SUDBURY CONSERVATION COMMISSION MINUTES
Meeting Minutes of Monday, August 10, 2026

Present: David Henkels, Chair; Ken Holtz, Vice Chair; Jeremy Cook; Kasey Rogers; Mark Sevier; and Lori Capone, Conservation Coordinator

Absent: Harry Hoffman; Victor Sulkowski

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

Minutes

On motion by Comm. Sevier to accept the minutes of the April 27, 2026 meeting, seconded by Comm. Rogers, with Comm. Cook abstaining due to absence from said meeting, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Notice of Intent: 7 Newton Road, DEP #301-1470

- *NOI Application package, received July 22, 2026, including Proposed Sewage Disposal System, prepared by Connorstone Engineering Inc., dated July 15, 2026, revised July 7, 2026*

Chair Henkels opened the Hearing for the project to replace an existing septic system and resurface an existing driveway within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Bruce Katz was the applicant.

Jared Gillett of Connorstone Engineering stated that the property was a single-family residential lot abutted by other single-family residential lots, with most of the lot wooded. He identified the resource areas at the rear of the property, including a bordering vegetated wetland and mean annual high water associated with Dudley Brook. He also identified a 100-year floodplain that surveyors had field-verified and shown on the plan. The 100-foot Buffer from the bordering vegetated wetland and the 200-foot Riverfront Area extended across the lot to Newton Road.

He stated that an open Order of Conditions applied to the property for invasive species management and tree removal. The work before the Commission involved replacing the existing septic system and repaving the driveway.

He explained that the existing septic system was located in the cleared front yard and consisted of a septic tank and a conventional pipe-and-stone bed. The proposed replacement system would occupy the same general area while maximizing separation from the resource areas. The new leach field would be approximately 102 feet from the bordering vegetated wetland and 140 feet from Dudley Brook. The work would require removal of one small ornamental tree, with no additional tree clearing. The proposed leach field would use innovative alternative technology to reduce the system's footprint and improve effluent treatment.

He stated that the existing septic system had been installed before 1996. He explained that the replacement would qualify as a grandfathered use under 310 CMR and would therefore be exempt from the requirements and performance standards applicable to the Riverfront Area.

Regarding the driveway, he stated that the existing pavement had deteriorated, with cracking and potholes that had been temporarily patched with crushed stone. The proposed work would repave the driveway to match its existing layout and grading, without expansion. The repaving limits would encompass 2,400 square feet within the Buffer Zone and the 200-foot Riverfront Area, including 870 square feet within the inner 100-foot Riverfront Area. He stated that the work would qualify as redevelopment within the Riverfront Area because the layout and grading would remain consistent with existing conditions and the area of impervious surfaces would not increase.

Coordinator Capone stated that both components of the project were necessary and would not cause additional impacts to the resource areas. She therefore did not consider additional mitigation necessary. She confirmed that an Order issued approximately one year earlier remained open for substantial tree removal.

She explained that she had placed the existing Order of Conditions on the meeting agenda for closure and intended to incorporate conditions from that order into the new Order so that only one Order would remain open for the property. She stated that all trees covered by the previous order had been removed.

She identified the remaining work under the existing Order as invasive species management and monitoring to determine whether the area would re-naturalize. The Order allowed the area to naturalize over a two-year period. If monitoring showed that additional plantings were needed after that period, native plants would be incorporated into the area to support its naturalization. She stated that the trees had been removed approximately nine months earlier, so the property remained within the two-year period.

She stated that she had no concerns regarding the proposed work. She had provided draft Special Conditions for the project that would incorporate the outstanding requirements from the previous Order.

Chair Henkels invited Commissioners and anyone in the audience to ask questions.

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

Coordinator Capone stated that the conditions carried over from the previous Order required the applicant to manually remove invasive species from the area where trees had been removed and allow the forest habitat to restore itself. The applicant would be required to submit annual reports documenting compliance with the order.

She stated that two years after the tree removal, the site would be evaluated to determine whether adequate natural regeneration had occurred or whether mitigation plantings were necessary.

She added that the area where trees had been removed must remain in a natural state in perpetuity because it was within the inner-riparian zone. The conditions would also prohibit any expansion of lawn. She noted that Mr. Katz had provided photographic documentation of the site's existing conditions.

On motion by Comm. Holtz to issue the Order of Conditions, 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 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, June 15, and July 27, 2026.

On motion by Comm. Sevier to continue the Hearing to August 24, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

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

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 and May 11, 2026.

