



## SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, November 17, 2025

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

**Absent:** Luke Faust; Bruce Porter

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

### Minutes

On motion by Comm. Sevier to accept the minutes of the November 3, 2025 meeting, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

### Wetland Applications:

#### **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 December 8, 2025, seconded by Comm. Holtz, 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. Cook to continue the Hearing to December 8, 2025, seconded by Comm. Rogers, 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.

Tom Schutz of Goddard Consulting introduced himself as appearing in place of Doug Dillon. He stated that the application had last been before the Commission several weeks earlier and that the continuation had been required to allow submission of supplemental material, completion of a site walk, and recording of an Order of Conditions for 94 and 100 Prides Crossing. He said he expected discussion among Commissioners regarding what items were still outstanding and invited the Commission to identify any remaining issues.

Chair Henkels asked Mr. Schutz whether the Commission had previously requested certain details at the last hearing. Mr. Schutz stated that he was not present at the first Hearing and could not confirm, but said his

understanding was that the stormwater application was underway, the site walk had been completed, and that this meeting was intended to identify any additional requests from the Commission.

Chair Henkels reflected on the matter and asked Coordinator Capone for comments, noting that the Commission had been awaiting details related to prior discussions, especially the stormwater component. Coordinator Capone stated that for the Notice of Intent, the Commission was still waiting for the stormwater review and the mitigation proposal to offset the increased footprint of the proposed dwelling. She emphasized that the Commission had conducted a site visit to review conditions associated with both the active Notice of Intent and a prior Order of Conditions affecting the same property, much of which was now under an Agricultural Preservation Restriction (APR). She explained that the Commission had requested an existing conditions plan documenting all current features on the property, along with a narrative describing completed work and explaining how it complied with the APR, so the prior Order of Conditions could be closed before the Commission evaluated the new project. She stated that the only item received to date was the recorded Order of Conditions.

Chair Henkels asked Commissioners for observations from the site walk. Comm. Holtz stated that the Commission suggested a fence be installed associated with the new structure due to the steep drop-off to the wetland, and that a barrier might be desirable. He suggested Buffer plantings such as blueberries along the future fence line. He noted that existing features on the rear of the property did not match the plans currently on file and that an updated existing conditions plan was needed.

Chair Henkels then asked Mr. Schutz if he had additional comments. Mr. Schutz stated that 94 Prides Crossing had been separated from 100 Prides Crossing and asked whether the Certificate of Compliance for the older Order of Conditions and the new Notice of Intent must be resolved together. He asked whether the Commission required the Certificate of Compliance to be closed out before issuing a new Order of Conditions or whether the two matters could proceed separately. He expressed concern that preparing the existing conditions plan and associated survey work required for the Certificate of Compliance would significantly delay the current project, which he described as a Buffer Zone increase in house footprint. He requested guidance on whether the Commission viewed these issues as linked or independent.

Coordinator Capone explained that the prior Order of Conditions applied to both 94 and 100 Prides Crossing and was connected to the existing project before the Commission. Mr. Schutz acknowledged the clarification.

Jon Delli Priscoli, proprietor of First Colony Development Co., stated that he owned only 94 Prides Crossing and held no current interest in 100 Prides Crossing. Coordinator Capone responded that the Order was issued on both parcels and the APR also related to both properties.

Mr. Delli Priscoli asked what steps he was expected to take given that he no longer controlled 100 Prides Crossing. Coordinator Capone explained that he had been expected to prepare an existing conditions plan documenting the portions of land subject to the prior Order and demonstrating that no unapproved alterations had occurred with the APR.

Mr. Delli Priscoli stated his understanding that the earlier Order supported agricultural use under the agricultural preservation restriction. He referenced barns, pathways, fencing, grazing areas, and equipment placement needed for agricultural operations and for the construction of 150 Wayside Inn Road. He said that the field was maintained, the gravel access was in place, and the land was actively used for agricultural purposes. He said he was unsure what more was required on the plan and asked for clarification. He explained that he believed he had maintained the property in accordance with what had been verbally agreed upon with the Commission. Coordinator Capone explained that the Order of Conditions required an as-built plan for all land under that Order, including both parcels.

