SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, June 1, 2026

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

Absent: Luke Faust; Bruce Porter;

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

Wetland Applications:

Notice of Intent: Lincoln Road (Sherman's Bridge), DEP #301-1467

Chair Henkels opened the Hearing for the project to rehabilitate a bridge within the 100-foot Buffer Zone, 200-foot Riverfront Area, Bank, Land Under Water Bodies, and Bordering Land Subject to Flooding, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Tina Rivard (Town of Sudbury) was the applicant.

Chair Henkels stated that the discussion would follow a different format from the Commission's usual procedure. He explained that the Commission ordinarily took as much time as necessary to review an initial application and conduct the initial hearing. Because of the time constraints for this meeting, he stated that the discussion would focus primarily on the preservative additives proposed by the applicant.

Chair Henkels stated that four specific preservative additives would be discussed. He explained that the objective was to allow the Commission to vote on the specific additives proposed for use on the bridge itself and on the glulam, which he described as a laminated wood product.

Chair Henkels explained that the Commission ordinarily reviewed the resource area, discussed the project in detail, considered impacts and alternatives, and addressed mitigation. He stated that those matters would be addressed at the next Hearing and that the Commission would seek a continuation after the present discussion.

Chair Henkels asked who would present on behalf of the Town of Sudbury.

Ms. Rivard identified herself as the DPW Director for the Town of Sudbury. She stated that she wanted to provide a brief introduction before turning the presentation over to the Town's engineering consultants from TEC, Michael Riccardi and Pete Engle.

Director Rivard explained that the matter was an NOI application concerning rehabilitation of the Sherman's Bridge project. She stated that the Sudbury and Wayland DPWs had been working together, along with their engineering consultants from TEC, to prepare the project plans and present the project details to the Commission.

Chair Henkels reiterated that the discussion should remain focused on the four preservative additives. Before addressing those additives, he asked the consultants to provide a brief explanation of the glulam product proposed for the bridge and its role in the design and restoration.

Mr. Riccardi identified himself and Mr. Engle from TEC. Mr. Riccardi stated that the project on the Sudbury side had MassDEP File #301-1467. He explained that the project had been under discussion for several months and that the bridge was experiencing maintenance issues. He stated that both DPWs had expressed concerns about continuing to address those maintenance problems.

Mr. Riccardi described the existing timber deck as having areas of rot and fasteners that were no longer maintaining the deck securely. He explained that the engineering assessment led to the conclusion that the project should involve replacement of the bridge deck and decking boards.

Mr. Riccardi stated that, under traditional MassDOT standards, a decking replacement would also involve bringing the existing bridge railings and posts up to current standards. He began explaining how the design was intended to maintain the surrounding context of the structure.

Mr. Riccardi summarized that the project involved replacing the bridge deck while improving bridge safety. He stated that the existing bridge railings were not crash compliant, which led the project team to investigate wood railings that could meet crash-testing requirements. That investigation led to the proposed use of glulam, an engineered wood product that had been crash tested with both concrete decks and glulam deck panels. He explained that glulam consisted of pieces of wood bonded with epoxy, increasing the strength capacity of the material. He stated that the additional strength was not required for the bridge itself but allowed the project team to propose a crash-tested railing system. He also stated that the glulam provided a means of addressing the maintenance problems experienced by both DPWs with the existing deck boards.

Mr. Riccardi then discussed the wood preservatives being considered. He explained that MassDOT inspected the bridge, traditionally on a two-year cycle, with inspections becoming more frequent based on the bridge's condition. He stated that MassDOT had alerted both DPWs to the bridge's condition approximately one to one and a half years earlier and had helped with project financing. He explained that the project team had worked with a glulam supplier and fabricator through the MassDOT process and had been presented with three traditional preservative alternatives for glulam members.

Mr. Riccardi identified the first alternative as CCA, or chromated copper arsenate. He stated that CCA was the most durable and proven of the alternatives but reported that, when the same information was presented to the Wayland Conservation Commission, that Commission had voted against its use because of environmental concerns.

Mr. Riccardi identified DCOI as the second alternative. He stated that it was a newer treatment that worked against fungi, mold, and decay organisms and contained neither arsenic nor copper or other heavy metals. He explained that DCOI was an oil-based treatment applied after the glulam members had been glued and fabricated. He stated that it was not listed as a restricted-use pesticide by the EPA and did not have a strong odor. He identified its limited history in bridge applications as a drawback, explaining that bridges using CCA had been in service for up to 40 years, while DCOI had not been in use long enough to establish comparable field performance or provide a firm assessment of its protection of glulam.

Mr. Riccardi identified copper naphthenate, referred to as CuNap, as the third alternative for glulam members. He stated that, like DCOI, it contained neither arsenic nor chromium and was highly water insoluble. He said that research indicated that its water insolubility resulted in less leaching and noted that it was marketed for stream crossings where environmental concerns existed. He stated that it was not as durable as CCA and could have an initial odor and oily residue. He described it as an alternative offering a balance between established durability and environmental considerations, with greater established durability than DCOI.

Chair Henkels asked whether a different preservative had been proposed for the railings and sidewalk. Mr. Riccardi explained that CuNap and DCOI were oil-based and therefore were not traditionally recommended for components that would receive human contact because oil residue could remain on the surfaces. He stated that the handrails and walkway planks would instead use solid-sawn lumber treated with a water-based preservative. He identified micronized copper azole, or MCA, as the treatment proposed in the NOI application and stated that it was EPA approved and used on bridges of this scale.

Chair Henkels then opened the discussion to Commission questions.