On motion by Comm. Sevier to continue the Hearing to August 24, 2026, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

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

Chair Henkels resumed the Hearing for the project to grade, clear, install utilities, and construct a common driveway within the 100-foot Buffer Zone and the local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Reinaldo Faria (Faria Home Improvement) was the applicant. This Hearing was continued from April 6 and May 11, 2026.

On motion by Comm. Sever to continue the Hearing to August 24, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 87 Moore Road, DEP #301-1424

Chair Henkels resumed the Hearing for the project to construct a garage with associated driveway and drainage, relocate an existing fence, and remove trees within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Dwight D. Henderson was the applicant. This Hearing was continued from August 26, October 21, 2024 and October 20, 2025.

On motion by Comm. Rogers to continue the Hearing to October 19, 2026, seconded by Comm. Holtz, 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. Holtz to continue the Hearing to August 24, 2026, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

Katz: 7 Newton Road, DEP #301-1448

Coordinator Capone explained that this Order of Conditions was for tree removal and removal of invasive plants. As the mitigation had yet to be implemented, it is incorporated into the new Order.

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

Violation Resolution:

Kong: 900 Concord Road

- *Memorandum, received August 3, 2026, prepared by Goddard Consulting, dated July 1, 2026*

Chair Henkels began the meeting for the after-the-fact filling of floodplain and work within the Buffer Zone without approval.

Coordinator Capone stated that the new owners of 900 Concord Road had approached the Conservation Office regarding the installation of a chicken coop and a shed on the property. She explained that the property was an agricultural parcel located entirely within the floodplain, and the owners had been discussing the proposed structures with the Building Department and Coordinator Capone. During those discussions, the owner disclosed that fill had been brought in to address the access road, which had developed ruts from agricultural activities over the years. She stated that staff visited the site after the work had been completed. She explained that the purpose of the meeting was to address the violation and improve the access road while correcting the work that had occurred on the property.

Doug Dillon of Goddard Consulting, representing Ms. Kong, stated that material had been placed within the rutted entrance to the agricultural field. He explained that a portion of the property remained in active agricultural production, while other portions were maintained through mowing. Mr. Dillon identified the material placed at the entrance as what appeared to be recycled concrete from a construction site. He stated that the material was unsatisfactory and suggested that the property owner had received inadequate material for the work.

He reviewed historical Google imagery showing the condition of the entrance before the recent work. He pointed out the existing ruts and the extent of material tracking from the access road. He stated that earlier farmers appeared to have performed routine maintenance by adding materials such as wood chips or other substances to the entrance.

He proposed removing all the crushed concrete and replacing it with clean riprap within the existing footprint of the rutted entrance. He explained that the existing concrete road-base material outside the entrance footprint would be removed and the affected area returned to soil. He presented an image identifying the existing deposits and the proposed work area.

He identified an area of deposited material extending into a hammerhead-shaped turnaround and stated that this material would be removed. He explained that the work would be limited to the access entrance and that the existing conditions were contributing to material tracking, siltation, and erosion.

He acknowledged that the property owner had not followed the proper process before undertaking the work. Dillon stated that he hoped the Commission could reach a resolution that would correct the violation and address the access-road conditions.

Coordinator Capone explained that, under the current agreement, only the middle field was in agricultural production. She stated that, until the previous year, both the middle field and the eastern field had been farmed. The current lease covered one year and included agricultural production in the middle field and mowing of the eastern and western fields.

Chair Henkels asked who held the lease. Coordinator Capone identified Chris Kurth of Sienna Farms. She added that access to the property would be required only once or twice during the current year.

Chair Henkels asked whether Mr. Kurth had been aware of the work that had occurred at the property. Coordinator Capone stated that he had not been aware.

Chair Henkels then invited the Commissioners to ask questions.

Comm. Sevier asked whether the proposal involved only removing the existing material or also improving the entrance to make it more durable. Mr. Dillon explained that the gray areas shown on the plan represented the concrete debris or road-base material to be removed. He proposed replacing the material within the entrance footprint with washed, clean riprap consisting of stones measuring three to six inches. He stated that the material would provide drainage while reducing material migration, erosion, and rutting. He clarified that all concrete debris outside the entrance footprint would be removed.

Comm. Sevier asked whether the proposed stone would measure four to six inches. Mr. Dillon confirmed that the stone would be sized to reduce the likelihood of being displaced into the road. He explained that the stones would be placed and packed flat, similar to a construction entrance, to capture sediment while allowing water to drain.

Comm. Sevier stated that the proposed stones sounded large. Mr. Dillon responded that the stones would be flatter than they might appear and that the approach was used at construction-site entrances. He stated that the material could withstand construction equipment and passenger vehicles.

