SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, September 28, 2026

Present: David Henkels, Chair; Jeremy Cook; Harry Hoffman; Mark Sevier (7:03 PM); Victor Sulkowski; Robert Bosso, Conservation Assistant, and Lori Capone, Conservation Coordinator

Absent: Ken Holtz, Vice Chair; Kasey Rogers

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

Wetland Applications:

Request for Determination of Applicability: 18 Newton Road, RDA #26-17

- *RDA Application package, received September 7, 2026, including 2026 Landscape Plan, prepared by H&H Landscape Management, dated July 7, 2026.*

Chair Henkels began the meeting for the project to replace three existing retaining walls, transplant existing plantings and install new plantings, and replace and expand an existing deck within the 100-foot Buffer Zone and local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Ashley Ferullo was the applicant.

Justin Hansen identified himself as the owner of H&H Landscape Management and introduced Sasha Podovsky as the landscape designer responsible for explaining the proposed work.

Mr. Podovsky identified the brook along the lower-left portion of the displayed property plan. He explained that the existing walls consisted of loose fieldstone and that the proposal involved replacing them within their existing footprints with more solid walls to better retain the grade and help prevent erosion associated with the existing grading and wall conditions.

He stated that the foundation plantings would be reworked, with many existing plants being salvaged and relocated. The existing Rose of Sharon plants beneath the deck might be salvaged and moved to another area of the property. The rhododendrons along the side of the house would be relocated from a corner of the property, and existing azaleas and other plants on the opposite side would also be reused.

He explained that the project also included removing an evergreen Euonymus-type vine beneath an existing crabapple tree, which was proposed to remain. Within the Buffer Zone at another corner of the property, the wall would be moved outward to accommodate the stairs descending from the deck. The remaining work would stay within the existing layout, including extending an existing wall. He stated that the proposed walls would be less than two feet tall and that the project would not substantially change the grading. Instead, the work would reinforce the existing conditions and help prevent erosion through the installation of more solid walls.

Coordinator Capone explained that Robert Bosso had reviewed the application but that she had questions before the Commission proceeded. She noted that John Tierney was also participating in the meeting regarding a deck expansion associated with the same project. She understood that the stairs referenced in the landscaping plan were being relocated as part of the deck work. She recommended hearing from Mr. Tierney first to clarify the deck proposal before proceeding for Mr. Bosso's comments.

Chair Henkels asked Mr. Tierney to introduce himself and identify his affiliation. Mr. Tierney explained that the deck would extend approximately 10 feet outward from the existing sunroom. He stated that the stairs had

been redesigned. Rather than extending another three or four feet, as previously proposed, the stairs would now descend in the location of the existing stairs, keeping them farther from the wetlands.

Mr. Bosso asked whether the stairs were being moved toward the southeast of the proposed deck, from the side of the deck to another location. Mr. Tierney confirmed that the drawing currently displayed showed the correct location. Mr. Bosso observed that the stairs appeared to be moving closer to the wetlands. Mr. Tierney explained that the original plan had placed the stairs alongside the deck, running lengthwise, but that he had worked with the landscaper to return the stairs to the location shown on the revised drawing. He added that the stairs would descend to a landing on the extension of the retaining walls.

Coordinator Capone asked whether the plans submitted were incorrect. Mr. Tierney clarified that only the stair configuration had changed. Mr. Podovsky explained that Tierney's plan might not be included in the landscape plan set but offered to display the relevant portion of the existing plan.

Mr. Podovsky explained that the stairs would begin in approximately the same location as the existing staircase, descend to a masonry landing, and turn beneath the new deck. This arrangement would keep the stairs farther from the Buffer Zone than the original proposal, which had placed them outside the deck. He explained that the three upper steps shown in the original configuration would be removed and that the revised stairs would descend to the landing before turning beneath the deck. Coordinator Capone stated that updated plans would be required to ensure that the application accurately reflected the proposed work. Tierney acknowledged the requirement.

Mr. Bosso reported that he had visited the site and examined the resource areas. He identified what appeared to be a small Bordering Vegetated Wetland along the stream south of the property that was not shown on the geographic information system mapping. He estimated that the wetland extended approximately 10 feet from the streambanks. He explained that the yellow line on the plan, which represented the outer boundary of the 100-foot Buffer Zone, should be moved approximately 10 feet northeast to account for the wetland. This adjustment would bring more of the northwest garden bed into the Buffer Zone and might also include the new stairs and additional portions of the retaining wall south and east of the house.

He stated that the retaining walls would remain within their existing footprints and would be less than two feet tall. He noted that the driveway sloped toward the stream, with a steeper slope near its lower end. He asked whether the removal and replacement of the stone walls would be completed within a short period. Mr. Podovsky estimated that the masonry work would take one or two days.