Comm. Sevier asked whether the glulam would be exposed and asked about the dimensions of the panels. Mr. Riccardi explained that the project also included a timber wearing surface consisting of traditional 2-by-12 boards installed diagonally to traffic at a 45-degree angle. He stated that this wearing surface would provide an additional layer of protection over the glulam panels. He explained that the glulam panels shown in the shop drawings were generally four feet wide, with gaps between them for drainage and variations in panel width at the ends to accommodate the bridge length.

Comm. Sevier asked whether the panels would measure approximately four feet by 16 or 20 feet and be installed sequentially. Mr. Riccardi confirmed that the panels would be slightly longer than 20 feet. Comm. Sevier asked whether the deck boards would be installed at a 45-degree angle. Mr. Riccardi confirmed that this was the current proposal and stated that the arrangement had been reviewed with both DPWs for maintenance and load-distribution considerations.

Comm. Sevier asked whether the new deck boards would be thinner than the existing boards and whether the assembly would consist of half glulam and half wood. Mr. Riccardi clarified that the wearing surface was not a glulam product. He explained that it was intended to serve as a sacrificial layer that would protect the glulam. He stated that the glulam could carry the loads without the wearing surface but that recommendations supported installing a wearing surface to provide protection and extend the service life of the structure.

Comm. Sevier then asked how the wearing surface would be fastened to the glulam and whether the fastening would avoid the problems associated with the existing deck. Mr. Riccardi stated that the construction plans contained the fastening details and that the project team had reviewed best practices and guidance with the fabricator. He explained that lag bolts would be spaced at the ends of the boards to secure them to the glulam and that countersunk lag bolts would be used to maintain a smooth wearing surface. He stated that the goal was to prevent the bolts from projecting above the surface and creating hazards for motorists or bicyclists.

Comm. Sevier questioned whether the boards could warp after rainfall because the bottom surface could become wetter than the top surface. He stated that the assembly appeared problematic because the large panel below could retain moisture against the bottom of the boards. He acknowledged that the issue might be outside the immediate preservative discussion. Chair Henkels thanked Comm. Sevier for the comments and stated that the assembly would be addressed in greater detail at the next discussion, along with other project issues.

Chair Henkels reiterated that the current discussion was intended to remain focused on the preservatives proposed for the project and on determining which preservative would not be used. He stated that additional research remained necessary for three of the four preservatives. He indicated that, if the Commission proceeded with a vote, he presumed that CCA would be eliminated from consideration. He then asked the Commissioners for their thoughts before opening the discussion to the public.

Comm. Sevier asked whether the protective treatment for the glulam would need to be replaced periodically. He questioned whether future maintenance would require removing the deck, recoating the glulam, and reinstalling a new deck. Mr. Riccardi stated that this was not the expectation. He offered to conduct additional research on the issue if the Commission wanted it included among the outstanding discussion points. He explained that the purpose of the preservation project was to extend the bridge's service life and reduce the maintenance burden. He stated that the DPWs currently replaced approximately 12 to 24 decking boards per year, which he said was no longer sustainable. He explained that the project was intended to replace that recurring maintenance with a system in which the glulam panels would be protected and the bridge's service life extended.

Director Rivard added that the project was intended to preserve the existing bridge for as long as possible. She stated that the stringers to which the current decking was fastened were no longer capable of reliably receiving fasteners. She compared the condition of the stringers to string cheese and stated that they could not secure the decking properly. She identified that condition as a reason the project was before both communities.

Comm. Sevier asked whether the stringers would be replaced. Mr. Riccardi stated that they would not. He explained that the glulam system provided an alternative method of attachment, involving grooves in the sides of the stringers. He also stated that, according to the DOT inspection reports, the stringers were in good condition and that the issue was a maintenance problem rather than a structural deficiency.

Comm. Sevier stated that CCA had been used for a long time but had been phased out of products available for purchase. He said he supported dismissing CCA as an option. Chair Henkels agreed and asked whether any other Commissioners had comments.

Comm. Rogers asked whether the CuNap residue could leach during rain or standing-water events and enter the surrounding environment, and asked how stable the treatment would be on the road decking. Chair Henkels reiterated that the Commission was considering whether one of the four preservative options could be dismissed. He stated that substantial research remained necessary regarding the other three substances.

Chair Henkels noted that, as Comm. Sevier had stated, CCA had been used for a long time but had more recently been dismissed for certain uses, particularly residential applications. Comm. Rogers stated that she understood but had thought the Commission would be evaluating all of the alternatives that evening.

Chair Henkels clarified that the Commission was not evaluating all of the alternatives at that hearing because additional research and information were needed from the applicant concerning the substances. He stated that, if CCA were dismissed, three substances would remain for further review and presentation by the applicant. He identified the Department of Agriculture, EPA, and the American Wood Protection Association as organizations with information available for public review and research.

Chair Henkels stated that he had reviewed some of the available information and referred to DCOI as an example. He said DCOI had recently been examined in terms of its effectiveness, including its durability and environmental impacts. He acknowledged that the Commission was operating within a limited time period and stated that the remaining alternatives would be reviewed at a future hearing if one option were dismissed that evening.

Chair Henkels noted that the Zoning Board of Appeals meeting was scheduled to begin shortly and asked whether anyone else had comments.

Comm. Sevier asked why epoxy could not be used as a preservative or protective coating.

Mr. Riccardi stated that epoxy had not been considered as an alternative. He explained that the wood fabricator working with the project team had advised that the glulam members needed to be protected with a preservative and had provided recommendations for products that the fabricator knew and would approve for service-life purposes. He stated that the three preservative options presented to the Commission were the alternatives provided by the fabricator. He said he could conduct additional research into epoxy, but that it had not previously been identified as an alternative for the project. Comm. Sevier acknowledged the response.

Chair Henkels invited questions and comments from the audience and stated that the application was expected to be continued to June 15 for further discussion and questions.