Mr. Delli Priscoli asked what level of detail was required and whether full topography was needed. Coordinator Capone stated that a plan existed from when the APR was established, along with a plan for the proposed house at 94 Prides Crossing. She said updated documentation was needed showing current conditions and any surfaces that had changed, though full topography likely was not necessary given the flat terrain. She said a narrative was also needed to describe how the land had been managed over the past 20 years under the APR.

Mr. Delli Priscoli stated that the property had been used for agricultural purposes, including fencing for livestock such as Scottish Highland cattle planned for the spring, and that he could describe this in a narrative. He asked whether any concerns existed that he should know in advance, expressing that he wanted to avoid surprises after completing the plan and narrative. He explained that any modifications, including driveway adjustments, were related to public safety and access to the large barn on the property.

Coordinator Capone stated that no Stormwater Management application had yet been filed with the Planning Board and that modifications to the 94 Prides Crossing plan must show the fence and mitigation area.

Mr. Delli Priscoli confirmed that he intended to install the fence and native vegetation to discourage encroachment at the edge of the slope. He asked whether this approach was acceptable. Coordinator Capone explained that mitigation required a one-to-one restoration offset for the increase in impervious surface. She stated that removal of lawn and restoration with native plantings, along with invasive species management, would be appropriate to ensure an overall improvement to the wetland resource area.

Mr. Delli Priscoli stated that he preferred to continue the matter to December 29. He added that the additional time would allow him to prepare the requested materials. He asked Coordinator Capone if he could send draft documents in advance for comment. Coordinator Capone confirmed that he could. Mr. Delli Priscoli asked whether it was acceptable to exchange comments prior to the meeting to ensure the submittal was on the right track. Coordinator Capone confirmed that it was acceptable.

Chair Henkels asked if he had any remaining questions. Mr. Delli Priscoli said he understood his responsibilities and planned to complete them. Chair Henkels then asked Mr. Schutz if he had further questions. Mr. Schutz said he did not.

On motion by Comm. Sevier to continue the Hearing to December 29, 2025, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.

#### **Notice of Intent: 0 Water Row (King Philip Woods), DEP #301-1457**

Chair Henkels opened the Hearing for the project to remove vegetation, restore road surface, and install signage within the 100-foot Buffer Zone and 200-foot Riverfront Area., pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Lori Capone was the applicant.

Coordinator Capone explained that King Philip Woods was located between Old Sudbury Road and Water Row, with Old Berlin Road running through the property. She described Old Berlin Road as a remaining segment of the former Colonial Road that historically connected Lancaster to Boston. She noted the location of the Tavern of the Damned foundations and referenced its historical context.

She identified the on-site resource areas, including Coddington Pond, an intermittent stream entering and exiting the pond, and the Sudbury River off-site. She said that a beaver deceiver had recently been reestablished to address flooding that had made the area impassable. She pointed out the 100-year floodplain and said that most proposed work would occur outside it, except for a small area near Water Row.

Coordinator Capone reviewed site photographs, including Coddington Pond and a vernal pool north of the pond where she proposed interpretive signage. She began outlining the project at Old Sudbury Road, stating that drainage from the road and a culvert discharged onto Old Berlin Road. Because of the steep grade, erosion channels had formed. She said the work, although outside the Buffer Zone, would benefit the resource area by redirecting drainage into a proposed drainage swale. She explained that the road would be slightly elevated and crowned to direct sheet flow away from Coddington Pond.

Coordinator Capone stated that invasive plants increased along Old Berlin Road moving toward the pond. She showed the former beaver dam location and described the recent restoration of normal pond elevations. She pointed out the Tavern of the Damned foundations and the stone walls lining both sides of the colonial road. She said the project included removing two to three acres of invasive plants to uncover the foundations and stone walls.

Coordinator Capone described the earthwork as scraping the surface of the 10-foot-wide gravel path to restore it to gravel. She said the portion near Water Row was within the floodplain and that approximately 596 square feet of floodplain would be temporarily altered, resulting in a 1.2 cubic-yard increase in flood storage.

