



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, May 11, 2026

Present: David Henkels, Chair; Jeremy Cook; Luke Faust; Bruce Porter (*present but unable to participate due to technical difficulties*); Kasey Rogers; Harry Hoffman, Associate Member; and Lori Capone, Conservation Coordinator

Absent: Ken Holtz, Vice Chair; Mark Sevier; Victor Sulkowski, Associate Member;

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

Minutes

On motion by Comm. Cook to accept the minutes of the April 6, 2026 meeting, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Request for Amendment to Order of Conditions: Bruce Freeman Rail Trail, DEP #301-1362

Chair Henkels opened the hearing for the project to reconstruct a shared-use path and connector ramp within the 100-foot Buffer Zone and the local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. The Massachusetts Department of Transportation (MassDOT) was the applicant.

Megan Woytik, an environmental scientist with Fuss & O'Neill representing MassDOT, presented a request to amend the Order of Conditions for Phase 2D of the Bruce Freeman Rail Trail. The amendment would modify the connector ramp between the Broadacres parking area and the trail near 62 Morse Road. The Town evaluated the connector ramp for compliance with the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB). Although the adjacent parking area met accessibility requirements, the connector ramp did not.

To address the deficiencies, Ms. Woytik stated that MassDOT proposed replacing the existing straight ramp with a switchback ramp in the same general location. The new ramp would be constructed with asphalt, designed to maintain slopes below five percent, and provide improved accessibility. The project would not impact wetland resource areas directly but would permanently disturb approximately 1,905 square feet of buffer zone and temporarily disturb approximately 1,600 square feet. Construction would require removal of four mature trees, which would be replaced with three red oaks and one eastern white pine, and all disturbed areas would be restored with loam and a native seed mix.

At Chair Henkels' request, Ms. Woytik reviewed the three design alternatives considered during project development. The first alternative retained the existing alignment but added a separate accessible path connecting Morse Road to the parking area. Although it met accessibility requirements, it would require substantially more tree clearing and create two parallel pedestrian and bicycle routes, potentially confusing trail users. The second alternative consisted of a north-facing switchback that crossed the existing stormwater detention basin. This option would require relocation of the basin, increase grading and tree removal, and create the greatest environmental impact. The third and preferred alternative—a south-facing switchback—was selected because it provided ADA compliance while minimizing impacts to wetlands and surrounding resources.

Chair Henkels questioned the comparative environmental impacts of the three alternatives. Ms. Woytik explained that all three alternatives would use asphalt because a smooth, continuous surface is preferred under ADA standards, whereas boardwalks can develop uneven boards and tripping hazards over time. Chair Henkels also asked whether restoration plantings established during the original rail trail project would be affected. Ms. Woytik

acknowledged that some existing vegetation would be removed but stated that four replacement trees were proposed. When asked about additional vegetation beyond the four large trees, she noted that groundcover would also be disturbed but emphasized that the replacement plantings would restore the site.

Chair Henkels expressed concern that opening the forest canopy could prevent shade-adapted vegetation from reestablishing. Ms. Woytik responded that the proposed replacement trees were sun-tolerant species and believed they would perform well under the new conditions, but she indicated that the design team was willing to discuss alternative plantings if the Commission felt different species would be more appropriate.

Coordinator Capone then clarified several aspects of the proposal. She noted that the plans actually depicted a ten-foot-wide path rather than the eight-foot width mentioned during the presentation and observed that the location and the grading required to support the wider path would remove considerably more trees than just the four mentioned. She also explained that Chair Henkels' questions referred to a separate restoration project undertaken after construction of the rail trail, when streambank damage had required mitigation planting funded through a grant obtained by the Sudbury Foundation and implemented through OARS. She pointed out that approximately half of those woodland restoration plantings would be eliminated by the proposed ramp, while the remainder would likely fail because removing the forest canopy would dramatically alter the site's shaded conditions.

Coordinator Capone asked whether the proposed design represented the minimum amount of disturbance necessary to satisfy ADA requirements. Ms. Woytik explained that she had reviewed the earlier suggestion to evaluate a boardwalk but stated that the design team favored asphalt because it better met ADA guidance. Coordinator Capone clarified that her suggestion had been to explore a boardwalk crossing over the detention basin, rather than replacing the ramp surface itself, in hopes of reducing filling, grading, and tree removal. Ms. Woytik acknowledged that she had misunderstood the suggestion and agreed to discuss that concept further with the engineering team.

Coordinator Capone then sought clarification on why the ramp required redesign. Ms. Woytik explained that the original connector had been constructed according to its approved plans but, after completion, an inspection conducted on behalf of the Massachusetts Architectural Access Board determined that it did not meet accessibility requirements. She noted that the Town subsequently requested a redesign to achieve ADA compliance. She further explained that the principal deficiency was the excessive slope of the existing ramp. Although handrails had been considered, adding them would reduce the usable width of the path below acceptable standards.

Coordinator Capone questioned whether widening the existing ramp slightly to accommodate handrails might avoid construction of the much larger switchback. She also requested additional information demonstrating that the proposed ten-foot width, extensive grading, and six-to-one side slopes represented the minimum dimensions required under the applicable regulations. Ms. Woytik responded that the grading slopes had already been tightened as much as possible while maintaining structural stability and that the engineering team had consciously sought to minimize environmental impacts because of the surrounding wetland resources. However, she agreed to consult with the project engineers regarding the differing path widths shown on the alternative plans and to provide additional explanation supporting the proposed dimensions.

Finally, Coordinator Capone raised concerns about existing drainage problems, noting that runoff from the parking lot currently bypassed the detention basin, flowed down the asphalt ramp, and eroded the adjacent embankment near the culvert. She asked whether the redesigned ramp would correct that issue. Ms. Woytik stated that she would confirm the drainage details with the engineering team and ensure that the problem would be addressed if it had not already been incorporated into the proposed design.

Chair Henkels recognized Marcia Rasmussen, Interim Rail Trails Coordinator, to provide additional comments.

Ms. Rasmussen, the Town's Interim Rail Trails Coordinator, explained that she had been working closely with Fuss & O'Neill on the redesign. She stated that the need for the project originated from concerns raised by a Sudbury resident and ultimately stemmed from a MassDOT design issue. The existing connector ramp is approximately 60 feet long, but the Massachusetts Architectural Access Board requires level landings at the top, bottom, and every 30 feet along an accessible ramp. While the existing ramp has a level landing at the top and the rail trail itself serves as the lower landing, there is no intermediate landing. Because the lower landing is located directly on the rail trail, it also places users into the path of bicyclists and pedestrians.

