occurred in violation of the Wetlands Protection Act, local bylaw, and Agricultural Preservation Restriction. The current proposal replaced one noncompliant driveway with another and did not constitute mitigation or compensation. Prior discussions had included a 10-foot roadway proposal and that the current proposal included a 14 to 16-foot existing condition and a potential 20-foot width requirement.

She further stated that calculations provided showed removal of 5,630 square feet of asphalt but inclusion of approximately 9,800 square feet of surface within Buffer Zones and approximately 21,600 square feet within Agricultural Preservation Restriction areas. Clarification was needed regarding survey accuracy of the wetland boundary and the origin of the 14 to 16-foot roadway dimension. Fire Department review was required, including confirmation of turning radius and compliance with access requirements before approval.

Chair Henkels asked whether Commission review could be deferred pending Fire Department input, noting that final roadway width requirements could affect impervious surface calculations and mitigation requirements. Mr. Dillon stated that the fire code required a 20-foot-wide access road for structures beyond 150 feet and stated that the existing roadway would need to be brought into compliance to remain usable for fire access.

Chair Henkels stated that potential issues included updated stormwater calculations, impervious surface impacts, Buffer Zone impacts, and possible re-surveying of wetland boundaries, and stated that mitigation may be required for prior unpermitted work within Agricultural Preservation Restriction areas. He asked whether mitigation included removal of the asphalt driveway on the north side. Mr. Dillon confirmed that removal and conversion to

grassed surface was proposed. Chair Henkels stated concern that the condition should not have occurred originally and questioned reliance on that area as mitigation.

Mr. Dillon stated that removal would restore a pervious surface and improve stormwater and adjacent upland resource conditions. Chair Henkels replied that historical context of the violation was unclear.

Comm. Sevier stated that the project intent was to provide access to an existing barn and asked how the proposal should proceed. Mr. Elbag replied that the intent was to proceed with a driveway off Wayside Inn Road and requested guidance on mitigation requirements, including impervious offset or alternative pervious design, and stated that further design would depend on whether Agricultural Preservation Restriction constraints would allow the roadway.

Comm. Sevier stated that the barn appeared to have been built when the property had different configurations and stated that the Commission was now being asked to accept a longer driveway. He added that he was increasingly concerned about the trajectory of the proposal and questioned whether the Commission should be approving it under the current circumstances.

Comm. Sevier further stated that the barn was built around 1983 to 1985 and that there had originally been an asphalt driveway from the north that had since been removed and converted to grass. Mr. Dillon responded that access to the property must be maintained and that the proposed access needed to comply with conservation and regulatory requirements.

Comm. Sevier stated that it appeared the client had constructed the barn and later altered property configurations and driveway access without prior approvals, and stated that the resulting situation placed the Commission in a difficult position. Mr. Dillon responded that the client no longer owned the original house and that the current access arrangement resulted from prior property changes.

Mr. Elbag asked whether the intent was to maintain access through 94 Pride's Crossing. Comm. Sevier answered that the issue was not the Commission's responsibility, adding that the current access through 94 Pride's Crossing had not been previously permitted. Comm. Sevier further stated that prior decisions had led to the current configuration and reiterated concern about the position the Commission was in.

Chair Henkels referenced prior discussion regarding access through 150 Wayside Inn Road and stated that changes to the roadway design would affect jurisdictional impacts. The installation history and Agricultural Preservation Restriction violation were relevant and stated that prior Commission consideration had been based on earlier assumptions. The proposal continued to change and Fire Department input had not yet been received, which would significantly affect design.

He instructed the applicant team to obtain Fire Department requirements, return with appropriate mitigation for prior unpermitted work on Pride's Crossing, and address required fire access turnaround and roadway design. He noted that this was the fifth meeting on the matter and that the Commission's prior discussions had been based on changing information and incomplete preparation.

Mr. Dillon stated that the applicant appreciated the Commission's consideration and that the proposal resulted from coordination with multiple departments, including recent Fire Department discussions. Chair Henkels asked whether written Fire Department confirmation existed for the proposed design. Mr. Elbag answered that the 20-foot width and turning radii had been discussed and that a turnaround requirement had recently been identified and was not shown on the current plan. He further stated that the proposal represented the minimum width required for fire access compliance and that stormwater requirements would change as a result.