She described site photographs showing erosion channels on the hillside, dense invasive growth near the pond, the beaver dam structure, and the narrow pathway from Water Row. She noted the need for mowing to keep the Water Row access open. She described stone walls throughout the Water Row side and explained that mechanical and manual invasive removal would occur along the open road surface. Near the stone walls and historical features, the project would use spot herbicide treatment to avoid disturbance to the walls and foundations. She referenced earlier volunteer work that demonstrated successful native-plant regrowth after invasive removal.

Coordinator Capone reviewed the general project approach: removing invasive plants, scraping organic material from the road surface, allowing native vegetation to reestablish naturally, and reseeding with native species if necessary. She stated that long-term maintenance would include mowing. She outlined plans for interpretive signage related to Native American history, Haynes Garrison House, wetlands, and invasive species.

Coordinator Capone explained that the broader property contained extensive invasive plants and that this project addressed the most environmentally sensitive section, including areas near wetland features and within the Buffer Zone. She said the project was funded by CPC, that surveying had been delayed by COVID, and that the Notice of Intent was now ready. She noted the joint ownership with Fish and Wildlife, who supported the project and offered assistance through their state biologist. She said Land Manager Joe Miller was licensed to apply herbicide and that the project had approximately \$47,000 available for contractors to assist with invasive removal and road regrading.

Chair Henkels invited questions from the Commissioners.

Comm. Holtz asked Coordinator Capone to describe the expected finish of the restored gravel road. He said the photographs in the narrative made the surface appear grassy and rocky and asked whether the finished surface would resemble an accessible trail or simply a pleasant walking surface.

Coordinator Capone said she envisioned a wide, open, hard-packed dirt surface similar to the photograph displayed on the left of the screen. She explained that the property was generally flat except for the grade near Old Sudbury Road, and while the full length of the road could not meet ADA accessibility standards, the section from Water Row to at least the pond could meet ADA grade requirements. She stated that the remaining sections would be more challenging due to existing grades.

Comm. Holtz asked whether the pictured hard-pack gravel already existed beneath the organic matter. Coordinator Capone confirmed that Old Berlin Road had originally been gravel and that accumulated leaf litter and organic material had filled in the surface. She said staff believed they could scrape off two to three inches of material to expose the underlying gravel. She identified the displayed photograph as an area that had recently been flooded by beavers and therefore lacked the dense vegetation seen elsewhere. She added that the photograph showed both stone walls and therefore illustrated the full width of the historic road.

Comm. Holtz asked whether the road was presently passable. Coordinator Capone said it was, explaining that with Joe Miller's assistance in mowing, the trail was currently walkable but required significant maintenance. She said her goal was to restore the appearance of the historic road rather than maintain only a narrow walking path.

Chair Henkels invited additional questions.

Assoc. Comm. Hoffman asked how long the project would take. Coordinator Capone estimated a couple of months, stating that she hoped to begin in early spring and have the area restored by summer. Assoc. Comm. Hoffman asked whether the road would reopen to public use when complete. Coordinator Capone said it would, although it would be posted as closed during construction, acknowledging that compliance would be imperfect. She noted that other trails would remain accessible.

Chair Henkels asked for further questions from Commissioners or the public. Hearing none, he requested a motion to close the hearing.

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

Chair Henkels asked Coordinator Capone to review the conditions of the Order of Conditions. Coordinator Capone said the Commission would follow the same standards required of applicants: all equipment would be cleaned of invasive plant material before entering the site; if new invasives were introduced, the Commission would be responsible for removing them; equipment would be stored outside resource areas; and herbicide treatment would be limited to minimizing impacts to historical features. She said the project would avoid negative impacts to BVW and would provide a net benefit to Bordering Land Subject to Flooding. She noted that only a native seed mix would be used and that all removed material would be taken off-site rather than relocated elsewhere on the property.

Chair Henkels invited additional questions or comments from Commissioners.

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.

### Adjourn:

On motion by Comm. Rogers to adjourn the meeting at 7:39 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.