Alicia Carrillo identified herself as a 37-year resident and taxpayer on 68 Basswood Avenue. She thanked Chair Henkels for recognizing citizens' concerns regarding the scheduling of the project presentations before the Conservation Commission and Zoning Board of Appeals. She also thanked Coordinator Capone for responding to her concerns about the meeting schedule. She stated that she was pleased the Hearing would continue to future meetings.

Ms. Carrillo described Sherman's Bridge as one of her favorite Sudbury locations and a place where people could launch kayaks or canoes onto the Sudbury River. She said the view from the bridge provided opportunities to see birds and cloud reflections and to experience the river. She stated that she had attended the October 2025 Visioning Workshop with approximately 50 other citizens. According to her, most speakers at that workshop objected to or expressed concerns about plans that would alter the scenic and historic character of the bridge and the Sudbury River.

Ms. Carrillo thanked Sudbury Director Rivard for meeting with her in January to discuss her concerns. She also noted that the Sudbury Historical Commission had provided feedback to the project team during the winter. She said the project team had incorporated changes to the original plans. She cited the decision to retain an unpaved bridge deck, which she said would allow the bridge to retain more of its scenic and historic appearance. She stated that, although she did not consider glulam ideal, she considered the current proposal more consistent with the site's designation as a heritage landscape and with Lincoln Road's designation by the Town of Sudbury as a scenic road.

Ms. Carrillo stated that she remained concerned about exposed metal that could detract from the historic, scenic, and natural character of the bridge. She said that some people had suggested enclosing steel elements with wood and that others, including the Historical Commission, had discussed treating exposed metal or steel with a "National Parks Brown" color. She said she appreciated that the Conservation Commission was asking questions about the potential toxicity of the preservatives proposed for the glulam structure. She also stated that she understood the Commission might consider dark-sky-compliant lighting.

Ms. Carrillo urged the Conservation Commission to support efforts to maintain the historic, scenic, and natural character of Sherman's Bridge. She stated that the bridge had served for hundreds of years as a connection between communities and as a destination, and described it as a place connecting the present to the past and people to nature. She concluded her comments by stating that the bridge should remain a significant space within the Town.

Chair Henkels then invited more comments from the audience.

Elisa Carter, a Sherman Bridge Road resident in Wayland, expressed concerns about the proposed use of insecticides and other chemical treatments on the glulam bridge components. She questioned whether additives intended to improve adhesion had been studied for potential impacts on aquatic organisms, including tadpoles and dragonfly nymphs. She also noted that the guardrails would be exposed to rain, runoff, and potential flooding.

Ms. Carter also raised concerns about increasing traffic and speeding near the bridge, including truck traffic and congestion during commuting hours. She stated that speeds averaged approximately 38 mph and questioned whether the project should consider traffic-calming measures, such as extending the 25-mph speed zone or reducing the bridge speed limit. She expressed concern that the proposed glulam deck and crash-tested barriers could encourage faster traffic and potentially require upgrades to contemporary highway standards.

Ms. Carter discussed the bridge's age, maintenance history, and the expected lifespan of glulam, questioning whether continued use of traditional wood construction could preserve the bridge's character and extend its useful life. She also expressed concerns about how the proposed walkway and barriers would affect her recreational use of the bridge and access to the railings and views.

Finally, Ms. Carter emphasized the historic and recreational importance of Sherman's Bridge as a connection between Sudbury and Wayland and as a distinctive wooden bridge that attracts visitors. Chair Henkels stated that the Commission would consider her concerns regarding insecticides, their application, and potential impacts as part of its research into the proposed additives.

Chair Henkels then asked whether anyone else in the audience had a question or comment.

Chair Henkels returned to the question of CCA and stated that Comm. Sevier had indicated a preference not to use it. Chair Henkels asked whether any other members of the Commission agreed that CCA should not be used. Comm. Rogers stated that she agreed that CCA should not be used.

On motion by Comm. Sevier to state that the Commission does not support the use of CCA for the glulam protectant, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Chair Henkels asked Director Rivard whether the project team gave permission to continue the hearing until June 15, 2026. Director Rivard agreed and stated that the project team would appreciate the continuation.

On motion by Comm. Sevier to continue the Hearing to June 15, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 94 Goodmans Hill Road, DEP #301-1468

Chair Henkels opened the Hearing for the project to remove two barns, restore two barns, install associated access road, utilities, and paddocks, remove invasive plants and install native plants within the 100-foot Buffer Zone and local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Laurent Demanet and Kelly Culver was the applicant.

David Crossman stated that the applicants had recently purchased the property and that the previous owners had maintained a small horse farm. The applicants intended to keep horses on the property. Four barns were located toward the rear of the property. Two barns were in usable condition and would be repaired for continued use. Two smaller barns at the rear were overgrown with invasive vegetation, including bittersweet, and would be removed. Mountain laurel would be planted in that area to provide screening between the remaining barns and the wetland resource area.

Mr. Crossman stated that the existing grass area at the end of the driveway would be converted to a dirt access road leading to the two remaining barns, with a T-shaped roadway in front of the barns. The previous owner had maintained corrals in the area, with remnants of fencing remaining. The applicants proposed four new fenced paddocks. He identified the existing tree line and stated that most of the surrounding area consisted of lawn that would remain at its existing elevation. No fill or elevation changes were proposed.

Mr. Crossman stated that vegetation would be removed from several areas, including areas containing bittersweet, multiflora rose, and honeysuckle. Those areas would be converted to grass for the horses. The manure storage area would be located at the end of the T-shaped access road, outside the Buffer Zone. He stated that the manure storage location had originally been proposed closer to the resource area but had been moved following discussions with Coordinator Capone.

Mr. Crossman stated that work associated with the house was outside the Buffer Zone and that the applicants were working with other Town boards on upgrades to the septic system and water line. He stated that the barn work would not increase the existing impervious area or the footprints of the barns. The applicants proposed maintenance to return the barns to usable condition without expanding them. No pavement was proposed for the access road.