Ms. Rasmussen explained that simply modifying the existing ramp was not a viable solution. The parking lot could not be relocated, and because this is considered new construction, ADA requirements prohibit providing a separate accessible route while maintaining a separate path for other users. Instead, a single facility must accommodate everyone. For that reason, the proposed connector is designed as a ten-foot-wide, two-way accessible path rather than the eight-foot width that had been mentioned earlier in the presentation. The width is intended to accommodate users traveling in both directions while maintaining ADA compliance. She acknowledged that one tight switchback could require two tandem recumbent bicycles to yield to one another but noted that the remainder of the path would allow two-way traffic. Because the redesigned ramp would maintain slopes below five percent, handrails would not be required, and level landings would be provided at the top, middle, and bottom of the ramp.

Coordinator Capone asked whether reducing the path width might be acceptable since both ends of the connector are visible to approaching users, allowing one party to wait while another passes. Ms. Rasmussen replied that waiting for another user would be possible in practice, particularly at the sharp turn, but the design team intentionally sought to provide a path wide enough for most users to pass each other without delay. She explained that families, people pushing strollers, or individuals assisting wheelchair users would benefit from the additional width. Coordinator Capone observed that other connector paths along the rail trail, including sidewalk connections, are considerably narrower and questioned whether the wider design was required by accessibility standards. Ms. Rasmussen acknowledged the question but said the project team had chosen to maximize usability rather than pursue a narrower design that relied on users waiting for one another.

Chair Henkels then asked whether reconstruction of the ramp would disturb the existing riprap armoring along the eastern side of the adjacent drainage channel and whether such disturbance could create stormwater concerns. Ms. Woytik responded that the selected south-facing switchback avoids the detention basin and the riprap, so those features would not be affected by the proposed work.

Coordinator Capone then suggested another potential alternative. She asked whether, if the lack of an intermediate landing was the principal deficiency of the existing ramp, it might be possible to construct a small landing extending off to the side of the existing path rather than replacing the entire connector with a large switchback.

Coordinator Capone asked whether the Commission could satisfy ADA requirements by constructing only a small intermediate landing adjacent to the existing ramp rather than replacing the entire connector with a switchback. She suggested adding a landing just north of the midpoint of the existing path, offset to one side, while leaving the remainder of the ramp intact.

Ms. Woytik responded that the engineering team had considered similar concepts early in the design process. However, because of the elevation difference between the parking lot and the rail trail, simply inserting an intermediate landing would not reduce the overall slope sufficiently to meet ADA standards. She explained that achieving the required grades would instead necessitate extensive regrading of both the parking lot and the trail approaches, making the concept impractical.

Coordinator Capone replied that if the Commission ultimately approved the proposed switchback, she would like to see a much more robust mitigation plan for the disturbed areas. Rather than relying primarily on a native seed mix, she recommended restoring the temporarily disturbed portions of the site to a forested habitat that more closely resembled existing conditions. She explained that the issue was not limited to the direct loss of previously installed woodland plantings. Because the project would substantially open the forest canopy, many of the remaining shade-dependent plantings would likely fail as site conditions changed. She offered to provide the original planting list so the design team would know which woodland species had been installed.

Chair Henkels then asked whether the amended Order of Conditions included any review of stormwater management. Ms. Woytik replied that it did not because the existing stormwater detention basin had already been designed to accommodate runoff from the parking lot, and the relatively small amount of additional runoff generated by the new ramp could be managed within the existing system. Chair Henkels asked whether that conclusion had been evaluated as part of the redesign. Ms. Woytik confirmed that the original stormwater design remained valid and that the revised connector would continue to rely on the existing detention basin without requiring modifications.

Chair Henkels noted that earlier discussion of grading and elevations prompted his concern about nearby drainage infrastructure, particularly the culvert located along Morse Road near the trail crossing. He asked whether the proposed grading changes could alter infiltration or drainage patterns around the culvert. Ms. Woytik replied that no changes to the parking lot or rail trail elevations were proposed. Instead, the elevation change would be distributed gradually along the length of the switchback ramp itself. As a result, the existing culvert and detention basin would continue to function as originally designed, and the project was not expected to alter stormwater flows. She added that the work would also address the existing erosion occurring along the adjacent embankment.

Coordinator Capone followed up by asking whether runoff from the new ramp would actually be captured by the detention basin or whether it would simply infiltrate into the adjacent slopes. Ms. Woytik explained that runoff from the side of the ramp facing the basin would likely drain toward the detention basin, while runoff on the opposite side would infiltrate into the surrounding ground. She noted that she would confirm those drainage details with the project engineers and provide additional information to the Commission.

Summarizing the discussion, Chair Henkels identified several issues that he expected the applicant's team to address before the Commission completed its review. These included providing additional information on drainage patterns and the effects on the culvert and existing stormwater system, strengthening the mitigation planting plan to better restore forest conditions, and confirming that the proposed design fully complied with ADA requirements. Woytik confirmed that the design team would review each of those issues and remained confident that the proposed switchback satisfied applicable accessibility standards.

Chair Henkels invited questions from the other Commissioners. He then invited members of the public were invited to comment.

Comm. Rogers asked for clarification about whether the existing straight connector ramp would be removed and replaced entirely by the new switchback configuration. She questioned whether requiring all users—including bicyclists—to navigate the switchback might create a less safe condition than preserving the existing direct route. She suggested maintaining both the current straight ramp for cyclists and other users while constructing a separate ADA-compliant route for those who needed the gentler slope.

Ms. Rasmussen explained that the existing alignment could not be retained because the grades required to connect the necessary ADA landings would create an unsafe slope of approximately 16 percent. She said the revised grading made it necessary to remove the existing straight section, and therefore two parallel routes were not feasible. Ms. Rogers acknowledged the explanation after learning that the grading changes affected the entire connector rather than just the addition of a landing.

Comm. Hoffman asked whether the plans identified where the proposed design exceeded minimum ADA requirements. Referring specifically to the discussion about the 10-foot-wide path, he wanted to know if the drawings distinguished between features required for compliance and those that represented additional accommodations. Ms. Rasmussen replied that this information was not currently shown on the plans, and Ms. Woytik agreed that the engineering team could provide that clarification.

Comm. Faust asked whether a boardwalk alternative was prohibited under ADA requirements or simply less desirable than the proposed asphalt path. Ms. Woytik explained that the ADA guidance identifies a smooth, continuous paved surface as the preferred option, which is why the design team selected asphalt. Ms. Rasmussen added that asphalt would also be easier to maintain over the long term than a boardwalk.

Ms. Rogers raised a final concern regarding the woodland restoration plantings that had previously been installed through a grant obtained by OARS following earlier construction impacts. She asked whether there would be compensation or additional mitigation since many of those grant-funded plantings would likely be removed or lost as part of the ramp reconstruction. Ms. Woytik responded that she had requested a list of the original plant species from Coordinator Capone and indicated that Fuss & O'Neill would work with MassDOT to evaluate appropriate replacement plantings. Comm. Rogers suggested that OARS should also be consulted because the organization had secured the original grant and invested considerable effort in the restoration, noting that it would be unfortunate for that work to be lost. Ms. Woytik agreed that this was a valid concern and deserved consideration.

