



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, October 20, 2025

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

Absent: Harry Hoffman, Associate Member

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

Minutes

On motion by Comm. Porter to accept the minutes of the September 8, 2025 meeting, seconded by Comm. Rogers, with Comm. Cook abstaining, via roll call the vote was unanimous in the affirmative.

On motion by Comm. Cook to accept the minutes of the September 29, 2025 meeting, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Wetland Applications:

Notice of Intent: 20 Tavern Circle, DEP #301-1456

Chair Henkels resumed the Hearing for the project to remove trees within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Matthew Drew was the applicant. This Hearing was continued from January 27, 2025.

Coordinator Capone summarized the project, explaining that it involved the removal of eight pine trees. Four of the trees were situated between two residences near a shed, posing a risk of falling branches or trees onto an adjacent house. Beneath those pines, a group of oak trees would be allowed to naturally revegetate the space. The other four pines were located at the edge of the lawn and would be replaced with blueberry bushes. She noted that all the trees were within the outer riparian zone, and the four near the lawn were within the Buffer Zone.

Chair Henkels invited questions from the Commissioners and the public, but none were raised.

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

Chair Henkels then noted that Coordinator Capone had provided a draft Order of Conditions prior to the meeting and asked if there were any special conditions to highlight. Coordinator Capone stated that the only special condition specified the size and quantity of the blueberry bushes to be planted, as those details were not shown on the submitted site plan.

Chair Henkels asked the applicant if he had any questions. Mr. Drew replied that he had already clarified his concerns with Coordinator Capone before the meeting and was all set.

On motion by Comm. Cook to issue the Order of Conditions, seconded by Comm. Sevier, 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 and October 21, 2024.

Ben Maiden of Confido Builders represented the property owners. He explained that the project team had appeared before the Commission twice previously and had since deliberated on how best to proceed. After reviewing the options, they decided to relocate both the barn and its associated driveway entirely outside the Riverfront Area. The remaining component for consideration was the existing fence, which they proposed to keep in its current location, accompanied by mitigation and additional native plantings at the rear of the property.

He stated that Lynch Landscape had recently assessed the site, examining areas in front of and behind the fence down to the waterfront. The assessment identified a predominance of buckthorn. Lynch provided a quote for the removal of invasives and for the planting of approximately eighteen native species throughout the affected area. He explained that the applicants wished to maintain the fence, noting that it still allowed for wildlife passage. He mentioned the presence of turtles and other wildlife on the property as evidence of ongoing habitat activity.

He continued that they had received a preliminary quote for the invasive removal and planting work but not yet a formal mitigation plan. He said Lynch Landscape was in the process of developing one but had not had sufficient time before the meeting. He noted that the applicants hoped to begin constructing the barn foundation before the frost to allow winter work and minimize disruption during the summer. He acknowledged that a mitigation plan would ultimately be required and that the quote alone would not suffice but said it served to start the planning process.

Coordinator Capone stated that based on her discussions with Lynch Landscape, approximately 90 percent of the cleared area was now overrun with buckthorn. The proposed restoration would include removing invasives between the lawn and the fence and extending the removal about ten feet beyond the fence to help control regrowth. She said she had requested a formal plan showing the proposed garage location relative to the resource areas and the square footage of the altered area to determine if the proposed plantings would adequately restore the site. She added that the Commission would need to decide whether to allow the fence to remain in place or require its removal as part of the mitigation, noting that the clearing had been conducted without authorization.

Chair Henkels invited questions from the Commissioners.

Comm. Porter asked how long it had taken for the buckthorn to repopulate. Coordinator Capone explained that the area had originally been forested before the construction of the new house and that the clearing had occurred approximately two years ago. Comm. Porter remarked on how quickly the invasive species had reestablished itself.

Comm. Rogers asked if the clearing had been unpermitted, and Coordinator Capone confirmed that it had. Comm. Porter questioned whether neighboring properties also contained buckthorn and raised concerns about species pressure that could lead to re-infestation even after removal. Coordinator Capone said she would need to revisit the site to determine whether the buckthorn growth was isolated or part of a broader infestation stemming from surrounding development.