He reviewed the proposed plantings and stated that most of the garden bed remained outside the Buffer Zone but within the Riverfront Area. He observed that most of the proposed plants were non-native, although none had been identified as prohibited species. He also identified one native species cultivar and reported no indication that it would negatively affect the resource area.

Coordinator Capone asked whether the large burning bush currently in the landscape would be removed and whether other invasive plants in the existing planting beds would also be addressed.

Mr. Podovsky confirmed that the burning bush near the house would be removed. He stated that the evergreen Euonymus beneath the existing crabapple tree would also be removed, although he was uncertain whether that particular plant was considered invasive. He explained that many of the proposed foundation plantings were ornamental varieties intended to maintain a formal landscape around the house. He added that future work might introduce native woodland plantings around the property's periphery to create a transition into the surrounding woods, but that work would require a separate application.

Coordinator Capone asked whether the proposed plant species were unlikely to spread into the natural landscape. Mr. Podovsky confirmed that the selected plants were intended to remain contained and that the landscape design avoided species likely to escape into wooded areas. He cited native cultivars of hollies and a crimson-green Japanese maple as examples of the proposed plantings.

She stated that the updated deck plans were the remaining item needed to reflect the proposed work accurately. She reported no other comments on the project. She explained that erosion controls had not been proposed because the work area was separated from the wetlands by a considerable distance and the driveway lay between the work area and the resource area. She left the question of whether erosion controls were necessary to the Commission's judgment.

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

Comm. Hoffman asked whether the retaining wall work would be completed by hand or would require machinery on the property. Mr. Podovsky explained that the preparation work would use a mini excavator, which would be limited to the areas requiring excavation. He stated that the equipment could operate from the driveway to avoid leaving track marks elsewhere on the property. Most of the planting work would be completed by hand, although a small, lightweight stand-on machine known as a Dingo might also be used.

Mr. Tierney added that the deck's helical piles would be installed using machinery that would have a limited impact on the property. Mr. Podovsky explained that the work crew planned to access much of the site from the rear driveway. Because a septic leach field was located on the property, they intended to limit travel across that area. The masonry work would be conducted from the driveway, with additional access routes planned from other parts of the property.

Comm. Hoffman then asked about a photograph on page two of the September 28, 2026, report that appeared to show a stream. He asked whether any work was proposed in that location or whether the photograph had been included to document the resource area. Mr. Bosso confirmed that he had prepared the report and explained that the photograph was included to show the resource area. He stated that no work was proposed in the area shown in the photograph.

Chair Henkels asked whether anyone in the audience had questions or comments.

Coordinator Capone explained that, before work commenced, she would meet with each project representative to review the proposed work and site logistics. Depending on how the deck and landscaping work were scheduled, these meetings might require two separate site visits. She stated that the meetings would allow her to understand how the work would proceed, where machinery would be stored, and where materials would be stockpiled.

She added that a revised deck plan would need to be submitted to reflect the proposed stair configuration. She identified the final condition as the submission of photographic documentation to the Conservation office after the work was completed and the site had been stabilized. The photographs would allow the office to confirm compliance with the determination.

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

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

- *Decision – General Stormwater Management Permit, received August 27, 2026*
- *Proposed Site Plan of Lot 4 Trevor Way in Sudbury, MA, prepared by Connorstone Engineering, dated March 9, 2026, revised August 18, 2026*

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, June 15, July 27, August 24, and September 14, 2026.

Coordinator Capone stated that some time had passed since the project had been presented to the Commission. She reported that the restrictive covenant had been recorded, completing the final requirement needed to close out the two prior Orders of Conditions for the site, which were also listed on the meeting agenda. She stated

that the Planning Board had approved the stormwater review for the project and that the plans had undergone minor modifications since the Commission's previous review. An investigation of the pipes had also been conducted to determine their origins. She explained that the project had reached the point where the Commission could make a decision regarding construction of Lot 4.

Chair Henkels asked whether any Commission members had questions and invited Mark Arnold to comment.

Mr. Arnold confirmed Coordinator Capone's summary. He explained that the final plan had been updated to incorporate minor changes to the elevation inverts in the stormwater design, while the project footprint remained unchanged from the plan previously reviewed by the Commission. He stated that both the deed restriction plan and the restrictive covenant had been recorded at the Registry of Deeds. He explained that recording these documents fulfilled the final requirement for closing out the original subdivision Order of Conditions. He stated that the applicant was seeking an Order of Conditions for Lot 4 and Certificates of Compliance for the Orders of Conditions issued for the subdivision.

