



SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, December 29, 2025

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

Absent: Luke Faust; Victor Sulkowski, Associate Member

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

Minutes

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

Wetland Applications:

Request for Determination of Applicability: 260 Landham Road, RDA #25-18

Chair Henkels began the meeting for the project to remove trees and fence, reconstruct an addition, install plantings and lawn, and decommission septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Pedro Lopes was the applicant.

Coordinator Capone noted that the applicant was not present. Because of this, the meeting was not held.

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. Cook to continue the Hearing to January 12, 2026, seconded by Comm. Holtz, via roll call the vote was unanimous in the affirmative.

Notice of Intent: 32 Emerson Way, DEP #301-1458

Chair Henkels resumed the Hearing for the project to construct a detached garage within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Frank Vincentelli was the applicant. This Hearing was continued from December 12, 2025.

On motion by Comm. Cook to continue the Hearing to January 12, 2026, 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 and November 17, 2025.

Doug Dillon of Goddard Consulting stated that, since the prior discussion, the applicant had submitted the requested additional materials. He confirmed that the stormwater information had been submitted to the

appropriate departments and that he had designed and submitted an invasive species management and planting plan to compensate for the development footprint. He described approximately 6,200 square feet of invasive species management area, along with a row of joint Buffer Zone and mitigation plantings intended to function as a visual and functional marker near the 50-foot offset. He noted that the planting palette included species such as witch hazel and blueberry, and that an updated site plan had been submitted incorporating full text notes and other items previously requested by the Commission and Planning staff.

Chair Henkels asked Mr. Dillon to review the specific requirements discussed at the prior meeting. Mr. Dillon explained that a site visit had occurred with several Commissioners, Coordinator Capone, staff, and himself present. He summarized the requests from that visit, including installation of a permanent split-rail fence, corresponding roughly to the 50-foot wetland offset, supplemented by screening vegetation to reinforce the boundary. He stated that the revised plan included flowering dogwood and New Jersey Tea plantings, totaling approximately 30 plants along the split rail. He also described a narrative comparison of development square footage versus mitigation area, and outlined the invasive species management methodology, prioritizing hand removal with allowance for cut-and-dab treatment by a licensed applicator where necessary. He added that the area would be seeded with a conservation wildlife seed mix and that the design complied with the on-site Agricultural Preservation Restriction. He concluded by stating that the applicant was present and hoped to move the project toward completion.

Coordinator Capone reported that stormwater management materials had been submitted and that review comments had been provided to the project engineer. She noted that a permit from the Planning Office was still required. She stated that test pits would be necessary to confirm stormwater performance, that these test pits would occur within the Buffer Zone, and that the Commission would need to authorize that work because it was not exempt under the Bylaw. She explained that the test pits would be located in existing lawn areas and would not create new Buffer Zone disturbance. She also asked whether the proposed rain garden, which was the only stormwater element within the 50-foot offset, could be shifted outside that offset.

Coordinator Capone further explained that portions of the mitigation plan addressed a prior Order of Conditions requirement for a stone wall located 25 feet from the wetland. She stated that the proposed fence would serve to satisfy that requirement, noting that most of it was more than 25 feet from the wetland, with one corner closer at approximately 15 feet. She described the planting density along the fence line, with approximately four feet of separation between plantings, and raised concerns about whether the proposed species would thrive in a north-facing, shaded environment. She also noted discrepancies between the lot line shown on the site plan and the survey plan, making it difficult to determine the exact limits of the mitigation area.

Coordinator Capone questioned whether invasive species removal would address all invasive growth along the edge or leave interior areas untreated, potentially allowing reestablishment. She stated that invasive species were primarily concentrated on one side of the site and that areas proposed solely for planting appeared to contain no invasives, suggesting those areas were intended to increase native biodiversity rather than remove invasives. She asked for clarification on where the seed mix would be applied and noted that the dominant invasive species appeared to be bittersweet, which would likely require cut-stump treatment.

Mr. Dillon responded by explaining the planting density and species selection. He stated that flowering dogwood and New Jersey Tea occupy different vertical strata, with New Jersey Tea remaining under three feet in height, allowing the plantings to complement rather than crowd each other. He said the staggered arrangement would form a layered vegetative structure. He acknowledged the presence of some glossy buckthorn and agreed that the majority of invasive species were concentrated along the edge areas previously identified.