Chair Henkels then asked Coordinator Capone whether the success of the mitigation plan might be jeopardized if the buckthorn removal failed. Coordinator Capone confirmed that it could.

Chair Henkels asked the Commissioners for their views regarding the fence, the unpermitted clearing, and the proposed mitigation being presented at this stage.

Comm. Rogers asked for clarification on who was responsible for the unpermitted clearing and fence installation. Mr. Maiden explained that he was also the developer of the property and that the clearing had occurred after the sale. He said that following the closing, the new homeowners had hired Lynch Landscape to install the fence and conduct hardscaping near the house, along with pool contractors who performed additional work. He said he did not believe the homeowners had acted intentionally but confirmed that the unpermitted work had been carried out by them.

Comm. Sevier asked to have the site plan displayed to see the location of the fence and related features. Coordinator Capone said she would locate it, explaining that the current plan did not show the fence. Mr. Maiden acknowledged this and said he was working with the project engineer to provide a revised plan.

Chair Henkels asked Mr. Maiden to confirm that the unpermitted work had been performed by contractors hired by the current property owners after they took possession of the property. Mr. Maiden confirmed that was correct. Chair Henkels then asked if Mr. Maiden had an estimate of the area that had been cleared. He said that, based on

memory, he believed it was no more than 200 square feet, though he admitted he might be mistaken. Coordinator Capone responded that the estimate was closer to 2,000 square feet, which Mr. Maiden acknowledged.

Chair Henkels asked if the 2,000 square feet included the area where the fence was located. Coordinator Capone confirmed that the fence was situated along the edge of the cleared area. She then displayed the site plan. She explained that the plan showed the original garage location and identified the 200-foot Riverfront Area boundary. She noted that during construction, the erosion controls had been located along that 200-foot Riverfront Area, but the installed fence extended farther back, enclosing an area within the Riverfront that had been cleared. She said that the cleared area behind the lawn, extending to the fence line, represented the approximate 2,000 square feet in question.

Comm. Holtz asked if the majority of the cleared space was now maintained as lawn. Coordinator Capone said it was not; the area had been cleared but not converted into lawn, leaving bare ground that had since become overrun by buckthorn.

Comm. Porter expressed concern that efforts to restore the area might be undermined by the persistence of buckthorn, especially if adjacent properties also contained invasive growth. He asked whether the planned plantings would be dense enough to prevent the buckthorn from returning. Coordinator Capone said she would need to revisit the site to evaluate the extent of buckthorn on neighboring land. If it appeared that the infestation originated from this property, she said, the homeowners would be responsible for fully eradicating it.

Comm. Holtz noted that if the landscape contractor had recommended eighteen plantings, that estimate might have been based on an incorrect assumption of only 200 square feet of disturbance, rather than the 2,000 square feet. Coordinator Capone replied that the 2,000-square-foot estimate had come from Lynch Landscape and she displayed a photograph taken during the garage review phase, showing the edge of the lawn, the cleared area, and the fence behind it. She pointed out the early signs of buckthorn in the image and said the invasive species had now taken over that space. Comm. Holtz observed that eighteen plantings appeared inadequate for such an area, and Comm. Porter agreed, describing the proposed density as sparse. Coordinator Capone concurred that the proposed number of plantings would likely be insufficient.

Comm. Rogers expressed concern about allowing the fence to remain in its current location, particularly because it had been installed as part of the unpermitted work. She said that the lack of any visible boundary between the maintained lawn and the cleared area could cause confusion, leading homeowners or future property owners to assume the space beyond the lawn was part of their usable backyard. She added that, if the residents had dogs, the current configuration would allow them to run freely into the Riverfront Area, further blurring the line between maintained and protected space.

Chair Henkels asked Coordinator Capone whether she had addressed the issue of monumentation in prior discussions. Coordinator Capone responded that if the Commission decided to allow the fence to remain, she shared Comm. Rogers's concern that future owners might interpret the fence as a permanent boundary for use and maintenance. She recommended that additional monumentation be installed along the edge of the Riverfront Area to clearly delineate the limit of disturbance and prevent further encroachment. She said this would not prevent animals from entering the area but would help deter human activity or future clearing.