After confirming there were no additional questions from the audience, Chair Henkels concluded that the Commission needed additional information before it could act on the requested amendment to the Order of Conditions. He explained that several issues raised during the discussion required further review by Fuss &

O'Neill and MassDOT's engineering team, including the questions surrounding ADA design requirements, drainage, mitigation plantings, and the concerns regarding the previously grant-funded restoration completed by OARS.

Chair Henkels asked Ms. Woytik whether she would agree to continue the Hearing to allow time for the applicant to address the Commission's outstanding questions and for Coordinator Capone to prepare any necessary revisions to the draft Order of Conditions. Ms. Woytik agreed that a continuance was appropriate.

Coordinator Capone noted that the Commission would need all revised materials at least one week before the Hearing. Ms. Rasmussen further explained that the Town was required to respond to the Massachusetts Architectural Access Board by June 21, making a June 29 Hearing too late. Based on that deadline, Chair Henkels requested, and Ms. Woytik granted, permission to continue the Hearing until the Commission's June 15, 2026 meeting.

Chair Henkels asked Coordinator Capone to clarify the Commission's standard requirements for the success of mitigation plantings following construction. Coordinator Capone explained that the Commission typically requires replacement plantings to survive for a two-year monitoring period. She noted, however, that some plantings installed previously along the existing rail trail corridor had not survived and were not scheduled for replacement. Given that experience, she stated that she would like the amended proposal to include assurances that any new mitigation plantings associated with the ramp reconstruction would be monitored successfully through the required two-year establishment period.

Finding no further comments from the public, Chair Henkels confirmed Ms. Rasmussen's approval that the Hearing would resume on June 15, 2026.

Request for Determination of Applicability: 14 Buckmaster Drive, RDA #26-07

Chair Henkels began the meeting for the project to install a playset and remove and plant trees within the 100-foot Buffer Zone and the local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Jesse Patterson was the applicant.

Mr. Patterson introduced himself as the applicant and explained that he and his family had recently moved to Sudbury. They were interested in installing a prefabricated playset in their backyard for their children.

Mr. Patterson explained that the rear portion of their property contains protected wetlands and that the proposed playset location falls within the 100-foot Buffer Zone. He noted that he was not an expert in the applicable regulations but understood that the project required review by the Commission. The proposed playset would measure approximately 15 feet by 21 feet and would be located in an existing relatively level lawn area.

Mr. Patterson provided photographs showing the proposed location and explained that the white stakes shown in the images marked the intended footprint of the playset. Because the area was not perfectly level, they planned to add a small amount of topsoil at the contact points to level the structure sufficiently for installation. He stated that the playset would not require a foundation or other permanent ground covering. Instead, they planned to place wood chips beneath the structure to provide a softer surface for children.

Mr. Patterson also explained that there was a dead tree adjacent to the proposed playset location that they intended to remove. He stated that the purpose of removing the tree was primarily safety-related, since removing it after installation of the playset could be more difficult if it became unstable or hazardous. He indicated that they would leave the stump in place. He also noted that they had notified their abutters about the proposed work.

Coordinator Capone explained that she had no concerns with the proposal. She stated that the project was before the Commission because it was located within the 50-foot no-build zone. However, because the proposed location was already an existing lawn area, she did not believe the playset would create additional impacts to the wetland resource area beyond existing conditions.

Coordinator Capone noted that the applicants had offered to plant a replacement tree if the Commission wished to require mitigation for the removal of the dead tree. She also raised a separate concern about another tree located between the house and the playset area, which appeared to have a significant lean and could potentially pose a

safety issue. Mr. Patterson responded that they were not planning to remove that tree because it appeared healthy. He stated that they would only consider removing it if an arborist determined that it posed a safety concern.

Coordinator Capone recommended that the Commission issue a Negative Determination. She recommended that be conditioned to require she meet with the applicants on-site before installation to confirm the final playset location and discuss the installation activities. After the playset was installed and the wood chips were placed, she requested that the applicants submit photographs documenting the completed work so the Commission could close out the permit record.

Mr. Patterson agreed with that approach. Chair Henkels then asked whether the Commissioners had any questions and invited comments from members of the public before proceeding toward a motion.

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

Request for Determination of Applicability: 101 Longfellow Road, RDA #26-08

Chair Henkels began the meeting for the project to remove and plant trees with associated grading within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. David Teebagy was the applicant.

Mr. Teebagy introduced himself as the applicant and homeowner. He explained that they had submitted an application to remove three large, mature maple trees located within the 100-foot Buffer Zone.

Mr. Teebagy explained that the trees were mature and had raised safety concerns for the family. He noted that they had already lost a fourth tree during winter storms, and when the stump was examined, it showed significant rot. The remaining three trees were leaning toward a backyard playset and patio area, creating concern about potential failure and damage.

As part of the proposal, Mr. Teebagy stated that they planned to remove the three trees and provide mitigation through native plantings. The proposed mitigation included planting 15 native viburnum shrubs, with 10 of those located within the 100-foot buffer zone, along with one flowering dogwood tree and one native red maple tree. He also indicated that, depending on final placement decisions for the red maple, he might add two or three additional native berry-producing shrubs, such as raspberries or blueberries.

Chair Henkels commented that the submitted mitigation plan was thorough and thanked Mr. Teebagy for the effort put into developing the proposal.

Mr. Henkels then asked Coordinator Capone for her comments. Coordinator Capone explained that the maple trees proposed for removal were indeed very mature but were located within a landscaped island that had accumulated mulch over many years. She stated that the altered soil conditions and unusual topography in the area likely contributed to the decline and decay of the trees. She noted that the trees were not in particularly good condition.

Coordinator Capone further explained that the trees were located near the outer edge of the buffer zone, while the proposed replacement plantings would be placed closer to the wetland resource area. As a result, the new plantings would provide greater benefit to the resource area than the existing trees proposed for removal.

She also noted that some minor regrading would be required to restore the yard area because the existing tree island was slightly elevated and landscaped as a mound. However, she did not identify any anticipated adverse impacts to the wetland resource area. Ms. Capone characterized the proposal as self-mitigating because of the replacement plantings and stated that she did not believe additional mitigation was necessary.

Ms. Capone recommended that the Commission issue a Negative Determination of Applicability. She proposed meeting with the applicant and the contractors before work began, to review the project requirements. She also recommended that the applicant provide photographs after completion of the work to document compliance with the Determination.

Chair Henkels thanked Ms. Capone for her review and asked the Commissioners whether they had any questions or comments. He also invited questions or comments from members of the public before proceeding toward a motion to issue a Negative Determination of Applicability subject to the discussed conditions.

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

Notice of Intent: 200 Raymond Road (Feeley Field), DEP #301-1460

Chair Henkels resumed the Hearing for the project to reconstruct softball fields and install an irrigation system and subsurface stormwater infrastructure, ADA walkway, dugout, and bleachers within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Victor Garofalo was the applicant. This Hearing was continued from March 23, 2026.

