



## SUDBURY CONSERVATION COMMISSION MINUTES

Meeting Minutes of Monday, January 26, 2026

**Present:** David Henkels, Chair; Luke Faust; Bruce Porter (7:12 PM); Kasey Rogers; Mark Sevier; Harry Hoffman, Associate Member; Victor Sulkowski, Associate Member; and Lori Capone, Conservation Coordinator

**Absent:** Ken Holtz, Vice Chair; Jeremy Cook;

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

### Minutes

The vote to approve the minutes for the meeting of December 29, 2025, lacking a quorum, was deferred until the meeting of February 29, 2026.

The vote to approve the minutes for the meeting of January 12, 2026, lacking a quorum, was deferred until the meeting of February 29, 2026.

### Wetland Applications:

#### **Request for Determination of Applicability: 30 Birchwood Avenue, RDA #26-01**

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

David Shafran addressed the Commission and explained that, at the request of his insurance company, he was proposing the removal of two trees in his backyard, an oak and a pine. He stated that the oak was leaning toward the house and located approximately ten feet from the structure. He further explained that a third tree in the backyard was leaning at an angle into a neighbor's yard and was supported by trees on the neighboring property. He stated that, while removing the two trees identified by the insurance company, he also sought to remove the leaning tree for safety reasons.

Chair Henkels stated that the Commission had received and reviewed photographs taken by Coordinator Capone. He asked whether the stumps would remain or be cut flush. Mr. Shafran responded that the stumps would likely be cut flush and not ground, given access limitations. Chair Henkels asked about the proposed crane staging location. Mr. Shafran stated that staging could occur either from a neighbor's property, with permission, or from the front portion of his driveway, noting the presence of a septic tank.

Coordinator Capone stated that there was no need to mitigate for the tree removal. However, she noted the presence of minor stone piles beyond the stone wall, along with discarded Christmas trees and landscaping debris. She stated that while organic debris was not a concern, the stone piles and landscape fabric should be removed as part of the project. Mr. Shafran asked for clarification on the location of the stone piles, and Coordinator Capone identified them as being on the left side of the backyard when facing the wetland. Mr. Shafran stated that he would review the area. Chair Henkels asked whether permission had been obtained for any staging on neighboring property. Mr. Shafran confirmed that permission would be obtained.

Coordinator Capone recommended a Negative Determination of Applicability with conditions. She outlined the conditions as follows: she would meet with the tree service prior to the start of work to review staging; stumps would be flush cut; discarded inorganic materials in the woods would be removed and properly disposed of; and photo documentation would be provided following completion of the work to close out the Determination.

Chair Henkels asked Mr. Shafran whether he had any questions or concerns regarding the proposed conditions. Mr. Shafran stated that he did not and asked for guidance on coordinating with the tree company. Coordinator Capone stated she would meet the tree service on site, either in advance or on the day of work, depending on

scheduling. She advised Mr. Shafran to obtain several proposed dates from the tree service and coordinate availability with her. Mr. Shafran further obtained confirm that no additional advance information would be required from the tree company.

Chair Henkels asked whether there were any further questions from the Commissioners or the audience. None were raised.

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

### **Notice of Intent: 89 Stone Road, DEP #301-TBD**

Chair Henkels opened the Hearing for the project to construct additions, install associated utilities, construct a stormwater management system, replace existing septic system, and repave driveway within the 100-foot Buffer Zone and local 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw. Ramol Partners LLC was the applicant.

Vito Colonna of Connorstone Engineering addressed the Commission and stated that a DEP file number had not yet been issued. He explained that the proposal involved work within the Buffer Zone, consisting of a renovation with additions off the rear of the existing structure and a new rear deck. He stated that the property abutted Dudley Brook and that there had been prior discussion regarding the status and location of a perennial stream at the rear of the site.

Mr. Colonna stated that Goddard Consulting had conducted the wetland delineation and concluded that the actual stream channel was located on the opposite side of the wetland, such that the 200-foot Riverfront Area was fully encompassed within Bordering Vegetated Wetland and would not impact the property. He noted that an updated letter had been submitted the prior Friday and asked whether Coordinator Capone had an opportunity to review it.

Mr. Colonna shared an aerial image of the site. Coordinator Capone directed attention to a mapped Dudley Brook shown on the left side of the wetland and to a well-defined stream channel on the right side of the wetland. She stated that the area appeared to contain two distinct stream features and that the question before the Commission was which feature constituted Dudley Brook.