Comm. Holtz noted that while the proposed monumentation might not stop dogs from accessing the area, it could help prevent future homeowners from assuming that the space behind the fence could be altered. Comm. Sevier asked if the fence had been installed to contain dogs, to which Chair Henkels replied that it had been installed because of the pool, serving as a safety barrier rather than a pet enclosure. Comm. Sevier acknowledged this explanation.

Comm. Sevier asked about the garage project, inquiring whether the new driveway and detached garage had been implemented yet. Coordinator Capone confirmed that the garage would be relocated outside of jurisdictional boundaries. Mr. Maiden explained that their immediate goal was to secure permission to begin the foundation work for the barn before winter, while acknowledging that an agreement on the mitigation plan for the cleared area and fence placement would need to be finalized.

Mr. Maiden proposed that a formal understanding could be established, possibly including a condition requiring removal of the fence by a certain date if a resolution was not reached. He emphasized that the Henderson's were motivated to resolve the issue and ensure proper mitigation. He said that if the Commission found that eighteen

plantings were insufficient, he would work with Lynch Landscape to develop a revised mitigation plan that accurately depicted the affected area, plant placement, and species selection.

Coordinator Capone then displayed the current plan submitted with the building permit for the garage and driveway. She noted that the Riverfront boundary was not shown on the plan but likely extended just behind the garage structure.

Comm. Sevier commented that the driveway design appeared to include tight turns and said he saw no compelling reason for the fence to remain where it was other than the cost of relocating it. He said he believed that leaving it in place would allow the area to revert to its current condition and concluded that there was no reason the fence should not be moved.

Comm. Faust stated that he agreed with Comm. Sevier. Chair Henkels said that, based on his understanding, the fence had been required for pool safety but was installed farther into the Riverfront Area than necessary. He explained that when the project was first reviewed, the focus had been on the garage and barn construction, with the fence considered a secondary matter. He reiterated that the primary issue now before the Commission involved the fence placement and the unpermitted clearing of approximately 2,000 square feet. He agreed with Comm. Sevier that the fence could likely be moved closer to the house, though the exact new location would need to be determined.

Comm. Sevier suggested that relocating the fence along the jurisdictional boundary—the 200-foot Riverfront line—would make sense, as it would serve as a clear demarcation of the backyard. Comm. Holtz added that the fence could be placed along the current edge of the lawn, which might coincide with the Riverfront boundary. He asked Coordinator Capone whether that was the case. Coordinator Capone confirmed that, during the most recent site visit, the edge of the lawn had aligned with the 200-foot Riverfront limit.

Comm. Porter said he had reservations about imposing additional requirements on the applicant that were not explicitly outlined in the regulations. He said that while the Commission might prefer to have the fence moved closer to the lawn's edge, he was uncertain whether the Bylaw required it. He expressed discomfort with enforcing a measure that went beyond what was strictly necessary to meet regulatory standards.

Coordinator Capone responded that the situation was different because the fence and clearing had occurred without a permit, constituting work within jurisdictional boundaries. She said this placed the matter squarely under the Commission's authority. Comm. Porter acknowledged this clarification and indicated his understanding.

Chair Henkels asked Coordinator Capone whether the Commission should formally express its position on the fence relocation, specifying whether it favored moving the fence to the edge of the lawn or to the Riverfront boundary. Coordinator Capone advised that it would be helpful for the Commission to provide clear direction. She explained that since the applicant wanted to proceed with construction quickly, it would be inefficient for them to submit a plan showing the fence remaining in place if the Commission was not inclined to approve it.

Chair Henkels then asked whether mitigation would still be required if the fence were moved. Coordinator Capone confirmed that mitigation would still be necessary to address the unpermitted clearing that had already occurred beyond the fence line. Chair Henkels noted that the mitigation would apply to the area beyond the relocated fence and emphasized that the applicant, along with Lynch Landscape, would need to develop a more substantial planting plan for that section.