Kyle Rowan, Project Manager with Gale Associates, stated that he was representing the Town of Sudbury regarding the proposed improvements. He stated that the project team met with the Planning Board and received peer review comments. A response package was submitted to the Planning Board peer reviewer on April 15th, and an updated package was submitted to the Commission on April 17th. He stated that additional peer review comments were received on May 6th and provided to the Coordinator Capone. He noted that the peer review response resulted in five suggested conditions and no additional required actions.

Mr. Rowan presented updated plans and described changes to the layout. He stated that the walkway alignment had been modified by shifting it away from the fence line. He explained that this change did not create additional impervious area and allowed for a straighter alignment and easier grading to a uniform grade. He stated that approximately 120 feet of the six-foot chain-link fence between the fields had been removed in response to public comments and comments from permitting authorities regarding the area's potential use as a sledding hill. He explained that the walkway was moved farther from the playing area to maintain that open space.

Mr. Rowan stated that the grading design remained consistent with the original proposal. He explained that the proposed field grading would maintain a 1.75% slope from the high point on one side of the field to the low point on the other side. He stated that the existing field slopes varied between 2.5% and 4%, and that reducing the slope would improve field conditions and reduce peak surface water flow.

Mr. Rowan described modifications to the infiltration trench system. He stated that, in response to peer review comments, the infiltration trench had been extended approximately 80 feet. He stated that the trench had originally included a slight slope, but the revised design leveled the trench and added weirs to promote infiltration, increase storage capacity, and retain water within the system. He explained that the structures would hold water approximately six inches below grade within the perforated pipe and stone system. He stated that the infiltration trench connected to an eight-inch pipe along the east side of the site, which would function as an additional weir and overflow leading to a dry well, beehive outlet dry well, and riprap area.

Mr. Rowan stated that the field drainage design remained generally consistent with the original proposal. He explained that flat panel drains were retained but reduced in spacing from 24 feet on center to 20 feet on center to improve management of water conditions on the field. He stated that the infiltration trench had originally been included in the stormwater model as contributing to attenuation but had been removed from the model to provide a more conservative analysis. He explained that the trench was now counted only toward storage and that this approach was accepted through the peer review response.

Mr. Rowan described additional drainage improvements, including proposed sand slits between the flat panel drains. He stated that the project included two-inch-wide by twelve-inch-deep sand slits installed every 20 feet across the field to promote infiltration and improve surface water management.

Mr. Rowan discussed changes to the topsoil and earthwork approach. He stated that the original application included either amending the existing soils or importing new soils. He explained that soil amendment had been removed from the project scope due to cost, the complexity of removing and reprocessing material, and concerns regarding consistent implementation by the contractor. He stated that the primary approach would be to strip, screen, and stockpile the existing topsoil. He explained that the purpose was to break up compacted topsoil that contributed to water retention. He stated that the subgrade would then be regraded to the proposed 1.75% slope,

and the screened and blended topsoil would be reinstalled to the finished grade. He stated that the intent was to reuse existing on-site soils.

Mr. Rowan stated that the Town had requested inclusion of imported topsoil as an alternate option for the project. He noted that this option was unlikely due to the project budget but asked whether the Commission considered the approach acceptable.

Mr. Rowan presented changes to the irrigation plan. He stated that the original irrigation design was more extensive and that, in response to Commission comments, the irrigation designer revised the system so that all irrigation heads and laterals were located outside the 100-foot Buffer Zone. He stated that the design would remain outside the 100-foot Buffer Zone and would allow the Town to provide irrigation as needed, including watering infields during drought conditions.

Mr. Rowan stated that the Horsley-Whitten peer review response had been submitted with the project package and resulted in suggested conditions rather than additional action items. He stated that the project team had received and reviewed a draft Order of Conditions and had no questions at that time.

Coordinator Capone stated that she had no additional comments but noted that a condition should be added to the Order of Conditions requiring that the irrigation system only be used when needed, such as during drought conditions, rather than as a continuous irrigation system. Mr. Rowan acknowledged the comment and referred to it as a timed system.

Chair Henkels asked Coordinator Capone whether she had concerns regarding the potential importation of soils. Coordinator Capone stated that the approach described by Mr. Rowan was acceptable and that importing loam, if needed, would not present an issue.

Chair Henkels asked Commissioners whether they had questions or comments and asked whether anyone in the audience had questions or observations.

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 stated that Coordinator Capone had circulated the draft Order in advance of the discussion and had identified an additional provision related to the irrigation system. He stated that Mr. Rowan had agreed to include the provision as a perpetual condition.

Chair Henkels asked Coordinator Capone whether there were any other specific items she wanted to highlight within the Order. Coordinator Capone stated that the remaining conditions had been discussed during the prior hearing. She stated that, if there were no concerns from the applicant, the Commission could proceed.

Mr. Rowan asked for clarification regarding the fertilizer provision, noting that the condition prohibited fertilizers within resource areas and allowed organic and low-nitrogen fertilizer only within the Buffer. He asked whether low-nitrogen fertilizer would be permitted within the project limit of work since the work area did not include the resource area.

Coordinator Capone stated that fertilizer use outside the resource area would be permitted under the condition. She explained that the provision allowed flexibility for establishing the grass but was intended to prevent regular fertilizer use within jurisdictional areas during routine site maintenance.

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: 33 Douglas Drive, DEP #301-1465

Chair Henkels resumed 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. This Hearing was continued from April 6 and 27, 2026.

Daniel Carr explained that the fence along the front of the property was proposed to be removed because it partially extended into the Douglas Drive right-of-way. He stated that additional permanent markers had been

added along the edge of the Conservation Restriction (CR) line. He noted that he had shared the revised plan with Coordinator Capone, who requested that one of the markers be relocated slightly, and he stated that the applicant had no issue with that change.

Mr. Carr stated that the small portion of the CR area in the front yard was proposed to be planted with native shrubs. He explained that the reserve soil absorption system associated with the septic system, which would not be constructed, had been relocated so that it would be entirely outside of the CR area. He stated that the drywell detail for roof runoff had been corrected and that a note had been added requiring the native planting area to be seeded with a New England native seed mix.

Coordinator Capone stated that the revised plan addressed the concerns raised previously. She stated that she had provided a draft Order to Mr. Carr and the property owner for discussion.

Chair Henkels asked Commissioners whether they had questions or comments. He then asked whether anyone in the audience had questions or comments.

Briana Lund identified herself as a neighbor at 69 Stone Road, whose property bordered the applicant's property with a CR area between them. She stated that she appreciated the changes made to the plan but raised concerns regarding the proposed plantings. She explained that the neighborhood contained mature native pine trees, including approximately 100-foot pines, and that several of those trees had been removed from the CR area. She requested consideration of replacing those trees with a greater number of larger and more mature plantings within the CR area.