Comm. Sevier asked whether the stones would be placed individually or dumped from a truck. Mr. Dillon explained that the material would be delivered by dump truck and then tamped into place by hand or with a small machine, such as a skid steer. He clarified that the work would not require heavy construction equipment.

Comm. Sevier asked whether a farmer's tractor could drive over the stones without displacing them. Mr. Dillon stated that this type of entrance treatment was used to accommodate construction machinery and ordinary vehicles and that he had observed it performing as intended.

Comm. Sevier questioned whether stones measuring up to six inches would remain in place under repeated tractor traffic. He contrasted the proposal with typical construction-site tracking pads, which he stated generally used stones measuring three-quarters of an inch to one inch. He expressed concern that tractor traffic could displace the larger stones and move them onto Concord Road.

Mr. Dillon responded that he was willing to use whichever material the Commission preferred. He stated that preventing the material from migrating was the primary objective and that his recommendation was based on his experience with similar proposals. He indicated that he could specify a different material if the Commission preferred.

Coordinator Capone explained that the work would also require a driveway opening permit from the Department of Public Works (DPW). She stated that DPW might provide guidance on the appropriate material for the entrance where it connected to Concord Road.

Comm. Holtz observed that leaving the material selection open-ended could allow DPW to recommend a different surface, such as asphalt, which would function differently from stone. He asked what direction the Commission should provide to ensure that the proposed work remained consistent with its objectives.

Coordinator Capone stated that the entrance would need to use a stone material that remained permeable, rather than asphalt, to avoid filling the floodplain or creating additional impervious surfaces. She explained that the work was located within both the floodplain and the Buffer Zone, with the wetland boundary shown on the plan immediately adjacent to the work area. She reported that she had discussed the use of stone with the DPW Director, who had indicated that stone was acceptable. Coordinator Capone stated that DPW might be able to provide further guidance on the appropriate stone size, but she did not anticipate that it would require asphalt.

Chair Henkels asked Coordinator Capone to clarify the regulatory basis for the proposed Enforcement Order. He noted that the recommendation involved addressing the work under the local bylaw and asked whether the activity would also be exempt under the Wetlands Protection Act.

Coordinator Capone explained that the work would be exempt under the Wetlands Protection Act because the area had been farmed within the previous five years. She stated that the local bylaw required the activity to be necessary for land that was presently being farmed. Although the middle field remained in agricultural production, the area where the access work had occurred was not currently farmed, and the work was not necessary to maintain that field in agricultural production. She therefore explained that the Enforcement Order would be issued under the local Bylaw only.

She outlined the conditions she recommended for the Enforcement Order. She stated that erosion controls would need to be installed before work began and that a preconstruction meeting would be held with the contractor to review the work limits and requirements. She explained that the contractor would be required to remove the unsuitable fill and stabilize the entrance in accordance with the action plan submitted and discussed at the meeting. Following completion of the work, the contractor or property owner would need to submit a report to the Conservation Office and request that the Enforcement Order be lifted.

Chair Henkels asked the Commission whether it would prefer to postpone its decision until Coordinator Capone had consulted with DPW regarding the appropriate material for the driveway entrance. He suggested that the information could be obtained before the next meeting on the 24th or that the Commission could proceed based on the information already provided.

Comm. Sevier stated that he would be comfortable with Coordinator Capone and the DPW working out the details of the material selection. Chair Henkels stated that he agreed with Comm. Sevier's approach. Comm. Holtz also agreed, and Comm. Rogers stated that she was comfortable with the proposed arrangement.

Chair Henkels asked Coordinator Capone whether he could request a continuation of the matter until the material specifications had been obtained. Coordinator Capone responded that the fill had been in place since April and that there was no urgency requiring an immediate decision. She explained that the Commission had intended to allow two weeks for the development of a more complete plan.

Comm. Holtz asked whether the Commission needed to continue the matter or whether it could issue the Enforcement Order with a condition requiring Coordinator Capone and the Department of Public Works (DPW) to consult on the appropriate material for the entranceway.

Comm. Sevier confirmed that his proposal was to issue the Enforcement Order while allowing Coordinator Capone and DPW to determine the material specifications. He stated that he did not believe the Commission needed to review the matter again, given that the fill had been in place for an extended period, and expressed confidence that the material requirements could be resolved.

Chair Henkels thanked Comm. Holtz and Comm. Sevier for clarifying the approach and stated that he agreed with it. Comm. Rogers and Comm. Cook also indicated agreement.

Coordinator Capone explained that the motion would be to issue an Enforcement Order requiring the restoration and stabilization of the entranceway at 900 Concord Road. She stated that the motion could include the conditions she had previously outlined, including the installation of erosion controls before work began, a preconstruction meeting with the contractor, removal of the unsuitable fill, stabilization of the entrance in accordance with the action plan, and submission of a completion report to the Conservation Office with a request to lift the Enforcement Order.