Chair Henkels referenced the two-year monitoring period typically required to ensure plant survival and expressed concern that without aggressive invasive species management, the new plantings might not thrive. He asked if this assessment was reasonable. Coordinator Capone replied that the mitigation area could be effectively managed with several years of hand removal, as the invasives had likely only been present for a short time. She explained that while initial removal could succeed within a few seasons, ongoing maintenance would be needed to prevent regrowth from seeds remaining in the soil.

Chair Henkels asked for clarification regarding monitoring duration, noting that the Commission typically required two years for plantings. Coordinator Capone confirmed this and added that invasive species removal was usually required for three years. Chair Henkels asked if the two timelines could run concurrently, and Coordinator Capone said that was possible but noted that the Commission would not issue a Certificate of Compliance until both objectives—plant survival and invasive control—were successfully met.

Comm. Rogers said she believed the fence should be moved. Comm. Sevier said that if the homeowners wished to retain the fence in its current location, they should present a compelling justification and propose a more rigorous delineation of the jurisdictional boundary, which would likely be costlier than simply relocating the fence. Comm. Cook stated that he fully agreed with Comm. Sevier's comments. Chair Henkels also agreed.

Chair Henkels then addressed Mr. Maiden, confirming that he understood the Commission's direction. Chair Henkels stated that the matter would need to be continued until a revised plan was submitted and reviewed. He reiterated that the applicant would need to provide both a justification for keeping the fence in place, if desired, and an improved mitigation plan. He asked if anything else needed to be added. Coordinator Capone said that a revised site plan was also required, showing the new construction outside of jurisdictional boundaries and the updated fence and mitigation details.

Chair Henkels then asked Mr. Maiden for permission to continue the Hearing. Mr. Maiden said that November 3rd would work best and granted permission to continue the matter to that date.

On motion by Comm. Holtz to continue the Hearing to November 3, 2025, 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 out-building, 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 and August 4, 2025.

On motion by Comm. Faust to continue the Hearing to November 3, 2025, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 94 Prides 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, 2025.

On motion by Comm. Porter to continue the Hearing to November 3, 2025, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Request for Determination of Applicability: 68 Barton Drive, RDA #25-12

Chair Henkels began the meeting for the project to remove trees within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Nadia Shah was the applicant.

Nadia Shah introduced herself as the applicant representing the homeowners. She stated that she had filed a Request for Determination of Applicability for the removal of two trees located within the Buffer Zone. The homeowners wished to remove the trees to improve sunlight exposure for their planned solar installation and to address safety concerns near the home. She said the removal would be done carefully to minimize disturbance to the nearby wetland area.

Chair Henkels asked whom she worked for, and Ms. Shah responded that she worked for Sunrun. She added that Bruce Hoffman, who was originally expected to attend the meeting, was unavailable, so she was attending on his behalf. She then shared her screen to display photographs of the trees proposed for removal, indicating that the two trees circled in blue were those located within jurisdiction. She noted that additional trees outside the jurisdictional area would also be removed but were not part of the filing.

Chair Henkels thanked her and asked Coordinator Capone for comments.

Coordinator Capone provided an overview of the property's location and jurisdictional context. She explained that 68 Barton Drive was located along Stearns Mill Pond. Portions of the pond qualified as Riverfront Area, while others were classified as Buffer Zone, depending on whether the area functioned more as a riverine system or as a pond. She noted that the property was situated in a cove, and while no formal analysis had been conducted to determine whether the Riverfront Area applied, it was likely that the property fell within the 100-foot Buffer Zone rather than the 200-foot Riverfront Area, which would extend to the street. Nonetheless, for public notice purposes, the filing had been conservatively advertised as within Riverfront jurisdiction.

Coordinator Capone stated that the two large pine trees proposed for removal were located adjacent to each other and were the only trees within the jurisdictional area. She said the other trees potentially near the Riverfront boundary were smaller pines, likely located on the neighboring parcel. The adjacent property owner had confirmed that he supported the removals, so there were no property boundary concerns associated with the work.

She described the area between the pond and the residence as well-vegetated, noting that the entire 100-foot Buffer Zone remained largely undisturbed, though it was heavily infested with invasive species. She said the removal of two trees would not significantly affect the overall vegetative cover or resource area function and therefore did not warrant additional mitigation. She noted, however, that the homeowner had expressed interest in planting shrubs along the property line, though this was not a required condition.