Ms. Lund also raised concerns regarding continued use of the property. She stated that construction vehicles, including vans and larger vehicles, frequently accessed different areas of the property, including the front and back yards. She stated that construction equipment, including saws producing sawdust, was being used and that activities appeared to include business operations in addition to residential use. She expressed concern regarding impacts to the wetlands from runoff, erosion from vehicles, and potential fuel spills or other pollution associated with construction equipment.

Coordinator Capone stated that four trees were proposed along the northern section near the neighboring property. She clarified that the trees were proposed to be 1.5-inch caliper trees, which would generally be approximately 8 to 10 feet tall. She stated that the proposed trees would not replace the canopy provided by the removed pines but explained that smaller trees generally establish more successfully and have better survivorship. She stated that the planting density could be increased by replacing some shrubs with additional trees if the Commission wished to address short-term canopy and screening concerns.

Coordinator Capone stated that, once established, the area would provide approximately 20 feet of natural vegetation between the northern abutters and the yard area. She stated that the CR area would be restored over time as a natural area and would not be used for landscaping or other purposes. She stated that this would address concerns regarding machinery and activities in the area. She explained that if machinery was stored or used in the driveway area near the garage, that area was outside the Buffer Zone under the Commission's jurisdiction and would primarily be a zoning matter. She stated that the Commission's concern would be if activities occurred south of the house on the steep slope where oils or other materials could move toward the pond.

Ms. Lund stated that vehicles and equipment were not limited to the driveway area and were being used throughout the property, including the backyard near the wetland. She stated that she believed this should be considered by the Conservation Commission, while also acknowledging that the matter could be brought before the Zoning Board if appropriate. She reiterated her support for increasing tree plantings to restore the canopy and acknowledged Coordinator Capone's explanation regarding the establishment of smaller trees.

Coordinator Capone stated that, based on the concern raised, the Commission could consider adding a perpetual condition prohibiting machinery from being used or stored within the Buffer.

Chair Henkels asked for confirmation regarding the proposed plantings. Mr. Carr clarified that seven trees were proposed in total. He stated that four trees were proposed along the north side of the house within the CR area and three additional trees were proposed along the south side of the house closer to the pond. Coordinator Capone clarified that the three trees near the pond were mitigation plantings associated with the new construction.

Chair Henkels asked whether Commissioners wanted to replace any of the proposed shrubs with additional trees of similar size. Comm. Faust stated that additional trees would be preferable but that the proposal as presented was acceptable, to which Comm. Cook stated that he agreed.

Chair Henkels stated that the perpetual condition requiring machinery and trucks to remain outside the Buffer appeared reasonable and asked whether the Commission agreed to include the provision in the Order. Comms. Faust, Cook, and Rogers agreed.

Chair Henkels asked whether there were any additional questions from Commissioners or the audience.

Coordinator Capone stated that the draft Order had been provided to the applicant and asked whether the applicant or Commissioners had questions regarding the document.

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 Mr. Carr whether he had reviewed the Order and whether he had any questions.

Mr. Carr stated that he had one request regarding Special Condition (I). He explained that the condition stated that the portion of the driveway located within the CR must remain as a natural dirt driveway. He requested that the language be changed from “natural dirt” to either “gravel” or “unpaved,” because the driveway was currently gravel.

Coordinator Capone stated that she had considered that request but explained that gravel had multiple definitions. She stated that the intent of the CR was to prohibit structures within the CR area. She explained that allowing the driveway to remain was already an exception, provided that it remained as a dirt surface. She stated that the Commission could consider a different definition if desired.

Mr. Carr stated that he would not consider the existing driveway to be a natural dirt driveway and was concerned about requiring it to remain in that condition. Coordinator Capone responded that the driveway should have been a natural dirt driveway under the CR requirements and that this was the intent of the condition. She stated that she was open to the Commission’s consideration.

Chair Henkels asked Mr. Carr whether he had any other questions. Mr. Carr stated that he did not.

Chair Henkels asked Coordinator Capone how Mr. Carr’s concern regarding the definition should be addressed within the Order. Coordinator Capone explained that the CR did not allow structures within the restricted area, meaning the driveway itself should not exist there. She stated that allowing the driveway to remain was reasonable because it had existed since the establishment of the CR or shortly thereafter. She explained that allowing it to remain was appropriate only if it maintained a natural surface and was not considered a constructed feature.

Coordinator Capone stated that gravel could refer to multiple types of surfaces, including different stone materials, and that the existing driveway appeared to consist more of crushed stone. She explained that allowing a gravel surface could result in changes over time, including additional stone material being added, which could cause the driveway to become more of a constructed feature. She stated that the intent was to establish a definition that maintained the most natural condition possible and avoided creating a violation of the CR allowance.

Coordinator Capone further explained that a stone road typically includes a sub-base and other construction elements, making it more of a structure than a natural dirt driveway. She noted that only the first approximately 40 feet of the driveway was located within the CR.

Chair Henkels stated that three attendees had raised their hands but noted that the Hearing had already been closed. Coordinator Capone advised that he should not accept additional comments unless the Commission voted to reopen the Hearing. Chair Henkels stated that he would take a vote to reopen the hearing.

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

Ms. Lund apologized and stated that she had not been aware that the driveway would remain as dirt. She explained that the driveway abutted her property and that it facilitated the use of the property by construction vehicles that were parked in front of the house. She stated that the width of the driveway and the ongoing vehicle

activity were causing impacts to the land within the CR. She explained that the property was not being used solely as a single-family residence, but involved continuous activity from vans, trucks, dump trucks, and other vehicles. She requested that the driveway area be restored to a natural condition. She stated that other neighbors also wished to comment.

Chair Henkels called on Leah Alvanos. When Ms. Leah Alvanos could not be heard, Chair Henkels moved to the next speaker and stated that they would return to her if possible.

Chair Henkels called on Bruce Holmes. Mr. Holmes stated that he lived at 23 Douglas Drive, Sudbury, Massachusetts. Mr. Holmes stated that his concern involved commercial vehicles on the property. He acknowledged the restriction against parking vehicles near the Buffer Zone of the pond but stated that commercial vehicles should not be allowed in front of the house either. He stated that the property was not intended for commercial use.

Chair Henkels stated that if the activity was occurring outside the Buffer Zone, it might be an issue that would need to be addressed through Zoning. Coordinator Capone added that the CR extended along the frontage of the property. She stated that a condition could reasonably prohibit activity within the Buffer Zone or the CR.

Comm. Kasey Rogers asked whether those areas would be clearly marked. Coordinator Capone stated that the CR would be bounded. She explained that lawn areas or landscaped areas currently within the CR would be planted, and that the only non-natural feature remaining within the CR would be the first 40 feet of the driveway.

Chair Henkels asked whether the Order of Conditions would need to be revised to reflect this. Coordinator Capone stated that the additional condition she recommended would state that machinery could not be used or stored within the Buffer or the CR, except as necessary for construction of the project.