Mr. Dillon stated that stormwater calculations for the roadway would be developed and presented to the Planning Board as part of the stormwater permitting process. Submissions had been made for 94 Pride's Crossing for areas north of the wetland system, but that the roadway component had not yet been formally submitted pending final fire department requirements. Mitigation and stormwater treatment would be addressed through BMPs after final roadway requirements were confirmed.

Mr. Elbag stated that the project team was in ongoing discussions with the Town Planner and that Planning Board and stormwater filings were already in progress for 94 Pride's Crossing. Design for the roadway could not be finalized until Fire Department requirements were confirmed. Stormwater mitigation would likely include infiltration-based BMPs along the roadway due to flat grades and limited ability to direct runoff.

He further stated that a potential approach included a stone swale along the roadway to promote infiltration and stated that site conditions would generally allow runoff to infiltrate in place.

Coordinator Capone suggested that a potential reduction in impacts could be achieved by reconfiguring the roadway alignment to remove a looping section and instead create a more direct access path to the barn, thereby reducing linear footage and Buffer Zone impacts. Mr. Dillon stated that he would present the concept to the applicant and indicated willingness to evaluate the alternative, pending Planning Board coordination. Coordinator Capone added that any roadway consideration should be understood in the context of overall Commission review of the access proposal and associated impacts, to which Mr. Dillon agreed.

Comm. Holtz asked whether the existing roadway surface of recycled asphalt would be replaced with a more pervious material. Mr. Elbag answered that stormwater BMPs would be required and that infiltration along the length of the roadway would be necessary due to flat grades. Mr. Dillon added that multiple alternative surface materials were being considered, including gravel and potentially wood chip material, depending on what would be acceptable to other reviewing authorities. Mr. Elbag further added that final material selection would need to satisfy both Conservation and Fire Department requirements.

Comm. Holtz asked for clarification of Buffer Zone limits. Mr. Dillon explained that a dashed line represented the 100-foot Buffer Zone associated with an off-site Bordering Vegetated Wetland and stated that portions of both proposed driveways fell within Buffer Zone areas. Comm. Holtz asked about the northern driveway and its relationship to the Buffer Zone. Mr. Dillon stated that the northern driveway was largely within the Buffer Zone, except for a small segment near an existing barn.

Comm. Holtz asked about a stream crossing. Mr. Dillon stated that the crossing consisted of existing granite slabs installed in the early 1980s and stated that it had not been modified by the applicant. He added that no changes were proposed to the crossing due to resource area impact concerns.

Comm. Holtz asked about roadway geometry changes. Mr. Elbag stated that proposed roadway edges reflected Fire Department requirements, including interior and exterior turning radii of approximately 50 feet and 70 feet. Mr. Elbag further added that the proposed layout overlaid existing conditions and that dashed lines represented existing edges while solid lines represented proposed widening. A formal survey would be required to finalize placement.

Chair Henkels stated that the Commission needed to determine whether it was willing to provide consensus on the roadway concept, including potential elimination of the jog and conversion to a more linear 20-foot-wide access, noting that some issues such as stormwater and Buffer Zone impacts would remain unresolved.

Mr. Dillon stated that prior feedback had supported a revised alignment concept and stated that the current request was for Commission consensus to allow continued design development. An agreement would allow the team to proceed with Planning Board coordination, surveying, and a complete design package.

Mr. Elbag stated that the team was attempting to satisfy multiple regulatory requirements simultaneously, including stormwater and fire access standards, and stated that confirmation from the Commission that a 20-foot roadway from 150 Wayside Inn Road would be acceptable was needed to proceed with final design.

Comm. Sevier asked whether the roadway would remain within Conservation Commission jurisdiction if relocated. Coordinator Capone replied that it would remain outside the Buffer Zone but would still be within the Agricultural Preservation Restriction area. Mr. Elbag confirmed that restriction.