Comm. Porter asked for clarification regarding the location and extent of the Invasive Species Management Plan area. Mr. Dillon responded that the plan covered approximately two-thirds of the Invasive Species Management area and explained that the apparent discrepancy stemmed from differences between an older survey plan and a revised lot line. He stated that the lot size remained unchanged at approximately 5.01 acres and that frontage and lot lines had not changed, only the orientation of how they were depicted on different plans. He explained that the overall project design was unaffected and that the net difference between the plans was effectively zero.

Coordinator Capone clarified that her concern was whether invasive species, specifically bittersweet, might exist on the adjacent property outside the applicant's lot line and therefore remain unmanaged. Mr. Dillon stated that he could not confirm conditions on the neighboring property because it was outside the project scope and he was not

authorized to work there. He stated that, based on observation, the neighboring area did not appear as heavily impacted as the subject site, and he noted that he would not intentionally design a planting plan that would be overwhelmed by invasive growth, but acknowledged that he had not investigated the adjacent property in detail.

Coordinator Capone further noted that knotweed observed during the site visit at the stream crossing was located on an adjacent property and was therefore not included in the proposed invasive species management program.

Chair Henkels opened the floor to Commissioners' questions.

Comm. Holtz asked about the proposed blueberry plantings and whether they were located downslope from the fence and intended primarily for wildlife. Mr. Dillon confirmed that the blueberries were downslope in a wetter area and explained that the intent was to fill gaps left by invasive removal so that the ecological niche would be occupied by native vegetation, including blueberries and witch hazel.

Chair Henkels asked about long-term maintenance of the Invasive Species Management Plan, noting the duration of the Order of Conditions and the Commission's concern about long-term plant vitality and re-infestation. Mr. Dillon stated that a typical two-year monitoring period was proposed, subject to the Commission's direction. He explained that homeowners generally maintain lawn areas and remove invasive growth when educated about the plantings. He stated that within the interior areas, invasive species such as oriental bittersweet and glossy buckthorn were currently competing with native vegetation, and that after treatment and planting, he expected native species to become dominant, acknowledging that invasive management was an ongoing challenge.

Comm. Porter asked whether a significant amount of bittersweet would be cleared and what measures would prevent re-infestation. Mr. Dillon confirmed that bittersweet removal was planned and explained that follow-up monitoring would occur. He stated that the proposed native plantings were intended to occupy the same ecological space as the removed invasives, thereby reducing the opportunity for re-infestation.

Chair Henkels asked for any further questions from the Commission.

Chair Henkels stated that the Commission was still awaiting input from the Planning Department and asked Mr. Dillon to confirm. Dillon responded that the project engineer, Mark Elbag, was aware of the outstanding items but was currently on holiday vacation. Chair Henkels acknowledged this and noted that the delay was acceptable.

Chair Henkels then turned to the immediate procedural issue before the Commission, stating that one action required that evening was determining whether the Commission would allow test pits to be completed within the existing lawn area. Chair Henkels asked whether the Commission could address this directly or whether it needed to be incorporated into an Order of Conditions. Coordinator Capone explained that this type of work would typically be reviewed under a Request for Determination of Applicability and would be needed to finalize the plan to allow the Commission to make a decision on the Notice of Intent. Coordinator Capone recommended a vote by the Commission that evening would be sufficient to allow the work to proceed.

On motion by Comm. Porter to permit the completion of the test pits, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.

Chair Henkels then summarized that the Commission was still awaiting review comments from the Planning Department and asked Coordinator Capone to reiterate the remaining items required prior to the next discussion. Coordinator Capone stated that if the Commission was satisfied with the submitted Invasive Species Management Plan, no further action was needed on that item. She noted that the final survey plan needed to show the correct lot line and that the survey and other plans should be reconciled. Mr. Dillon confirmed that he would coordinate that effort.

Coordinator Capone also reiterated her prior comment related to stormwater management, stating that the shape or placement of the rain garden should be reviewed to determine whether it could be reshaped or repositioned to lie outside the 50-foot offset. Mr. Dillon stated that he would relay that request to the project engineer.

Jon Delli Priscoli, on behalf of First Colony Development Co., stated that he had no additional comments on that portion of the matter.