Chair Henkels returned to Mr. Holmes and asked whether he had an opportunity to provide additional comments. Chair Henkels asked whether anyone else in the audience had a comment or observation. He asked for a motion to close the Hearing.

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

Chair Henkels stated that Coordinator Capone had sent the draft Order to the Commission in advance of the discussion. He stated that, based on his review, the only significant change appeared to be the condition discussed regarding machinery, the CR, and the Buffer. He then asked Coordinator Capone to make that amendment as part of processing the Order. Lastly, he asked Mr. Carr whether he had any additional comments or questions.

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

Notice of Intent: 1011 Boston Post Road (Lot 10a, 11), DEP #301-1462, #301-1463

Chair Henkels resumed 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 (Faria Home Improvement) was the applicant. This Hearing was continued from April 6, 2026.

Chair Henkels asked Coordinator Capone whether the two related applications, (one for each of the adjacent lots #10a and 11) should be addressed together or separately because they had separate DEP file numbers. Coordinator Capone stated that the applications could be combined for discussion during the meeting.

Stephen Balcewicz stated that he was representing Land Planning, Inc. on behalf of the applicant and requested permission to share his screen. He stated that since the previous meeting, a site walk had been conducted with an abutter, members of the Commission, and the Conservation Coordinator. He explained that the center line of the proposed road had been laid out during the site walk to evaluate its location relative to the resource area and the ledge and boulder field located along the base of the side slope.

Mr. Balcewicz stated that the site walk included discussion of the proposed construction and stabilization methods for the common driveway. He stated that the approximate location of the Lot 11 single-family dwelling had also

been identified in the field to show its location at the base and along the side slope, and how grading associated with the septic leach area would extend into the hillside. He stated that the septic leach area had been flagged and identified in the field. He also stated that the location of the T-turnaround for the common driveway had been marked based on the Town's emergency vehicle requirements.

Mr. Balcewicz stated that one outstanding issue was the status of the stream and whether it constituted a local River. He stated that he had been asked to provide calculations regarding potential alterations but had not submitted them by the previous Monday deadline. He stated that he wanted to discuss potential alterations within the 100-foot and 200-foot Riverfront Area if the area was determined to be Riverfront.

Mr. Balcewicz presented a schematic showing potential alteration calculations. He stated that Lot 10 would utilize the common driveway across Lot 11, so the Riverfront calculations were combined for both parcels. He stated that the total area of alterations for both parcels was calculated at 164,744 square feet. He stated that the calculations were divided between the inner 100-foot riparian area and the outer 100-foot area if the area was considered Riverfront.

Mr. Balcewicz stated that the maximum allowable alterations would be 10 percent, or 16,474 square feet. He stated that due to the site topography and proximity of the boulder field and resource areas, the common driveway had been located to minimize impacts. He stated that the calculations showed that the majority of alterations would occur outside the inner riparian zone associated with a potential River.

Mr. Balcewicz stated that the total potential alterations within the full 200-foot Riverfront Area would be approximately 18 percent. He requested discussion from the Commission regarding the proposed alterations if the area was considered a local Riverfront.

Chair Henkels stated that the applicant still needed to provide the calculations, and if the calculations differed from the assumptions currently being used, he wanted to see the details incorporated into the plan. He stated that he did not want Mr. Balcewicz to present additional plan details at that time because the information was new and the Hearing would need to be continued.

Chair Henkels stated that the definition of the channel and stream system remained a primary concern. He stated that he had additional questions, including concerns about the scale of the proposed work. He stated that the project would alter a glacial feature that had existed for thousands of years.

Chair Henkels stated that his concern was not whether the project would be financially successful but whether the Town would be protected if the work began and the business responsible for the project ceased operations. He stated that he believed some form of surety or financial guarantee would likely be needed. He stated that he did not know the specific mechanism for applying such a requirement to the two properties but identified it as a concern.

Chair Henkels stated that he did not yet understand how the work would be completed or the impacts it would have on multiple functions, including stormwater management. He stated that the project would require significant additional permitting work. He asked Balcewicz to briefly explain the proposed approach for addressing the boulder field area, noting that it was an important feature observed during the site walk.

Mr. Balcewicz stated that he would bring the surety request to the applicant's attention. He stated that his purpose for the meeting was to address concerns raised after the site walk and to present the alteration calculations.

Mr. Balcewicz stated that the alteration calculations would eventually be incorporated into a plan. He stated that after the site walk, he learned that the stormwater process would need to be addressed first. He stated that the next steps would include obtaining a stormwater permit and completing Board of Health septic designs.

Mr. Balcewicz stated that he was considering continuing the matter to the June 29 meeting. He stated that he would address stormwater-related concerns with the Planning Board and return to the Commission after stormwater permitting issues were resolved. He stated that his primary concern for the Commission was understanding how it viewed the 18 percent alteration calculation if the area was determined to be a local Riverfront, given that there was no alteration threshold for a local River.

Chair Henkels stated that if the area was considered Riverfront, he was uncertain whether the determination would affect structures or the septic system because the septic system was located farther away. He asked what

mitigation measures would be developed as a result of the increased alteration area. He stated that mitigation and stormwater considerations would both need to be addressed and asked Coordinator Capone for her comments.

Coordinator Capone stated that the Commission generally followed the Wetlands Protection Act performance standards for Riverfront Area, although the Sudbury Wetlands Administration Bylaw did not directly address additional Riverfront performance standards. She stated that the applicable standards included 5,000 square feet or 10 percent of the Riverfront Area, along with no alteration within 100 feet of the mean annual high-water line of the River.

Coordinator Capone stated that, in this case, approximately 3 percent of the alteration was within the inner riparian zone and that area represented the only access point into the site. She stated that the proposed impact appeared reasonable based on the site conditions. She stated that if the total alteration was 18 percent, she believed it could also be reasonable, subject to review of the full layout and whether impact reductions were possible.

Coordinator Capone identified potential ways to reduce or offset impacts, including shifting the first house farther outside the Buffer, restoring portions of the Riverfront Area, or enhancing existing Riverfront Area to offset the impact area. She stated that she did not view the alteration amount as a reason to prevent permitting the project or require denial.

Mr. Balcewicz responded to Chair Henkels' question regarding the boulder field. He stated that the project team intended to minimize impacts while meeting the required local driveway standards. He explained that the proposed approach would involve filling voids between the large boulders with riprap consisting of 6-inch and 9-inch stone, followed by smaller aggregate and filter fabric.

Mr. Balcewicz stated that the boulder field would be used as the base for the driveway rather than removing the existing boulders. He stated that some of the larger rocks would likely need to be split if they were moved, and the proposed approach was intended to minimize impacts to the resource area. He stated that using the existing boulder field as the driveway base would allow most of the area to remain in its current natural condition.