Chair Henkels asked whether there were any specific conditions that Coordinator Capone recommended for the Determination of Applicability.

Coordinator Capone responded that she would meet with the tree service prior to the start of work to confirm which trees were being removed. She would ensure that the tree stumps were left in place and could be flush cut but not ground or excavated. She also requested that photographic documentation be provided following completion of the work to verify compliance.

Chair Henkels thanked her for the summary and invited questions or comments from the Commissioners.

Comm. Porter asked for clarification regarding the plan for tree removal, specifically whether the trees would be taken down completely to grade. Ms. Shah responded, confirming that the trees would be cut down to the stumps to maintain optimal solar production, explaining that Sunrun's solar guarantee required that the trees not obstruct sunlight.

Comm. Porter then asked Coordinator Capone about the Commission's general approach to retaining snags or portions of trees during removals. Coordinator Capone explained that in cases where trees were located close to a house, as in this instance, it was unsafe to leave tall snags because they could fall toward the structure and cause damage. She said the Commission typically only requested snags be left when trees were farther from buildings or other structures, in which case they could provide beneficial wildlife habitat without posing a hazard.

Comm. Holtz observed that the site already contained extensive invasive vegetation and expressed concern that removing the trees could worsen the problem by allowing more sunlight to reach the ground, promoting additional invasive growth. He suggested that if the homeowner planted shrubs in the area, they might be motivated to maintain the site and hand-pull invasives around the new plantings over several years. Coordinator Capone agreed, noting that the property was already overrun with invasive species, including a dense groundcover of English ivy climbing up the trees. She had asked the homeowner to at least remove the ivy from the existing trees, as it was actively harming them. She added that the homeowner was willing to install shrubs and maintain them.

Comm. Holtz asked whether there were other invasive species present on the property, such as bittersweet. Coordinator Capone confirmed the presence of bittersweet, honeysuckle, and buckthorn. Comm. Holtz acknowledged that since the filing was a Determination of Applicability rather than a Notice of Intent, there was no requirement to impose multi-season maintenance conditions. He suggested the Commission could include a recommendation to plant shrubs, though enforcement might be limited. Coordinator Capone said such a condition could be added formally, along with a time frame, if the Commission chose to do so.

Comm. Holtz questioned whether imposing such a condition would be meaningful given the extent of invasives, but he noted that increased sunlight from tree removal would likely favor invasive growth if no mitigation was attempted. Coordinator Capone confirmed that the site's understory was entirely composed of invasive plants beneath a canopy of pine trees.

Comm. Sevier asked how tall buckthorn could grow. Coordinator Capone replied that it could reach approximately twenty feet in height. Comm. Sevier remarked that buckthorn could also grow quite thick if left unmanaged. He said he agreed with Comm. Holtz that some effort should be made to address the invasive vegetation, even if the problem seemed widespread. He felt that requiring some replanting or control effort would be worthwhile.

Coordinator Capone asked whether the Commission wanted to specify shrub planting as a condition. Comm. Holtz supported the idea, noting that even a modest planting effort could help suppress invasives, and that the homeowner would likely want to maintain the shrubs they installed.

Coordinator Capone asked whether the Commission wanted to specify a time frame or number of shrubs in the condition. Comm. Holtz cautioned against adding too many conditions to a Determination of Applicability, as that had caused concerns in the past, but he supported including a reasonable requirement. He asked whether the condition could simply require that the shrubs survive for a growing season, and how compliance would be monitored. Coordinator Capone replied that the standard procedure would require the homeowner to submit periodic reports and final photo documentation. She added that if documentation was not received, the Commission followed up with reminder letters, and that the Determination would remain valid for three years.

Coordinator Capone recommended requiring between six and eight shrubs, to be maintained and survive for at least two years. Comm. Holtz agreed with the recommendation, and Comm. Sevier and Chair Henkels both expressed their support.

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

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

Request for Determination of Applicability: 0 Dutton Road (Memorial Forest), RDA #25-13

Chair Henkels began the meeting for the project to install a beaver deceiver flow device within Land Under Waterbodies and Bordering Land Subject to Flooding, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Jane Maloney was the applicant.