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

Coordinator Capone explained that the project's mitigation consisted of the restrictive covenant, which prohibited future development on nearly two-thirds of the lot. She stated that the remaining conditions were standard requirements for new construction. She reported that the Orders of Conditions had been provided to the applicant before the meeting and that the applicant had not submitted comments on the conditions. She stated that there were no additional items requiring specific attention.

She advised the Commission that the boundaries of the restricted land covered by the restrictive covenant had already been installed and marked in the field. She noted that this work was generally completed toward the end of a project, but the restricted boundary had already been defined on the site to prevent encroachment from the development.

On motion by Comm. Cook to issue the Order of Conditions, seconded by Comm. Hoffman, with Comm. Sevier abstaining due to his late arrival and technical difficulties, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 381 Willis Road, DEP #301-1471

Chair Henkels resumed the Hearing for the project to install a septic system within the 100-foot Buffer Zone and the local Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Rodenhiser Excavating Inc. was the applicant. This Hearing was continued from September 14, 2026.

Coordinator Capone stated that the file number had been the only item outstanding, and has now been issued by the State.

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

Coordinator Capone confirmed that the Order of Conditions was standard for a project of this type.

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

Request for Determination of Applicability: 68 Ford Road, RDA #26-18

- *RDA Application package, received September 14, 2026*

Chair Henkels resumed the meeting for the project to remove four trees within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Peter Girard was the applicant.

Karen Bent, representing Rusty's Tree Service, introduced Walter Bent, the owner of Rusty's Tree Service, at 539 Hudson Road. Mr. Bent explained that the trees proposed for removal were spruce trees affected by needle cast, a fungal disease that was killing them. He stated that the trees would become hazards as they died, rotted, and potentially fell during windy conditions.

Coordinator Capone presented an aerial photograph identifying the four trees proposed for removal, noting the nearest tree was approximately 60 feet from a pond. She stated that all four trees were dying or substantially dead. However, none posed an imminent threat of falling onto structures, which was why she had filed a Request for Determination of Applicability. She explained that the stumps would be ground in place. Coordinator Capone stated that the trees provided limited function to the pond and that she had not recommended replacement plantings to offset their removal. She identified a willow tree on the property as providing the greatest benefit to the surrounding landscape.

Chair Henkels invited the Commissioners to ask questions. He also asked whether anyone in the audience had questions or comments.

Coordinator Capone explained that the first condition required her to meet with the contractor's crew before work began to review the project. The second condition required the applicant to provide photographic documentation after the work was completed to confirm compliance with the Determination of Applicability.

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

Notice of Intent: 46 Witherell Drive, DEP #301-TBD

Chair Henkels resumed the Hearing for the project to install a firepit and patio, native plants, and remove invasive plants within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Christine Maitland was the applicant. This Hearing was continued from September 14, 2026.

Coordinator Capone stated that the only outstanding matter was the file number, which has not been issued.

On motion by Comm. Hoffman to continue the Hearing to October 19, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

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

Chair Henkels resumed the Hearing for the project to demolish an existing carriage house and construct a single-family house within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. First Colony Development Co. was the applicant. This Hearing was continued from September 29, November 17, December 29, 2025, January 26, April 6, and August 24, 2026.

On motion by Comm. Sevier to continue the Hearing to October 19, 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 of Faria Home Improvement was the applicant. This Hearing was continued from April 6 and May 11, 2026.

On motion by Comm. Cook to continue the Hearing to November 2, 2026, seconded by Comm. Hoffman, via roll call the vote was unanimous in the affirmative.

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 of Faria Home Improvement was Applicant. This Hearing was continued from April 6 and May 11, 2026.

On motion by Comm. Hoffman to continue the Hearing to November 2, 2026, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance

Herb Chamber, 141 Boston Post Road, DEP #301-1361

Coordinator Capone explained that the project involved the conversion of the former Bosse Sports site into Herb Chambers. She stated that the project included substantial restoration of the Conservation Restriction land behind the site. During her inspection, she identified approximately six Japanese knotweed plants that had appeared in the landscaping beds. She had the plants removed and requested the addition of a perpetual condition to the Certificate of Compliance allowing continued management of Japanese knotweed to prevent its establishment and spread on the site and to protect the restoration work. She noted that a similar perpetual condition addressed Phragmites, which was established in the area. With the additional condition, she recommended that the Certificate of Compliance be issued.

Chair Henkels asked for a motion to issue the Certificate with a perpetual condition requiring the applicant to prevent the establishment and spread of Japanese knotweed on the site. He read that the applicant would conduct regular inspections of all areas disturbed by construction and promptly remove any Japanese knotweed observed using manual removal methods. He continued reading the condition, stating that all removal activities must be performed in a manner that prevented the dispersal of plant fragments, roots, and other materials.

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.