Chair Henkels asked the Commissioners about their participation in the site walk and noted that Comm. Holtz and Victor Garofalo had attended, but two other members who had attended were not present that evening. He stated that the matter would be discussed again, likely on June 29. He stated that he agreed with Coordinator Capone's comments but noted that the project involved an extended review process.

Coordinator Capone stated that the applicant should contact the Fire Department sooner rather than later to confirm that the proposed driveway would meet emergency access requirements due to the driveway length and width.

Chair Henkels recommended that the applicant continue through the process and provide the calculations promptly.

Chair Henkels asked whether the applicant agreed to continue the Hearing until June 29. Mr. Balcewicz agreed and stated that the updated calculations would be incorporated into an amended set of plans after completion of the stormwater review.

On motion by Comm. Faust to continue the Hearing to June 29, 2026, seconded by Comm. Cook, 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 8, 2025.

Mr. Vincentelli stated that he was the property owner at 32 Emerson Way and that Anthony Gee was representing him. He stated that the project had been continued for an extended period. He stated that in December the proposal involved a larger building, but his wife had since received a recommendation from her physician to move to a milder climate for health reasons. He stated that they had decided to move and modify the plans. He stated that Mr. Gee had prepared the revised plans and would present the changes.

Mr. Gee, wetland scientist with Goddard Consulting, stated that the previous proposal involved a larger detached garage consisting of more than 1,200 square feet, including a multi-story structure. He stated that the revised proposal reduced the size of the structure, removed portions of the previous design, and modified the driveway extension and asphalt areas.

Mr. Gee stated that the Commission had previously requested that the temporary stockpile be moved outside of the highway easements and that the driveway extension be shown. He stated that the revised plan showed a 900-square-foot garage and approximately 135 square feet of driveway extension.

Mr. Gee stated that the previous plan included an extension area behind the garage that had since been removed. He stated that the revised proposal included removal of approximately 620 square feet of area, resulting in a net increase of approximately 388 square feet of impervious surface. He stated that two hazard trees located above the erosion control barrier were proposed for removal to protect the garage and address potential tree hazards.

Coordinator Capone stated that the structure had been reduced significantly from the previous proposal. She stated that some asphalt behind the original structure had been removed in the revised plan, but she asked whether the remaining asphalt behind the smaller structure would also be removed. Mr. Gee stated that the existing asphalt shown on the plan was not currently proposed for removal and would remain.

Coordinator Capone stated that she had expected the driveway removal to provide mitigation and make the project self-mitigating. She stated that because the asphalt would remain, additional consideration would be needed for mitigation of the increase in impervious surface.

Mr. Gee stated that the applicant had extensive planting throughout the backyard and had previously enhanced portions of the 100-foot Buffer Zone. He stated that the applicant hoped those enhancements could account for some of the mitigation. He stated that the matter remained open for discussion and that the applicant would consider additional conditions in a potential Order to address mitigation requirements.

Coordinator Capone asked whether utilities would be provided to the garage and requested that the electrical connection be shown on the plans. Mr. Gee stated that the electrical connection would be addressed.

Coordinator Capone asked whether the structure was still planned as a prefabricated garage, as discussed previously. She also asked whether any regrading would be required due to the foundation installation, given the small and flat nature of the site. Mr. Gee stated that no major regrading was proposed. He stated that some minor soil shifting or removal could occur in the yard area for installation of the slab, but no extensive grading would be required.

Coordinator Capone asked about the potential for the foundation to intercept the water table due to the flat site and nearby wetlands. She asked whether a dewatering plan or detail should be provided to guide the contractor if groundwater was encountered. Mr. Gee stated that he did not expect the project to encounter the water table. He stated that although the area appeared generally flat, there was approximately a two-foot drop-off toward the wetlands, and the wetlands were located at the toe of that slope. He stated that the upland soil samples did not indicate a high groundwater table. He stated that although groundwater interception was not expected, the applicant could provide additional information from an engineer or contractor if needed.

Coordinator Capone asked whether the interior water storage feature from the previous proposal was still included. Mr. Gee stated that the interior water storage feature had been removed as part of the reduction in overall project area. He stated that it had originally been intended to serve as a buffer and provide water for existing plantings.

Coordinator Capone asked whether there would be any infiltration or runoff collection system. Mr. Gee stated that there would not be an infiltration system.

Coordinator Capone stated that the Commission typically required infiltration for runoff from the rear portion of properties and stated that she would allow the Commission to provide comments on that issue. Mr. Gee asked whether a chamber system would be appropriate for the proposed roof-runoff infiltration.

Coordinator Capone confirmed that a chamber system would work but noted that it could be expensive. She stated that she would defer to Mr. Gee's judgement regarding a reasonable design that would provide the necessary stormwater management. Mr. Gee stated that he could propose a system similar to a CULTEC chamber.

Chair Henkels directed Mr. Gee to work with Mr. Vincentelli and the applicant's team on the stormwater design. He stated that the stormwater approach should be considered together with the proposed permeable-paver design. Chair Henkels asked Mr. Gee to return with that information at the June 15 meeting so that the Commission could work toward a final resolution, to which Mr. Gee agreed. Mr. Gee also stated that, if the Commission continued the Hearing, he would submit the request for a Certificate of Compliance at that time for the work that had not been completed under the prior Order.

Chair Henkels asked the Commissioners whether they had any additional questions or comments. He then asked whether anyone in the audience had a question or comment.

Chair Henkels asked Mr. Vincentelli for permission to continue the Hearing until June 15, 2026, to which Mr. Vincentelli assented.

On motion by Comm. Faust 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 and April 27, 2026.

Chair Henkels stated that the Commission would not be taking any votes during the meeting. He stated that the Commission would eventually be in a position to review an Order of Conditions, but that an Order was not available at that time. He noted that changes had been made to the plan and asked Coordinator Capone to review the outstanding items before continuing to the discussion regarding the open parcel.

Coordinator Capone stated that the requested information had been provided, including the phasing plan discussed during the site walk. She stated that the lot lines could change depending on the final decision regarding ownership of the open space parcel. She explained that rather than requiring detailed revisions to the phasing plan at this stage, she recommended that a condition require the future purchaser of the property to submit a phasing plan for review prior to implementation.

Coordinator Capone stated that the planting plan had been modified but not substantially. She explained that twelve trees had been added, ten shrubs had been removed, and planting areas had been adjusted so that locations closer to resource areas would include both canopy trees and understory shrubs, while areas closer to the road or outside jurisdiction would include only trees.

Coordinator Capone stated that the proposed plantings were intended to restore approximately 33,500 square feet of disturbance. She explained that the proposed density of 212 trees and 204 shrubs would revegetate approximately 26,000 square feet. She stated that the area would also be seeded with a native seed mix and allowed to naturalize.