Comm. Sevier stated that if the roadway were located on the other side of the property it would still raise jurisdictional issues. Chair Henkels confirmed that it would remain outside the Buffer Zone but still subject to APR constraints.

Chair Henkels asked how the Commission felt about eliminating the jog and making the roadway more linear. Comm. Holtz voiced support for simplifying the alignment if the access was necessary, but expressed stronger concern regarding roadway surface material and suggested that recycled asphalt should be replaced with a more appropriate surface. He further added that Fire Department requirements would likely determine acceptable surface type.

Comm. Sevier stated that Fire Department requirements would likely be stringent and that the roadway would need to support heavy emergency vehicles. Chair Henkels added that Fire Department input would likely define minimum standards and that Commission consensus on alignment would still be useful.

Chair Henkels asked whether the Commission was willing to provide consensus on the revised roadway concept. He added that while the roadway would still involve stormwater and jurisdictional impacts, agreement on geometry would allow further progress.

Comm. Holtz stated that in principle the roadway should not exist within the Buffer Zone but acknowledged prior Commission direction allowing conditional consideration. Chair Henkels stated that prior discussions had already established conditional acceptance subject to additional requirements.

Comm. Sevier stated that new information regarding fire department requirements had changed the scope of the proposal and stated that prior assumptions about a smaller access road had not included a 20-foot fire access requirement. The situation reflected prior property subdivision decisions and he added that he was less favorable toward continued approval without clearer justification.

Comm. Holtz asked about emergency access and whether reliance on access through Pride's Crossing would be acceptable if the roadway were removed. Mr. Elbag stated that he was unsure whether that configuration would meet emergency service requirements. Mr. Dillon stated that rights-of-way existed but did not provide clarity on Fire Department acceptance.

Comm. Sevier stated that emergency access over existing granite slab crossing was unlikely to be acceptable for fire apparatus. Mr. Elbag agreed that neither existing access route met Fire Chief standards.

Mr. Elbag stated that the intended access was to serve the 150 Wayside Inn Road development and associated historic use, including support functions such as equestrian-related operations, and stated that access would ultimately be consolidated through Wayside Inn Road while severing reliance on Pride's Crossing parcels.

The discussion then shifted toward clarifying how access across the properties actually functions in relation to the Wayside Inn parcel and the associated easements.

Mr. Dillon and Mr. Elbag reiterated that the intent of the southern roadway was to integrate the access into the broader Wayside Inn system, connecting through what they described as existing gravel routes and historic cart paths that extend through the surrounding land. Mr. Elbag characterized these routes as long-established paths rather than new construction, noting that some portions predate modern development patterns.

Coordinator Capone added that recycled asphalt had already been introduced along portions of one of these connecting paths, including the route extending toward the Mary Martha Chapel area, indicating that modifications to historic accessways had already occurred in parts of the system.

Comm. Holtz focused the discussion back on design intent, stating that if the southern roadway were to remain, he would prefer removal of the lower "jog" in the alignment and a shift toward a more permeable surface than recycled asphalt. He noted that while he was not an expert, he understood that fire apparatus can operate on compacted or gravel-like surfaces, and he emphasized the importance of aligning the roadway design with both fire access needs and reduced environmental impact. Mr. Elbag responded that a gravel roadway with a stone base for infiltration would be a reasonable starting point to bring back to the Fire Department for review. He noted that a simplified, straighter alignment could reduce travel distance and improve functionality for emergency access while potentially reducing impacts to the resource areas.

The Commission then briefly examined easements using the town GIS system. Coordinator Capone explained that the APR overlay was shown in blue, along with multiple overlapping access, drainage, utility, and septic easements across the site. She noted that the southern connection toward 150 Wayside Inn Road did not show a clearly defined separate easement in the buffer area, while the northern and internal areas contained several overlapping recorded easements.

Clarification followed regarding the relationship between the barn structures and the 150 Wayside Inn parcel. It was confirmed that the existing 1980s barn lies on the parcel, while the proposed new barn would be slightly north of that location, and that the parcel boundary includes a long extension or "dogleg" that reaches toward the barn area.