Mr. Priscoli stated that, given the status of Planning Department review and remaining coordination, he believed the continuation to a later date would be more appropriate. He stated that the lot line issue was minor and would be corrected, but noted that little progress could realistically be made within ten days due to holidays, vacations,

and the time of year. He expressed a preference to allow additional time so that all outstanding items could be resolved by the next Hearing.

Chair Henkels asked whether First Colony Development Co. granted permission to continue the matter until January 26, 2026. Mr. Priscoli confirmed that permission was granted.

On motion by Comm. Cook to continue the Hearing to January 26, 2026, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Certificate of Compliance:

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

Mr. Dillon of Goddard Consulting stated that an as-built survey plan had been submitted showing all required elements. He stated that comments previously provided by Coordinator Capone had been incorporated, including depiction of the stone landscape wall, removal of the driveway from 100 Prides Crossing, identification of road areas as recycled asphalt, and designation of the storage area. He stated that the plan also reflected the current and correct lot line, noting that the eastern, western, and northern boundaries remained unchanged, while the southern portion had been adjusted. He stated that a memorandum had also been submitted comparing the prior survey plan associated with the 2001 APR to the current plan. He stated that the original Order of Conditions had been recorded at the Registry of Deeds and that documentation and a receipt had been provided to Coordinator Capone.

Mr. Priscoli, representing First Colony Development Co., provided historical background, stating that the APR dated back more than twenty years and was established in coordination with the conservation agent at that time. He stated that the intent of the restriction was to ensure the land remained in agricultural use, not to prohibit agricultural operations or necessary equipment. He stated that the restriction contemplated barns, fencing, and paths, though he did not intend to construct buildings at this time. He stated that the document was intended to function as a flexible framework rather than a rigid prohibition, with the primary goal of preserving agricultural use through maintenance and cutting schedules. He stated that his long-term plan included introducing cattle, specifically Scottish Highlanders, and connecting multiple parcels, including land near 150 Wayside, into a cohesive agricultural operation. He stated that assembling the property had taken decades and reflected a long-standing commitment.

Mr. Priscoli stated that certain comments raised by Coordinator Capone related to items not explicitly stated in the restriction, but he emphasized that he was not pursuing building construction and required only access and laydown areas necessary for agricultural operations and public safety. He stated that the storage area was being used temporarily to support work at 150 Wayside Inn Road, including equipment and materials intended for a barn that was still awaiting a building permit. He stated that once construction at that site was completed, the temporary storage would be removed and equipment relocated appropriately. He stated that the land was currently well maintained, that the storage area was limited in scope, and that his intent was to create a high-quality agricultural property. He stated that he was uncertain whether it was necessary to involve individuals from the original approval process and asked for guidance from Coordinator Capone and Chair Henkels regarding next steps.

Chair Henkels confirmed that the APR had been in effect for more than twenty years. Mr. Priscoli stated that he had believed the matter was fully closed and was surprised to learn that there was an open Order of Conditions.

Chair Henkels then asked whether any revenue had ever been generated from activities conducted under the restriction. Mr. Priscoli responded that no revenue had been generated and that he had continually invested in the property. He described extensive work undertaken to establish appropriate agricultural soils and grasses to support livestock without causing degradation. He stated that assembling the contiguous property required purchasing multiple parcels over time and that such effort reflected an intent to preserve agriculture rather than pursue residential development. He stated that he hoped the Commission would ultimately be satisfied with the outcome and reiterated his commitment to stewardship of the land.

Coordinator Capone stated that she agreed open land was a valuable community asset and that the current condition of the property as open land was beneficial. She stated, however, that the Commission needed to understand the historical context. She stated that the property had been fully forested in 1999 and that an Enforcement Order was issued after the land was cleared without permits. She stated that the APR was required as mitigation associated with that enforcement action.

She further stated that the enforcement action involved clearing a large portion of the property, altering approximately 2,400 square feet of wetlands, and placing fill within a vernal pool regulated under the wetlands Bylaw. She stated that a Notice of Intent was filed and an Order of Conditions was issued requiring restoration of the altered wetlands. She stated that the approved plan did not clearly identify the location of the wetland alteration, though meeting minutes indicated it was along the southern property line at the southernmost extent of the work. She stated that the as-built or existing conditions plan before the Commission appeared to show an area not in the southern portion of the property, based on recollection. She stated that the Order required the restoration work to be photo-documented and overseen by a wetland scientist, identified as Dave Burke at the time. She stated that staff could attempt to contact him to determine whether the work had been completed, noting that 2,400 square feet of wetland alteration was substantial and required confirmation of resolution.