Mr. Crossman stated that a water line would be installed underground to provide water to each barn. The installation would cause temporary disturbance within the Buffer Zone and the trenches would subsequently be backfilled. The water line would be installed within the proposed access road. He stated that this constituted the extent of the proposed work.

Chair Henkels asked about the application's classification as an agricultural project. Mr. Crossman responded that the project had been filed as a single-family house project. Coordinator Capone explained that the Notice of Intent had identified the project as agricultural and asked what agricultural use of the property was intended under the Wetlands Protection Act, including whether an agricultural exemption could apply or whether the horses were being kept as pets rather than as part of an agricultural use.

Mr. Crossman stated that he had likely selected agriculture when he first began the application but that, after meeting with Coordinator Capone, he understood that the project was classified as a single-family house project. He stated that he had not gone back and unchecked the agricultural designation. Coordinator Capone confirmed that there was no agricultural commodity associated with the property, as did Mr. Crossman.

Coordinator Capone asked whether the area of invasive species removal around the two barns proposed for demolition could be shown on the plans so that the extent of the work could be identified when a Certificate of Compliance was considered. She also asked that the number of mountain laurels proposed for planting be identified.

Mr. Crossman stated that the erosion-control limit of work would establish the work area but that the topography had not been carried to the rear of the property on the plans. He explained that a hill extended toward the rear and that the applicants did not intend to proceed up the hill. He identified an area of grass between the remaining barn and the two barns proposed for removal and stated that the invasive vegetation was concentrated around the two smaller barns. He identified multiflora rose between the barns and stated that he would defer to Laurent Demanet and Kelly Culver regarding the number of mountain laurels.

Mr. Demanet stated that approximately 15 mountain laurels had been recommended during their prior discussions. Mr. Crossman agreed to that number.

Coordinator Capone asked that the invasive-removal area be shown on the plans, either by the applicants or their engineers, so that the Commission could understand the extent of the work. She asked whether the foundations of the barns that would remain were structurally sound and would remain in place.

Coordinator Capone stated that the areas proposed for the corrals were predominantly occupied by invasive plants and that converting those areas to horse paddocks would not result in a negative impact to the resource area. She noted that the existing mowed grass area was set back from the wetland line and asked whether the paddock fencing would follow that existing edge, leaving naturally vegetated land between the paddock and wetland.

Mr. Crossman stated that the fence would not extend to the boundary between the lawn and wetland. He estimated that at least six or seven feet would remain undisturbed between the paddock fence and the wetland at the closest point. He stated that there might be some mowing outside the fence to control weeds or invasive plants but that no other work was proposed closer to the wetland.

Coordinator Capone asked whether the applicants were working with the Planning Office on a stormwater permit. Crossman stated that he had not received a clear answer from the project engineer and that the engineer had been expected to respond. He attributed the delay to delays in receiving plans from the engineer's office and asked whether Coordinator Capone knew the applicable requirement.

Coordinator Capone stated that the stormwater trigger was generally 5,000 square feet of disturbance. She identified the driveway and septic work and asked whether the total disturbance exceeded that threshold. Mr. Crossman confirmed that it did. Coordinator Capone stated that the Hearing should remain open so that the applicants could receive guidance from the Planning Office concerning any stormwater measures that would need to be incorporated into the site. She stated that the measures would likely relate to the gravel driveway because the surface area of the paddocks would not be changing.

Coordinator Capone asked about the western paddock, which extended into a hillside containing trees, and whether any regrading or tree removal was proposed. Mr. Crossman stated that no elevation or grading changes were proposed. He deferred the question of tree removal to the homeowners.

Ms. Culver stated that no trees would be removed in that area except for one tree that was clearly dead and required removal. Coordinator Capone acknowledged the response.

Coordinator Capone asked about the proposed manure-management structure, including whether it would be a three-sided concrete-block structure without a roof. She asked how frequently manure would be removed from the property.

Ms. Culver stated that they were in contact with Mitrano Removal Services regarding manure removal and estimated that removal would occur at least once per month. They stated that the frequency could be adjusted based on the amount of manure accumulating.

Coordinator Capone asked whether the manure storage area would be covered during a major storm event. Ms. Culver stated that a secure tarp system would be used and could be pulled over the storage area during a storm.

Coordinator Capone then asked about the invasive-species removal proposed by Parterre and the herbicide treatment described in its proposal. She asked whether the treatment would consist of spot treatment of stumps, foliar application, hand removal, or another method, given the proximity to the wetland. Ms. Culver stated that, based on their understanding, the invasive vegetation would be cleared manually, followed by stump treatments. They believed that an herbicide treatment might be used later for maintenance but stated that they were not certain.

Mr. Crossman explained that bittersweet was typically cut and the stump treated by painting the treatment onto the cut surface. He stated that the treatment needed to occur after cutting because bittersweet could seal the cut surface if treatment was delayed. He did not expect a broadcast spray and anticipated that the bittersweet would be cut and the stumps hand-painted. He stated that multiflora rose and honeysuckle could be removed without herbicide treatment. He stated that the bittersweet would require treatment to control its regrowth.

Coordinator Capone agreed that the bittersweet required treatment and noted that the site contained mature bittersweet. She stated that removing the mature plants would likely result in new growth the following year and that any follow-up herbicide treatment could involve a foliar application, as written in the proposal. She requested more specific information from Parterre regarding its proposed treatment plan.

Coordinator Capone stated that she had no additional comments and that the project would remove a substantial amount of invasive vegetation from the site, which would mitigate the proposed changes to the land. Chair Henkels then asked the Commissioners whether they had questions.