Coordinator Capone stated that the proposed plant material sizes were smaller than what the Commission typically required for mitigation. She explained that the trees were proposed at three to four feet in height and the shrubs were proposed as one-gallon specimens. She recommended that the Commission include a condition requiring larger-caliber plant material if the proposed planting densities remained unchanged.

Chair Henkels asked Coordinator Capone to provide background regarding the open parcel before the Commission discussed Conservation Restriction (CR) versus Town ownership. Coordinator Capone stated that the open space parcel was approximately ten acres but consisted primarily of wetland areas. She explained that during the site walk, the group was unable to find a dry area to access the parcel.

Coordinator Capone stated that she continued to recommend that the parcel be protected through a CR rather than Town ownership. She explained that a CR would maintain the property as wildlife habitat in perpetuity while avoiding management responsibilities associated with ownership.

Coordinator Capone stated that her concerns with Town ownership included existing flooding conditions and the dam structure at the outlet of the stream running through the property. She explained that if the Town acquired the parcel, management responsibilities for beaver activity and flooding would become responsibilities of the Conservation Commission, which did not have funding available for those activities.

Coordinator Capone stated that private ownership under a CR could allow the property to be managed differently than if it were Town-owned. She also stated that conservation lands located at the ends of cul-de-sacs often became areas where residents disposed of materials, creating an additional management burden for the Conservation Commission if the Town owned the property.

Coordinator Capone stated that if the property remained under a CR, the Commission would already be monitoring other CR areas associated with the development and could monitor the open space parcel during those visits. She stated that this would provide an opportunity to ensure that dumping or other prohibited activities did not occur.

Coordinator Capone explained that if the Commission chose Town ownership, a 21E evaluation would be required as part of the transaction. She stated that the evaluation would determine whether the property had contamination or past uses that could create liability for the Town. She explained that any contamination discovered after acquisition could become a responsibility of the Commission to address.

Chair Henkels asked whether responsibility for the CR would be held by the homeowner's association or individual lot owners. Coordinator Capone stated that the ownership structure would depend on how the lots were configured. She explained that because the parcel was currently a separate lot without a residence, it would likely be held under communal ownership through a homeowner's association. She added that lot lines could also be modified so that portions of the parcel became part of individual lots, resulting in private ownership of those areas.

Chair Henkels stated that at the next meeting the Commission would vote on whether the open parcel should be protected through a CR or Town ownership. He also stated that the Commission would discuss the size and caliper of the proposed trees, including whether the currently proposed plantings should remain with increased specimen sizes.

Chair Henkels stated that he did not want to conduct an informal poll of the Commission during the meeting. He stated that after multiple hearings and discussions, Mr. Derderian understood the Commission's concerns. He requested permission to continue the Hearing to either June 15 or June 29 to allow Coordinator Capone time to prepare a draft Order.

Coordinator Capone stated that she intended to have an Order available for consideration at the next Hearing.

Mr. Derderian stated that he agreed with Coordinator Capone's recommendation regarding the CR. He stated that he had not been aware of the 21E evaluation requirement until the site walk and did not want to proceed with that process. He stated that if the 21E evaluation was a consideration for the Commission, he would prefer to retain ownership of the land and potentially increase the size of some lots.

Chair Henkels asked whether anyone in the audience had questions or comments and stated again that no votes would be taken during the meeting.

Chair Henkels asked Coordinator Capone whether there were any additional issues to address. Coordinator Capone stated that there were no additional items.

Chair Henkels requested permission from Mr. Derderian to continue the Hearing until June 1, 2026, to which Mr. Derderian agreed. Chair Henkels then requested a motion to continue the Hearing.

On motion by Comm. Rogers to continue the Hearing to June 1, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 9 Trevor Way, DEP #301-1461

Chair Henkels resumed the Hearing for the project to construct a house and associated septic system, driveway, utilities, and appurtenances within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and

Sudbury Wetlands Administration Bylaw. John Berglund was the applicant. This Hearing was continued from March 23, 2026.

On motion by Comm. Faust 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: 182 Wayside Inn Road, DEP #301-1434

Chair Henkels resumed the Hearing for the project to install a gravel driveway and stream crossing after-the-fact, renovate and expand an existing garage, construct an accessory outbuilding, exterior pool, and replace an existing culvert within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Andrew Leverone was the applicant. This Hearing was continued from November 18, 2024, June 23, August 4, and December 8, 2025.

On motion by Comm. Faust to continue the Hearing to July 27, 2026, seconded by Comm. Rogers, 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.

On motion by Comm. Cook to continue the Hearing to June 1, 2026, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Priscilli, 94 and 100 Pride's Crossing Road, DEP #301-728:

Chair Henkels states that this discussion is to be tabled until June 1, 2026

Lui, 36 Plantation Circle, DEP #301-578 (Partial)

Coordinator Capone stated that the Order of Conditions dated back to the original construction of the property and covered construction activities associated with several properties.

Coordinator Capone explained that the matter had previously come before the Commission two years earlier for a Certificate of Compliance when the property was being sold. At that time, violations of the Conservation Restriction had been identified. She stated that the new owners had assumed responsibility for restoring the Conservation Restriction area through the installation of a number of shrubs in the backyard.

Coordinator Capone stated that she had reviewed the plantings and confirmed that they had survived for two years. She stated that the new owners were complying with the requirements of the Conservation Restriction. She recommended that the Commission issue a partial Certificate to release the Order.

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

Jimmie, 15 Elmwood Avenue, DEP #301-1384

Coordinator Capone stated that the Order of Conditions was issued for the replacement of the septic system. She explained that during review of the project, the Commission identified a large wetland area that had been converted to lawn.

Coordinator Capone stated that after the septic system replacement was completed, the property was sold and the new owners assumed responsibility for restoring the wetland area. She explained that the restoration included

installing plantings and a native seed mix within the wetland area and installing bounds along the edge of the wetland to prevent future encroachments. She stated that all work had been completed and that the property was ready for a Certificate of Compliance.

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

Other Business

Coordinator Capone stated that the Commission had recently been notified of a BMX track that had been installed at Davis Farm. She explained that the track was extensive, with jumps and holes constructed in an area that previously did not contain a trail. The BMX track was located between the Bruce Freeman Rail Trail and the Pollinator Garden. She described the area as a location where the construction created safety concerns. She stated that approximately 1,200 linear feet of the area had been altered, with holes dug and jumps created.

Chair Henkels asked for clarification regarding the location of the BMX track. Coordinator Capone confirmed the location and stated that the Town had installed cameras in the area and had identified the individuals responsible for creating the track. She stated that the Land Manager was organizing a work party during the week to restore the area.

Coordinator Capone stated that signs had been installed at the location but were removed. She explained that she was working to notify the families or parents of the children involved and was coordinating with the Police Department to prevent similar activity from occurring again.

Chair Henkels asked whether there were any additional matters. Coordinator Capone stated that there were none.

Adjourn Meeting

On motion by Comm. Cook to adjourn the meeting at 9:38 PM, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.