She further stated that the Order also required creation of a 30-by-50-foot wildlife impoundment north of the wetland alteration. She stated that the plans did not identify where this feature was to be located, leaving uncertainty as to whether it had been constructed. She stated that she had expected the narrative submitted with the Certificate of Compliance request to document completion of these requirements so the Commission could clearly verify compliance.

She further stated that there had been no increase in lawn area, which was one of the original requirements. She stated that bluebird or tree swallow boxes were required to be installed and maintained around the existing pond, which is now on an adjacent property. She stated that those boxes had been installed in the past but were not maintained and were no longer present.

She further stated that the APR functioned similarly to a conservation restriction and was a black-and-white legal document that clearly identified permitted and prohibited activities. She stated that several existing conditions on the site appeared to conflict with the restriction. She stated that an existing conditions plan was prepared when the restriction was put in place to document the condition of the land at the time of conveyance, so both the landowner and the Commission would have a clear baseline.

She further stated that several roads or driveways now existed within the APR that were not present at the time it was established. She identified the paved driveway shown on the screen as one example, stating that it provided access to the proposed development and extended to a rear barn that was not part of the original restriction. She stated that when the restriction was created, access to the barn was from 100 Pride's Crossing, which has since been removed. She stated that the current driveway appeared to have been installed around 2013, based on aerial photographs, and was not shown on the existing conditions plan.

She further stated that a driveway now extended into the APR behind the barn. She stated that while a gravel area had existed nearby at the time of the restriction, it was outside the restricted area, and that area had since been expanded and partially paved or surfaced with recycled asphalt within the APR. She stated that this area was being used for storage. She stated that aerial photographs suggested the area had been used for storage for a long time, even prior to work at 150 Wayside Inn. She stated that although some materials appeared related to barn renovations and work at 150 Wayside Inn, the purpose of the materials was not determinative, as the restriction did not allow temporary or permanent structures within the APR unless they were shown on the approved plan.

She further stated that the restriction explicitly prohibited refuse, trash, vehicles, vehicle body parts, rubbish, junk, debris, waste, or materials from being placed, stored, dumped, or allowed to remain within the APR. She stated that several piles of materials existed south of the barn along the lot line and that it was unclear whether they were within the restricted area because they were not shown on the plan. She stated that they appeared likely to be within the APR and had been present for some time.

She further stated that a road had recently been constructed to connect to 150 Wayside Inn through an area that had originally been forested. She stated that this path was not shown on the plan approved when the APR was established and appeared to be a new feature based on aerial photographs taken before work at 150 Wayside Inn.

She further stated that her recommendation to the Commission was that the Notice of Intent be modified to include restoration of any elements within the APR that were not approved activities. She stated that if the rear road was to remain, it would need to be incorporated into the stormwater management review currently before Planning because it involved new asphalt. She stated that if the road was to be removed, stormwater review would not be necessary for that element. She stated that this issue needed to be resolved so the stormwater review could proceed.

She concluded by stating that APRs and conservation restrictions required the Commission to ensure that the documented existing conditions remained unchanged in perpetuity, and that the Commission was legally responsible for enforcing those requirements.

Mr. Priscoli stated that his understanding of the APR differed, explaining that he believed it allowed sufficient flexibility to operate agriculture and that agriculture could not function without access, equipment, and supporting infrastructure. He stated that he needed access to the property, including gravel paths, and that he would not have agreed to the restriction if such basic agricultural needs were prohibited.

He further stated that he took exception to the characterization of the contents of the trailers, explaining that the materials were being used for the 150 Wayside project. He stated that the trailers contained interior components for the barn, including historic finishes, cabinetry, agricultural equipment, and seasonal materials, all of which were intended to be moved into the new barn once construction was complete. He stated that the trailers would then be removed or relocated to a commercial property he owned. He stated that he needed temporary space to complete the project and that his intent had always been to restore the area currently surfaced with recycled asphalt back to loam once the trailers were removed.

He further stated that stone stockpiled on the property consisted of selected materials intended for future stone walls and landscape features. He cited other restoration projects he had completed as examples of his stewardship and stated that he was meticulous about land management. He stated that the property would remain agricultural, preserved, and well maintained, and that he was seeking flexibility and cooperation to complete ongoing work. He stated that repeated additional requirements had made it difficult to reach completion, despite his efforts to be responsive.