Comm. Sevier asked whether any sizable trees would be removed from the new large paddock area. He asked whether a satellite view could be displayed to clarify the location of the paddock. Ms. Culver stated that they did not have access to a satellite view at that time but that there were no major trees proposed for removal other than one dead tree. Comm. Sevier asked whether the dead tree was located on the hillside. Ms. Culver confirmed that it was located near the leftmost paddock on the plan.

Comm. Sevier stated that, based on the satellite view he was examining, the large paddock appeared to extend toward an area containing large trees near the neighboring property. He stated that he was not certain how the plan corresponded to the satellite imagery. Mr. Crossman stated that there were only a few trees in the area under discussion and that most of the trees were closer to the wetland. He stated that the area associated with the paddock on the south side consisted primarily of shrubs and bittersweet, honeysuckle, and multiflora rose. He added that there might be one or two large trees along the rear or eastern edge of the large paddock. He described the area as becoming more natural farther away from the site as the invasive vegetation became less concentrated.

Comm. Sevier asked whether the area would be surveyed because he wanted a means of determining whether large trees would be removed. Ms. Culver then used the satellite view to identify the paddock locations. They identified the leftmost paddock and stated that the paddocks would extend into the area shown as containing invasive vegetation.

Comm. Sevier asked whether the paddock would extend up to the large trees or whether the large trees would be removed. Ms. Culver stated that the paddock would extend up to the large trees. They stated that any trees found to be dead would be removed, but that the existing large trees appeared to be alive and would remain. They stated that the purpose of the work in that area was to remove invasive vegetation and that no live trees needed to be removed from the proposed paddock areas.

Chair Henkels asked Coordinator Capone whether the Commission needed additional detail from the Planning Office concerning stormwater and additional specificity concerning the proposed herbicide use. Coordinator Capone stated that she did not believe anything else was needed.

Chair Henkels asked whether anyone in the audience had a question or comment.

Comm. Holtz stated that there were several questions from the Q&A submitted by a participant identified as ZW (Zhenyuan Wang of 102 Goodman's Hill Road). Assoc. Comm. Hoffman stated that Coordinator Capone had addressed several of the questions, including the question concerning covering the manure storage from the horses. Comm. Holtz stated that one of the questions might concern not what entered the containment area but what occurred in the fields.

Coordinator Capone stated that one of the audience questions concerned whether the proposed fencing would comply with the fence-line policy. She also identified questions about whether the fences would be maintained and kept clear, whether they would adequately contain the horses, whether the paddocks would be located far enough from the fence line to address manure runoff, and how manure runoff would be managed if the paddock areas became dirt.

Ms. Culver stated that they planned to use pasture rotation to maintain the grass and prevent the horses from damaging the meadow. They stated that they cleaned the paddocks each day, which limited the opportunity for manure to spread. They stated that these practices would mitigate runoff concerns.

Ms. Culver also discussed insect control. They stated that they had considered introducing fly predators but planned, at least for the current season, to use fly bags to attract flies.

Coordinator Capone asked whether the horses would remain fenced in and whether the applicants would mow around the edges of the fields. She then asked about the manure management plan, including whether the manure would be hauled away and frequency, how odors would be controlled, and whether a cover could be used over the manure pile to reduce the spread of manure, particularly during rainy conditions.

Ms. Culver stated that they would need to conduct additional research regarding the proposed cover. They stated that the manure pad was not located close to residences and that they were not concerned about odors traveling that distance. They stated that regular manure removal would help address odor concerns.

Coordinator Capone asked how many horses would be kept on the property. Ms. Culver stated that they owned two horses.

Coordinator Capone asked whether the applicants planned to provide training or bring members of the public onto the property for riding activities. Mr. Demanet was identified as a Massachusetts-licensed instructor and trained horses. They stated that the property would remain a private facility and that private lessons would be offered to two clients.

Assoc. Comm. Sulkowski stated that he owned a horse farm in Sudbury and that many of the questions raised would be addressed through the Board of Health licensing process. He stated that the licensing process would address manure storage location and pickup frequency based on the number of horses. He stated that odor complaints would also be handled through that process and that unannounced annual inspections by the animal inspector would occur. He stated that many of the concerns raised were addressed through an existing regulatory process.

Assoc. Comm. Sulkowski stated that he knew of local resources that could assist with manure management and that there were several options for manure disposal. Ms. Culver stated that they would appreciate receiving those resources.

Chair Henkels asked whether the Commissioners had additional questions.

Chair Henkels stated that the Hearing would need to be continued to obtain additional information concerning the stormwater requirements and the specificity of the proposed herbicide treatment. He asked Mr. Crossman for permission to continue the Hearing until June 15, 2026, and Mr. Crossman agreed.

On motion by Comm. Sevier to continue the Hearing to June 15, 2026, seconded by Comm. Cook, 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, February 9, April 27, and May 11, 2026.

Chair Henkels stated that Coordinator Capone had provided a draft Order of Conditions for review before the Commission proceeded with the discussion. He stated that the applicant had agreed to maintain the open space parcel in private ownership subject to a Conservation Restriction (CR).

Comm. Holtz asked whether the new lot lines had been determined. Coordinator Capone stated that the lot lines remained as shown on the most recent plan and that the open space parcel was a separate lot. She stated that it could remain with the developer or could be transferred in its entirety to the owner of one of the houses. She stated that the land would be conveyed to a developer, who might have other plans for the parcel, but that there was no current proposal to divide the open space parcel among the adjacent properties.

Comm. Holtz asked whether it remained undetermined whether the parcel would remain a separate lot or be divided among the adjacent properties. Coordinator Capone stated that her understanding was that it would remain a separate lot, although one of the adjacent property owners could also acquire ownership of the entire parcel. She stated that a future plan could propose further division, but no such plan was before the Commission. Mr. Derderian agreed with Coordinator Capone's description and stated that he understood the arrangement to be acceptable to the Commission for purposes of taking a vote.