Coordinator Capone proposed adding a fourth condition specifying that the replacement material must consist of stone or another permeable material approved as appropriate by DPW. She explained that this condition would prevent the use of asphalt. If DPW proposed asphalt, she would bring the matter back before the Commission because that option had not been part of the discussion.

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

Project Modification :

104 Plympton Road, DEP #301-1420

- *Site Development Plan, received July 31, 2026, prepared by Engineering Design Consultants, Inc., dated June 3, 2024, revised July 29, 2026*

Chair Henkels began the meeting for the request for permission to expand the addition to include a bathroom.

Peter Bemis presented a request for a minor modification to the Order of Conditions. He stated that the existing Order primarily addressed construction of a swimming pool and restoration of the Buffer Zone, and that the work had been completed. He noted that the Commission had also approved installation of a new soil absorption system in the front yard through a Request for Determination of Applicability, and that this work had been completed and the area stabilized.

He presented the proposed modification to the addition previously approved under the Notice of Intent and its associated Order. He explained that the existing deck would remain and that the original plan included a stairway descending from the deck. The applicant had since determined that a half-bathroom accessible from the pool area would be beneficial. He stated that the bathroom would create 80 square feet of new impervious surface because the area beneath it currently consisted of crushed stone. He explained that the application had identified the existing crushed stone and that the proposed bathroom would displace that area. A drain would collect runoff from the new surface and direct it to the existing infiltration system, which he stated could accommodate the additional flow. He

characterized the increase as a minor expansion within the Buffer Zone and confirmed that the ECB limits would remain unchanged.

He stated that obtaining approval as a minor modification during the current review cycle would allow the work to proceed with the remaining construction and enable the project to be completed with full restoration during the fall growing season. He explained that completing the project and returning later to request approval would create additional work. He apologized for the repeated review process and stated that the client had raised questions about the proposed work, after which the project team consulted with Coordinator Capone to determine the appropriate process.

Coordinator Capone explained that the Commission needed to determine whether the proposed change was minor enough to approve as a minor modification or whether an amendment to the Order was required. She stated that the increase in impervious surface was limited and that runoff would be managed through the infiltration basins required as part of the project. However, she noted that the project had undergone multiple modifications, which prompted her to bring the request before the Commission.

She expressed concern that approval of the bathroom might lead to a subsequent request for a walkway to provide access to the pool area. She noted that the wetlands were directly adjacent to the addition. She stated that she did not believe the proposed addition would cause additional negative impacts to the wetland but wanted the Commission to consider the request and determine whether additional mitigation was necessary to offset the increase in impervious surface.

Chair Henkels asked Coordinator Capone to summarize the mitigation completed to date. Coordinator Capone explained that the original wetland delineation had identified an area where the previous owner had expanded the lawn into the wetlands. She stated that this had not occurred under the current owner's ownership. The mitigation plan required plantings to establish a defined edge of disturbance and allow the rear portion of the property to naturalize with additional shrubs plantings and native seed.

She reported that the plantings had been installed but that the seed mix had not established as expected during the previous year, which she attributed to the shaded and wet conditions. She stated that Mr. Bemis had planned to reseed the area during the current year to support naturalization. She described the area as being in better condition than when it was maintained as lawn and credited the applicant with completing mitigation early in the project rather than waiting until the end or failing to complete it before seeking a Certificate.

Chair Henkels invited the Commissioners to ask questions or provide comments.

Comm. Holtz asked how the existing roof drains were performing and whether they overflowed frequently. Mr. Bemis responded that the drains were functioning as intended. He explained that the connections to the dry wells had been installed during the initial phase of the project and were available to receive drainage associated with the proposed addition.

Comm. Sevier questioned whether 80 square feet was a reasonable estimate for a half-bathroom and asked what the proposed space would contain. Bemis explained that the bathroom would have a galley-style layout with a vanity and toilet. He explained that the 80-square-foot calculation included the foundation walls, although those walls would not count toward the usable interior space. He added that the foundation wall thickness, interior framing, and sheathing would reduce the available space, resulting in a smaller bathroom than the overall footprint suggested.

Comm. Sevier asked whether the bathroom would also contain laundry machines. Mr. Bemis confirmed that it would not.

Comm. Cook asked whether the bathroom would include a shower. Mr. Bemis confirmed that it would not.

Chair Henkels stated that he did not personally object to approving the request as a minor amendment.

On motion by Comm. Sevier to approve a minor modification, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Adjourn:

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