Coordinator Capone stated that she was not alleging intentional mismanagement of the land. She stated that her concern was that certain existing conditions conflicted with the strict terms of the APR. She stated that the restriction prohibited structures or trails that were not present at the time it was executed, including the recently installed asphalt road. She stated that she had also questioned whether that road and the existing driveway were within wetlands jurisdiction and therefore subject to permitting requirements under the wetlands Act and Bylaw.

She further stated that, because the issues involved the APR, prior Orders, and current permitting, her recommendation was to address them through modification of the existing Notice of Intent. She stated that this approach would allow restoration of unapproved elements with a defined timeline. She stated that temporary relocation of materials to 150 Wayside could be considered if needed.

Mr. Priscoli stated that he preferred to explore alternative approaches, including the possibility of amending or expanding the APR onto adjacent land at 150 Wayside Inn Road as a form of mitigation or adjustment. He stated that access paths were essential for agricultural operations and public safety, including emergency access. He stated that he believed the restriction allowed for amendment by mutual agreement of the parties. Mr. Dillon stated that the APR did allow for amendment by the grantor and grantee and that both parties were present at the meeting. He stated that the restriction authorized the signatories to amend the document.

Chair Henkels stated that while he did not wish to overstate his concern, he wanted to emphasize that the APR was created as a direct result of an Enforcement Order. He explained that multiple acres had been altered without permission, which led to the issuance of the Enforcement Order, a Notice of Intent, and an Order of Conditions.

He noted that the APR was a central and deliberate component of those approvals, reviewed and accepted by multiple parties, and that its provisions were clear. While acknowledging that Mr. Dillon had referenced language allowing for amendments by agreement of the parties, Chair Henkels stated that he was setting that issue aside for the moment.

Chair Henkels stated that the Enforcement Order arose from past actions on the property and that Mr. Priscoli had indicated earlier in the Hearing that he was not aware of certain details within the APR. Chair Henkels remarked that the APR was a living document that could be amended by agreement, but reiterated that he was not addressing that possibility at this time. He questioned how significant work could have occurred on multiple acres given the clear framework established by the Enforcement Order and APR, and suggested that the current vision for the property may not have existed but for the Enforcement Order issued decades earlier.

Mr. Priscoli responded that he believed the matter had been resolved and that he did not realize the Order remained open, noting that staff had visited the site and reviewed the work. Chair Henkels stated that he was not concerned with events from the distant past and characterized those discussions as moot. He explained that his focus was on the current review before the Commission.

Coordinator Capone stated that because the Order of Conditions had expired, no work could proceed under that order. She recommended that all work necessary to restore the APR to its original condition, along with any wetlands-related work that had occurred on the property, be incorporated into the Notice of Intent currently before the Commission. She explained that this approach would allow the Commission to issue a single new Order of Conditions that would restore the land to its intended condition or potentially amend it through a future process, while also allowing the proposed house project to proceed.

Chair Henkels stated he was not prepared at that time to form an objective opinion on potential amendments. He further stated that he was relying on the information provided over the past several months and that he was not prepared to discuss amendments to the APR. He further stated that he was dissatisfied with the work that had been conducted on the property, emphasizing again that the APR and Order of Conditions were rooted in an Enforcement Order issued approximately 30 years earlier.

Chair Henkels invited the Commissioners to offer questions or comments.

Comm. Holtz stated that he agreed with the view that any discussion of amending the APR should not occur immediately. He referenced an earlier comment suggesting that amendments could be made because both the grantor and grantee were present, but stated that he agreed with Chair Henkels that the Commission needed additional time to consider any potential changes before moving forward.

Coordinator Capone added that there was also a third party to the APR, explaining that the Massachusetts Department of Agricultural Resources was a signatory and would need to be involved in any discussion or process related to amendments.

Chair Henkels agreed and stated that the Commission needed more detailed information on how any amendment process would work in order to make an informed and confident decision. He reiterated that his perspective was rooted in how the situation originated, emphasizing again that the sequence began with an Enforcement Order, followed by a Notice of Intent, an Order of Conditions, and ultimately the APR. He stated that the Commission was now addressing these issues decades later, noting that they could have been mitigated earlier had the APR been reviewed and discussed in the past.