Chair Henkels asked whether there were additional questions from the Commission and then asked whether anyone in the audience had a question or comment. He asked once more whether the Commissioners had additional questions and was preparing to request a motion to close the hearing when Coordinator Capone indicated that there were audience participants waiting to speak.

Chair Henkels recognized a member of the audience. The speaker identified himself as Louis Stephan of 26 Minebrook Road. He stated that he and several neighbors had previously raised concerns during a site visit that the subject property was considerably higher than the abutting properties on Minebrook Road. He stated that the current plan showed substantial tree removal and replacement with small plantings intended to provide mitigation. He stated that during the site visit, the applicant had been told that the property was higher than the abutting properties and that the grade could create runoff concerns.

Mr. Stephan stated that the neighbors had submitted several letters to the Planning Board requesting assistance with mitigation, including larger trees. He stated that there had been discussion about requiring additional and larger trees but that the neighbors had not received a resolution. He asked whether progress had been made on that issue.

Coordinator Capone stated that the clearing area in question was outside the 100-foot Buffer Zone. She stated that the Order required the plantings shown on the planting plan to be larger than those approved by Planning, specifying trees with a minimum one-inch caliper, which she described as approximately eight to ten feet in height rather than three feet, and shrubs in three-gallon containers rather than one-gallon containers. She stated that the trees were associated more with the roadway and that the speaker's property was toward the rear, on the western side of the parcel. She stated that there were plantings proposed near the driveway serving one of the lots but believed that was the only planting area near the speaker's property.

Mr. Stephan stated that the concern involved the properties immediately abutting his and the Cushing property, where there was no planting proposed despite the change in grade. He stated that the applicant's grade was approximately 208 while her property was approximately 192 and then descended into the 180 range. He described the area between the stone wall and his property as a short, steep grade and stated that the neighbors were concerned about runoff, particularly toward the rear of the property where conditions could become wet.

Coordinator Capone explained that the 100-foot Buffer Zone represented the Commission's jurisdictional boundary and that the clearing was outside the Commission's jurisdiction. She stated that the proposed grading appeared to tie into the existing grades, identifying a proposed grade of approximately 192 at the rear of the septic field that appeared to connect with the 192 elevation on the speaker's property. She also identified a four-foot grade difference between portions of the leach field and stated that she was not seeing the excessive grading described by the speaker.

Mr. Stephan stated that the concern originated during a site walk with Mr. Derderian several years earlier, when the applicant had represented that the property was lower than the neighbors' property and had indicated that the grade would be addressed as the project proceeded. The speaker also referenced 34 Minebrook Road, stating that its grade descended toward 180 and that his top-of-concrete elevation was substantially lower than 192. He stated that the location near the stone wall appeared to involve a drop of approximately ten feet.

Coordinator Capone noted that the earlier discussion had occurred when another house was proposed for the area and that the house was no longer part of the proposal. Ms. Stephan confirmed that he understood. Coordinator Capone asked Mr. Derderian whether he had anything to add.

Mr. Derderian stated that the earlier discussion had occurred approximately five years earlier when the plan was different and questioned its relevance to the current proposal. He stated that the earlier plan included a house and driveway that were no longer proposed and that the Lot 6 house was no longer located in the same place. He stated that the project had gone through the Planning Board process and that concerns raised by residents had been considered.

Comm. Sevier stated that, based on the plan that had been displayed, the grade change appeared to correspond to the elevation identified by Mr. Stephan. Coordinator Capone identified elevations of approximately 190 and 180 in the area and stated that the lot line was approximately elevation 192, which was also the elevation proposed under the current plan. She stated that there was approximately a four-foot drop from the lot line to the foundation. She explained that the area around the septic system would be raised somewhat, but that this was the only grading proposed in that area.

Coordinator Capone stated that she did not see a stormwater issue based on the plan, and that stormwater was also reviewed by the Planning Board as part of the stormwater permit. Mr. Derderian stated that the stormwater plan had been peer-reviewed, which Coordinator Capone confirmed.

Chair Henkels asked Mr. Stephan whether she had additional questions. Mr. Stephan stated that he did not. Chair Henkels asked whether anyone else in the audience had a question or concern.

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

Chair Henkels stated that Coordinator Capone had distributed a draft Order before the meeting. He asked Coordinator Capone to review the special conditions associated with the project that were not ordinarily included in Orders.

Coordinator Capone stated that all land outside the limit of work would be covered by individual CRs for each lot and would be permanently protected. She stated that the limit of clearing approved by the Commission would become the limit of clearing in perpetuity.

Coordinator Capone stated that responsibility for maintaining all stormwater components would remain with the developer in accordance with the approved operation and maintenance plan until the Town accepted the road.

Until that time, the homeowners, through a homeowners' association, would be responsible for maintaining the stormwater infrastructure and road.

Coordinator Capone stated that permanent markers would be installed around the boundaries of the CRs to identify the protected areas and ensure that land outside the limit of work remained in its natural state. She stated that the CRs would be held by the Conservation Commission, Sudbury Valley Trustees, or another land-protection entity that would monitor compliance with the restrictions.

Coordinator Capone stated that areas outside the jurisdictional areas that were subject to the roadway replanting plan would be naturalized after completion. She stated that those areas would be restored to a forested condition rather than maintained as landscaped areas associated with the roadway.

Coordinator Capone stated that temporary irrigation could be used to establish plantings, but permanent irrigation installations would not be allowed within the jurisdiction.

Coordinator Capone stated that each lot would require a separate Order of Conditions. She stated that the developer or subsequent property owner would be responsible for filing those applications and that the Conservation Commission would conduct additional review to ensure that development of each lot complied with the Wetlands Protection Act and the Wetlands Bylaw.