Jane Maloney of Sudbury Valley Trustees identified herself as the Land Steward and presented a Request for Determination of Applicability regarding the installation of a beaver flow device, at Memorial Forest. She explained that beavers had constructed a dam beneath a footbridge, causing flooding along Hop Brook and threatening the trail that serves as the primary access to the property. She noted that the proposed installation would consist of two 15-inch corrugated pipe flow devices installed manually by Beaver Solutions, with the dam restored around the pipes to maintain upstream water levels while allowing the beavers to continue their natural activity. She added that the devices are minimally invasive, have been successfully used at other sites, and would be maintained both by Beaver Solutions and SVT staff.

Coordinator Capone provided commentary, confirming that the situation was similar to one previously addressed at Hop Brook Conservation Land, where a similar installation had proven effective. She noted that the proposed work would cause only minor, temporary impacts to the resource area, including limited muck and sedimentation during installation, which would dissipate after the work was completed. She further stated that the installation would help restore the floodplain and mitigate flooding affecting adjacent areas.

Chair Henkels invited questions from the Commission.

Comm. Porter asked for clarification on the location of the bridges within the preserve. Ms. Maloney, explained that the bridge is located over Hop Brook near the entrance to Memorial Forest off Dutton Road, on a parcel owned by the General Federation of Women's Clubs, and that SVT holds a trail easement there. She indicated that the dam is situated directly under the bridge.

Assoc. Comm. Sulkowski noted that similar devices had worked effectively on the duck pond in Hop Brook Conservation Land. He described navigating the pond and Stearns Mill area by canoe but noted that access past this bridge had been blocked that spring, attributing it to accumulated debris and the dam structure. He stated that the situation was likely to worsen over time.

Comm. Sevier inquired whether the dam height would be reduced. Ms. Maloney stated that the height would remain largely unchanged, explaining that a pipe would be placed within the dam to control water levels without altering the dam itself, aiming to maintain pre-existing conditions while preventing flooding of the trail. Comm. Sevier sought clarification about achieving the same elevation as the previous structure. Ms. Maloney explained that lowering the dam could encourage beavers to rebuild it, so the pipe would trick them into maintaining the perceived dam height while controlling water levels.

Comm. Sevier asked how the pipe elevation would be determined. Coordinator Capone explained that Beaver Solutions sets the elevation to restore trail conditions without lowering water levels beyond prior conditions, minimizing alterations.

Comm. Porter questioned whether the water throughput would remain the same. Ms. Maloney confirmed that the goal was to maintain flow comparable to pre-dam conditions, requiring two 15-inch pipes due to the high-flow nature of Hop Brook. Comm. Sevier inquired about cubic feet per second flow and storm impacts. Ms. Maloney responded that she did not have exact figures but explained that during heavy rain events, water could flow over the dam if necessary, and flooding had been observed only under extreme conditions.

Chair Henkels invited audience questions and confirmed with Coordinator Capone the three conditions for the project: an on-site meeting with Beaver Solutions before work begins to review site access, ensuring all work is completed by hand, and providing photo documentation after completion. Ms. Maloney agreed with the conditions.

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

Certificate of Compliance:

Moro, 38 Robert Frost, DEP #301-1399

Coordinator Capone reported that the matter involved an Order of Conditions to remove 29 trees within jurisdictional areas located in the 100-foot Buffer Zone. She noted that the site had been heavily forested and expressed initial concern over the proposed tree removals. Upon visiting the site after the work, she observed that the project area had been improved: 40 shrubs had been replanted in the area of tree removal, the yard had not been expanded, and extensive invasive species removal had been completed both on-site and adjacent to the backyard fence, enhancing the resource area. She recommended that a Certificate of Compliance be issued.

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.

Other Business:

2026 Meeting Schedule

Coordinator Capone presented a proposed schedule, asking Commissioners to review it and indicate if any dates would be problematic, and stated that the schedule would be posted within the next couple of weeks.

Chair Henkels inquired if there was any additional business, and Coordinator Capone confirmed there was none.

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 8:02 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.