The exchange reinforced that the access layout under discussion is shaped by a combination of historic pathways, recorded easements, and evolving development plans tied to both the Wayside Inn property and adjacent parcels.

Chair Henkels asked the Commission to weigh in on the two accessways under consideration, specifically the northern driveway and the longer southern driveway, including whether the southern alignment should retain or remove the jog and how that would affect impacts to the buffer zone. He acknowledged that, even if adjusted, the southern roadway would still remain in violation of the APR and noted that there were also concerns on the northern side, including potential impacts to a granite stream crossing that raised safety questions for fire apparatus. He summarized that the situation remained unresolved and framed the remaining options as either proceeding with some form of roadway configuration or not proceeding at all.

Comm. Holtz responded that while it might be possible to remove portions of the roadway from the Buffer Zone, it would still remain within the APR. He referenced prior comments suggesting that agricultural uses could include access roads or paths, but questioned why a more engineered surface, such as recycled asphalt, would be necessary. He expressed confusion about the requirement for such a surface if the intent was agricultural access.

Coordinator Capone clarified that the APR allows maintenance of existing gravel roads that were present at the time the restriction was established, but that the roadway in question was not one of those existing roads. She noted that the APR did not contemplate the addition of new access roads or paths beyond those historically in place.

Comm. Holtz suggested that if the path remained, it should function as an agricultural road capable of supporting occasional truck access, but argued that asphalt did not appear to be necessary for that purpose. Mr. Elbag responded that the intent was to maintain the character of a farm road to the extent possible, but that Fire Department requirements were driving the need for a surface capable of supporting emergency vehicle access. He stated that the project team was attempting to balance those competing requirements and that a gravel surface with appropriate base material might ultimately be acceptable, though that had not yet been confirmed.

Chair Henkels then asked whether the Commission should take a moment to address the northern driveway and potential mitigation associated with prior work and APR-related issues there, or whether that discussion should be deferred until the applicant returned with a revised plan addressing the southern roadway alignment.

Comm. Holtz recommended deferring discussion of mitigation. Comm. Faust asked whether the Commission was also deferring a determination on whether those impacts would qualify as mitigation at all. Chair Henkels responded that, in his view, they would not. Comm. Faust agreed.

Mr. Elbag stated that the feedback provided that evening was useful and that it would help guide the next iteration of the plan. He summarized that the team would return with a revised southern roadway design, likely with a more agricultural-style surface, continued coordination with the Fire Department, and removal of the northern roadway as part of the updated proposal. He added that they would also attempt to bring forward a proposal addressing surface treatment and stormwater mitigation, depending on final fire requirements.

Chair Henkels then opened the floor once more to the Commission, asking if there were any additional questions or comments, and also invited any members of the public present to speak or use the chat box if they had input.

He noted that the available continuation dates, and asked the applicant team which timing would be most workable given their need to coordinate with the Fire Department and finalize design details. Mr. Elbag responded that he preferred the April 27 date, explaining that additional discussions with the Fire Department regarding allowable surface types could still affect the design, and that until the surface type was finalized, stormwater calculations and roadway design could not be completed with confidence. He noted that postponing beyond April 27 could be necessary if additional clarification was not received, but said it would be difficult to delay that decision prematurely.

Mr. Dillon asked whether the Commission would consider making any sort of statement indicating openness to the proposal to assist with coordination before other boards. Chair Henkels declined, stating that no such motion or formal statement would be made, and emphasized that the Commission had already provided clear direction.

Mr. Elbag clarified that his earlier comments were not intended to request a motion, but rather to confirm how best to package the stormwater and permitting components given potential coordination between separate land disturbance filings for the 94 Pride's Crossing and 150 Wayside Inn Road parcels. He explained that overlap

between the properties was complicating permitting sequencing. Chair Henkels responded that the Commission's direction had been made clear.

On motion by Comm. Sevier to continue the Hearing to April 27, 2026, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

### Adjourn Meeting

On motion by Comm. Sevier to adjourn the meeting at 9:47 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.