Coordinator Capone stated that equipment storage, washing, refueling, and stockpiling of materials would not be permitted within 100 feet of the wetlands. She stated that the limit of work would be survey-located and that erosion controls would be installed correctly at the beginning of the project. This would establish the areas in which work could occur and prevent disturbance outside the approved limits.

Coordinator Capone stated that an environmental monitor would be required to oversee construction. The monitor would regularly review erosion controls and would inspect them after storm events to ensure that they remained functional and that erosion did not affect neighboring properties or wetland resource areas.

Coordinator Capone stated that a phasing plan had been submitted as part of the application but that a future developer could modify it. A phasing plan would therefore be required before development and before any work occurred on the site. The Commission would review and approve the plan for conformity with the discussions and conditions established during the hearing.

Coordinator Capone stated that the phasing plan would ensure that the minimum area necessary for roadway work was disturbed. She recalled that an earlier plan had shown erosion controls and limits of work behind all of the houses and had encompassed the yard areas. She stated that a phasing plan submitted at the prior meeting reduced the proposed clearing to the area necessary for roadway construction.

Coordinator Capone stated that the Order would allow the Commission to assume responsibility for environmental monitoring if the environmental monitor failed to enforce the applicable requirements. In that circumstance, the Commission could retain its own consultant, with the cost charged to the applicant.

Coordinator Capone stated that weekly reports would be required documenting the project's status, problems identified, and measures taken to address those problems. She stated that the reports would become public records and could be requested by members of the public.

Coordinator Capone stated that an invasive species inventory would be completed within the limit of work before construction began. The purpose would be to establish existing conditions and ensure that the project did not introduce new invasive plants or contribute to the expansion of invasive species already present on the site.

Coordinator Capone stated that the trees and shrubs included in the mitigation plan would have minimum sizes greater than those shown in the original proposal. Trees would be at least one-inch caliper and shrubs would be in three-gallon containers. She stated that non-native plants and cultivars would not be permitted. She stated that the plantings would be required to survive for a minimum of two years or be replaced at the applicant's expense. Coordinator Capone stated that water could not be withdrawn from resource areas.

Coordinator Capone stated that each CR would have to be accepted by the Town, and recorded at the Registry of Deeds before issuance of the first Certificate of Compliance for the first lot.

Coordinator Capone stated that baseline reports would be required for each CR. The applicant would prepare the reports, subject to Conservation Commission approval. She explained that the reports would document the condition of the protected land at the time the CR was established and would provide a basis for future monitoring to determine whether the boundaries or uses of the protected areas had changed.

Coordinator Capone stated that the reuse of leaf litter had previously been discussed. The draft conditions would allow leaf litter and wood chips generated on site to be reused for erosion control or landscaping. The conditions would prevent importing mulch and similar materials that could introduce invasive plants, insects, or worms with potential impacts on the forested areas of the property. She stated that if invasive species were introduced, the applicant would be responsible for addressing them immediately.

Coordinator Capone stated that these represented the principal special conditions associated with the project.

Chair Henkels asked Mr. Derderian whether he had any questions or comments. Mr. Derderian stated that he did not and thanked the Commission. Chair Henkels then asked the Commissioners whether they had comments or questions.

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

Notice of Intent: 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. Holtz to continue the Hearing to August 10, 2026, seconded by Comm. Sevier, 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, January 26, and April 6, 2026.

Coordinator Capone stated that the plan the Commission had previously discussed, which would modify the roadway connection at the rear of the lot, was being presented to the Planning Board for stormwater review. She stated that the applicant was seeking feedback from the Planning Board before returning to the Commission and had requested a continuance until June 15.

On motion by Comm. Rogers to continue the Hearing to June 15, 2026, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Faust, 35 Tavern Circle, DEP #301-1329

Coordinator Capone stated that the project involved landscaping work, primarily to incorporate native plantings into the landscape, as well as construction of a patio and a fire pit. She stated that all work had been completed and that the project was ready for issuance of a Certificate of Compliance.

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

Walper, 128 Longfellow Road, DEP #301-0969

Coordinator Capone stated that the Order of Conditions was from a prior owner and that the current owner was planning an addition to the house. She stated that the older Order appeared as an open matter during the current owner's project review. The earlier application had included proposed additions to the house, but none of that work had commenced. She stated that the Certificate of Compliance was intended to release the old Order from the property because the approved work had not occurred.

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

Kaye, 45 Normandy Drive, DEP #301-0893

Coordinator Capone stated that the Order of Conditions dated from 2005 and concerned an addition to a deck and a patio. She stated that the addition had been constructed on an existing concrete patio, resulting in no increase in impervious surface. She stated that the Order required the new house gutters to discharge into an underground infiltration system, which had been completed.

Coordinator Capone stated that the Order also required 19 shrubs to be planted along the edge of the wetland to delineate the lawn from the wetland resource area. She stated that the shrubs had never been installed. The homeowner was preparing to sell the property and had asked Coordinator Capone to determine whether the Commission still wanted the plantings installed.

Coordinator Capone stated that if the project were reviewed under current circumstances, she was uncertain whether the shrubs would have been required because there had been no increase in impervious surface. She also noted that the site had received mitigation through infiltration of roof runoff. She stated that the homeowner was prepared to install the shrubs if the Commission determined that they remained necessary to mitigate the project's impacts.

Chair Henkels questioned whether requiring the shrubs at this point was somewhat contrary to the terms of the Order because it did not require the plantings to survive for a specified period. Coordinator Capone agreed that the Order did not include a survival requirement. She stated that the shrubs theoretically could have been planted and subsequently removed or died, leaving the Commission in the same situation. She noted that the homeowners had been candid in stating that the shrubs had never been planted.

Chair Henkels asked the Commissioners for their views.