Trevor Way, DEP #301-0944

Coordinator Capone stated that the Order of Conditions dated from 2006 and pertained to the original subdivision construction. She reported that all lots had been completed except for the lot under review and that the Town had accepted the road. She stated that the outstanding item, the restrictive covenant, had been completed and that the project was ready for the issuance of a Certificate.

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.

9 Trevor Way, DEP #301-1247

Coordinator Capone stated that the application pertained specifically to Lot 4. She explained that during roadway construction, disturbance had occurred at the site that was not permitted under the Order of Conditions for the project with file number 301-0944. She reported that the vernal pool had been improved and enhanced as part of the work. She stated that the work had been completed and that the site was functioning well. She explained that the deed restriction had been the final outstanding item needed to close out the Order.

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

Other Business :

Open Space Plan

Coordinator Capone stated that the Open Space draft plan was expected from the consultant on Friday and would be shared with the public before the public meeting scheduled for October 15 at 7:00 p.m. at the Fairbanks Community Center. She explained that the meeting would include a presentation of the draft plan and an opportunity for the public to provide comments, suggestions, and proposed changes. She encouraged members to attend and stated that she would distribute the draft plan upon receipt.

Chair Henkels recognized Comm. Sulkowski, who asked whether the public meeting would be held in a hybrid format. He stated that he lived nearby and planned to attend in person but wanted to confirm whether remote participation would be available. Coordinator Capone confirmed that the meeting would be hybrid.

Spotted Lanternfly

Chair Henkels raised the issue of the spotted lanternfly, noting that it had been identified locally. Coordinator Capone confirmed its presence and reported that the population appeared to be most prevalent along Route 20, where Tree of Heaven, the insect's preferred host plant, was also widespread. She explained that the Town did not maintain Route 20 and had no control over the roadway. She had asked whether the Massachusetts Department of Transportation (MassDOT) planned to manage the trees to reduce the lanternfly population but had been informed that no such plan was in place. She anticipated an increase in spotted lanternflies over the following year.

Coordinator Capone reported additional sightings along Hudson Road, on Landham Brook Conservation Land a couple of weeks earlier, and at the Sudbury Valley Trustees (SVT) headquarters on Wolbach Road. She explained that traffic along Route 20 was carrying the insects along the roadway, creating an issue for communities through which the road passed.

Chair Henkels asked whether SVT had a plan for removing the spotted lanternfly. Coordinator Capone stated that she was unaware of any organization having a plan at that time. She explained that the recommended response to finding egg masses was to scrape them off trees. She anticipated educational sessions to teach volunteers how to identify egg masses and explain what actions to take when they found them. She noted that this method was limited by the height volunteers could reach on tree trunks.

Chair Henkels asked whether Tree of Heaven was widespread throughout the Town. Coordinator Capone stated that the trees were prevalent along Route 20 but were not as widespread elsewhere in Town. She reported that Tree of Heaven had spread along the Bruce Freeman Rail Trail during construction and that, over the previous two years, staff had been removing every plant they found. She identified Station Road as another location with a population of the plant. She described Tree of Heaven as an invasive plant that should be removed and noted that the spotted lanternfly's presence added to the concern.

Agricultural Commission

Comm. Sulkowski reported that the Agricultural Commission had held its first meeting on Thursday. He explained that the Commission was in the early stages of reorganizing after having been inactive for approximately ten years.

He stated that the Agricultural Commission hoped to obtain information from the Assessor and Board of Health about residents engaged in agricultural activities, including those with Agricultural Preservation Restrictions (APRs) and those licensed to grow crops or keep animals. He explained that this information could help the

Town distribute information about issues such as the spotted lanternfly when notices or guidance came from the state. He acknowledged that the Commission was not yet prepared to perform that function but identified it as a potential area of coordination between the Agricultural Commission and other Town departments.

Comm. Hoffman reported that he lived along Route 20 and had observed spotted lanternflies, which he had been crushing when encountered. He had also observed Tree of Heaven in the area. He stated that he had previously contacted the state to conduct work along Route 20 and had received a response. He asked whether there was a way to petition the state to address the spotted lanternfly, Tree of Heaven, or both, or to raise the issue sufficiently to obtain a response from state officials. He asked Coordinator Capone whether she had any information on how to proceed.

Coordinator Capone stated that the Town would continue raising the issue with state agencies. She reported that she had contacted the Massachusetts Department of Agricultural Resources (MDAR), which was monitoring the situation for the Commonwealth. MDAR had informed her that funding was not available for the proposed management efforts. She explained that the state might consider the issue as part of future projects but did not expect a coordinated effort to begin in the immediate future.

Adjourn Meeting

On motion by Comm. Hoffman to adjourn the meeting at 7:49 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.