He then invited further questions or comments from the Commissioners.

Comm. Porter stated that he had an observation and indicated that he did not fully understand the details. He questioned whether the Commission was discussing Orders that had been put in place a long time ago and were never acted upon or resolved. Chair Henkels responded that, in effect, the APR was part of the original Order and remained outstanding. Comm. Porter then clarified that his concern was that actions taken 30 years earlier were based on conditions and standards relevant at that time, and that evaluating those Orders under present-day

circumstances was problematic. He stated that conditions change and questioned whether criteria from decades ago should be applied to current questions.

Chair Henkels stated that he disagreed, explaining that the APR had been in place for approximately 30 years and had not been adhered to in its entirety. He stated that the Commission was being asked to issue a Certificate of Compliance based on the presumption that the Order of Conditions and related requirements had been fully complied with. He stated that Coordinator Capone's recommendation was intended to consolidate the regulatory framework, reduce administrative complexity, and address all outstanding issues within a single new Order of Conditions tied to the current Notice of Intent. Coordinator Capone confirmed and stated that the plan would need to show all proposed modifications across the entire APR area so that those elements could be incorporated into the new Order of Conditions.

Chair Henkels acknowledged the clarification and again invited questions or comments from the Commissioners. He then opened the floor to the audience for questions, but no one raised any, and he again invited Commissioners to comment or ask questions.

Coordinator Capone explained that if the applicant agreed with the proposed approach, he would submit a revised Notice of Intent including the restoration work for the rear portion of the APR, along with a narrative explaining the work, for Commission consideration at the next meeting.

Mr. Priscoli sought clarification on whether the narrative required removing existing paths and other features. Coordinator Capone confirmed that under the current APR language, any unauthorized features would need to be addressed unless a modification to the APR was proposed, which would need to be included in the narrative. She also cautioned that the Commission would likely not be in a position to approve any modifications on January 26, as any APR changes would require negotiation with the state.

Mr. Dillon noted that both parties would need to review documentation before any agreement could be reached. Mr. Priscoli reiterated that he did not intend to construct any permanent structures outside the original APR authorization and requested to maintain certain paths for public safety and agricultural operations. Coordinator Capone confirmed that only structures specifically authorized in the APR could remain. Comm. Cook asked if a swap could be proposed through the narrative and negotiation with the state, and Coordinator Capone responded that it was possible.

Mr. Priscoli confirmed he could conform to all of Coordinator Capone's requirements regarding trailers and materials, and that his primary need was to maintain access paths for safety and farming operations. He suggested a potential trade involving impervious structures in the APR in exchange for allowing driveways to remain.

Chair Henkels suggested that First Colony Development Co. and Doug Dillon collaborate to produce a narrative for the Commission to review in advance of the next meeting on January 26, 2026. Mr. Priscoli agreed and requested to work with Coordinator Capone ahead of time. All parties confirmed that this collaborative approach was reasonable. Chair Henkels requested permission to continue the hearing until January 26, 2026, with Mr. Priscoli consenting.

On motion by Comm. Cook to continue the Hearing to January 26, 2026, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

Clancy: 270 Old Lancaster Road, DEP #301-1309

Coordinator Capone explained that the Order of Conditions required the removal of 13 hazard trees and the replanting of trees and shrubs to replace lost habitat. She noted that while the trees had been removed and some plantings incorporated, she could not confirm the species were all native rather than cultivars, nor the exact timing of their installation. The applicant is in the process of selling the property and has arranged for the new homeowners to complete the required plantings in the spring via an escrow agreement. She requested a partial Certificate of Compliance to allow the homeowners to obtain clear title.

Chair Henkels invited Commissioners to ask questions.

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

Other:

Coordinator Capone provided an update on the Wayside Inn parking lot restoration, noting that it was scheduled to be completed by the 20th. Due to weather conditions, the work has not yet been done, but the contractor is ready and waiting for two suitable days to complete it. Chair Henkels acknowledged the update and asked if there was anything further. Commissioner Cook inquired about the definition of a “nice day,” to which Coordinator Capone clarified it meant temperatures above freezing, without rain or snow. Chair Henkels added that wind speeds should be under 25 miles per hour.

Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 8:15 PM, seconded by Comm. Cook, via roll call the vote was unanimous in the affirmative.