Comm. Holtz stated that if the Commission had required something in the Order, it should be completed because otherwise the decision could establish a precedent. He also acknowledged Coordinator Capone's point that if the project were reviewed under current standards, the Commission might not require the shrubs. He stated that he was flexible on the issue.

Comm. Cook stated that allowing applicants not to complete requirements would create problems. Comm. Holtz agreed and characterized the situation as creating uncertainty if requirements were not completed.

Chair Henkels asked Comm. Sevier and Comm. Rogers for their views.

Comm. Sevier stated that if the planting requirement had resulted from the discussion at the time the Order was issued, he believed the Commission should enforce the requirement as written. He stated that installing the shrubs did not appear to impose a significant burden and would constitute compliance with a requirement established before the current Commissioners had served.

Comm. Rogers questioned whether the Commission should also bear responsibility for having verified compliance earlier. She stated that the Commission had an obligation to enforce requirements that it imposed.

Comm. Holtz stated that the Commission generally did not conduct such follow-up inspections and instead reviewed compliance when an applicant requested a Certificate of Compliance, unless the Order included a specific monitoring requirement.

Assoc. Comm. Hoffman stated that the issue raised a concern about future expectations. He stated that if the Commission required an action but later allowed it to remain incomplete, someone could point to the decision years later as a reason not to comply with a similar requirement. He noted that a different group of Commissioners could then have difficulty enforcing such a requirement.

Comm. Sevier stated that he did not consider Commission decisions to create a strict precedent because the Commission dealt with individual circumstances. He stated that the situation appeared to have resulted from the applicant never returning to the Commission to request a Certificate of Compliance. He characterized it as a matter that had fallen through the process.

Comm. Sevier noted that the Order predated Coordinator Capone's tenure and the service of the other Commissioners. He stated that he had served on the Commission since approximately 2012 or 2013 and had been on the Commission longer than the other Commissioners present. He stated that, in his view, installing the shrubs was not a significant burden and that the applicant should be required to complete the work specified in the Order.

Chair Henkels asked whether anyone wanted to make a motion.

Comm. Holtz asked whether the appropriate motion would be to issue the Certificate while requiring the shrubs to be planted.

Coordinator Capone stated that if the Commission wanted the plantings completed, the appropriate action would be to direct that the mitigation be completed first. She stated that the applicant could then return to the Commission after the plantings had been installed to obtain the Certificate of Compliance.

Comm. Holtz asked whether a formal motion was required. Coordinator Capone stated that a formal motion was not technically necessary because she was seeking direction from the Commission. She stated that she could convey the Commission's decision to the applicant based on the Commission's expressed position.

Comm. Sevier proposed taking a straw poll to determine whether the Commissioners supported requiring the plantings. Chair Henkels stated that he supported having the plantings installed and following through on the original Order. Comm. Sevier stated that he also supported requiring the plantings.

Chair Henkels asked Comm. Rogers for her position. Comm. Rogers stated that she supported requiring the plantings because when the Commission required applicants to complete work, the applicants should follow through rather than allowing the requirement to lapse through the passage of time and changes in Commission membership.

Derderian, Bonnie Brook Realty Trust, 74-80 Maynard Road, SWAB #190211

Coordinator Capone explained that the project had been reviewed under the Bylaw only, which allowed the applicant to conduct soil testing for the septic system and stormwater features. She stated that the testing had been completed and that the purpose of closing the existing matter was to clear the way for the new Order of Conditions. She added that the following matter involved only an ORAD to approve the wetland delineation conducted in 2017. She recommended that both matters be closed out.

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

Derderian, Bonnie Brook Realty Trust, 74-80 Maynard Road, DEP #301-1220

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

Extension Permit:

Sudbury Pines, 632-643 Boston Post Road, SWAB #190128

Coordinator Capone explained that the matter involved an Order of Conditions issued under the bylaw only for a wastewater treatment plant located within the Buffer Zone of an isolated wetland. She noted that under the Wetlands Protection Act, an isolated wetland does not have a Buffer. Most of the work associated with the project involved grading, while the facility itself was outside the resource area.

Coordinator Capone added that the Order had been extended several times as a result of COVID-related extensions authorized by the Governor, and once by the Commission. She explained that the delay had been caused by the need for approval of the wastewater treatment plant by the DEP, rather than the local Board of Health. She reported that the DEP approval had recently been obtained and that the applicant had indicated that the project could be completed within the following year. The applicant was therefore requesting a one-year extension.

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

Other

Coordinator Capone announced that a ribbon-cutting ceremony for the rain garden and pollinator garden installed along the Bruce Freeman Rail Trail would be held on June 12 from 10:00 a.m. to noon. She invited members of the Commission to attend. She also explained that because Bonnie Brook is registered land, original signatures were required, and members of the Commission would be contacted to sign the necessary paperwork. Comm. Rogers asked that an email be sent with the information, to which Coordinator Capone agreed.

Coordinator Capone reported that approximately 900 plugs were scheduled to be planted the following day at the Davis Pollinator Meadow. She explained that the meadow had been mowed the previous year and that the Commission hoped many of the plants previously installed by Cam Rogers would recover. She stated that substantial regrowth was already occurring, but the additional plugs were intended to help reestablish and improve biodiversity in the meadow.

Coordinator Capone invited members to assist with the planting. She also reported that two summer staff members had joined the Department that day, providing additional field assistance and allowing for increased work on the conservation lands.

Comm. Holtz asked whether all of the plugs would be planted by hand and suggested using farm equipment to reduce the effort involved. Coordinator Capone explained that existing plants remained in the meadow, requiring the planting to be done with consideration for the vegetation already present. Comm. Rogers commented on the time and effort that had gone into the original planting.

Adjourn Meeting

On motion by Comm. Sevier to adjourn the meeting at 8:55 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.