Coordinator Capone stated that the wetland scientist had concluded that there was no stream on the right side of the wetland and no riverine conditions present. She stated that she disagreed with that conclusion, noting that there was a clearly defined channel on the right side of the wetland even under freezing and drought conditions. She further stated that the deed for 89 Stone Road identified Dudley Brook as the rear property boundary, which she stated coincided with the stream channel on the right side of the wetland.

Coordinator Capone stated that, under the Wetlands Protection Act, a stream must be mapped on USGS maps to be considered perennial, but that under the Sudbury Wetlands Administration Bylaw, all streams are considered perennial unless proven otherwise. She stated that the stream on the right side of the wetland should be considered a perennial stream and potentially Dudley Brook. She stated that the project should be evaluated as a Riverfront Area project rather than solely as Buffer Zone work.

Coordinator Capone stated that no information had been provided by the wetland scientist addressing the local Bylaw, despite having requested it. She stated that the aerial imagery showed a defined stream thread and that this issue required further evaluation.

Mr. Colonna stated that the plans would need to be updated or reviewed by the wetlands consultant in coordination with Coordinator Capone to determine whether a local Bylaw stream and Riverfront Area extended into the site, which could affect the filing. He described the existing conditions, including an existing home, a fenced-in rear yard, and a proposed rear addition with a deck, a front porch, and interior renovations. He stated that the driveway would remain in the same location and be repaved, and that a new septic system would be installed in the front yard, farther from the wetlands, replacing an older system located to the rear. He explained that the wetland buffer crossed the site and that septic work would occur outside the Buffer Zone, with the only work within the Buffer Zone being the rear additions within the fenced-in yard. He described stormwater management measures to offset an approximately 1,100-square-foot increase in impervious surface by infiltrating

runoff from approximately 1,500 square feet of roof area. He stated that the project would need to await a DEP file number and further input regarding Riverfront Area jurisdiction, with revisions made as necessary.

Coordinator Capone stated that the rear lot line appeared to follow a stream and that adjacent lots also followed the stream thread, indicating that the resource was at minimum a stream under the local Bylaw, with Riverfront Area jurisdiction, if not jurisdiction under the Wetlands Protection Act. She stated that the rear addition and any clearing within the Inner Riparian Zone would be impacts of concern. She asked whether clearing would occur within the erosion control limits, noting that the area was currently forested. Mr. Colonna confirmed that clearing would occur within those limits.

Coordinator Capone stated that the application did not include mitigation to offset the increase in impervious surface beyond stormwater controls. Mr. Colonna asked whether additions would need to be located outside the Inner 100-foot Riparian Zone and sought guidance on what additional materials would be required. He stated that limited clearing along the sides of the house was proposed to provide access and reduce overgrowth and offered to document tree sizes if required. Coordinator Capone stated that tree surveying was not necessary but that the relationship of the work to the Inner Riparian Zone would need to be evaluated. She stated that if additions and clearing were within that zone, an alternatives analysis would be required demonstrating the need for the work and minimization of impacts, noting that work should not move closer to the river.

She stated that stormwater review and Board of Health review were outstanding but did not present concerns for the Commission. Mr. Colonna stated that stormwater review comments had been received and did not require changes to the design, and reiterated that the primary issue was the stream delineation.

Coordinator Capone noted that the project proposed an increase from three to four bedrooms and stated that justification for the additional bedroom would be part of the analysis. Mr. Colonna stated that he had the information needed and asked whether the Commission had further questions.

Chair Henkels asked whether the proximity to the 100-year floodplain informed hydrology or stream classification. Mr. Colonna stated that the floodplain did not define the bank, which was based on mean annual high water, but did indicate significant flow during major storm events. He stated that further field evaluation would be conducted to define the channel, acknowledging that snow conditions complicated delineation. Chair Henkels asked whether mean annual high water could be identified at that time of year or whether top of bank would be used. Mr. Colonna stated that top of bank would likely be used and that he would follow up with the consultant who had recently visited the site.

Chair Henkels invited questions from the Commission.

Comm. Porter asked whether the foundation outline was unchanged. Mr. Colonna stated that the main foundation would remain unchanged and that the rear addition would be supported on piers. Chair Henkels again asked for questions from Commissioners and the public, and hearing none, stated that the Commission was awaiting the DEP file number and that the applicant could continue coordinating with Coordinator Capone.

Chair Henkels acknowledged comments from Ms. Ramiro Ban of Ramol Partners LLC, who stated that she had nothing to add to the presentation and supported proceeding to the earliest possible date. Chair Henkels again solicited public comment and, hearing none, asked for confirmation to continue the Hearing to February 9, 2026. Mr. Colonna granted permission.

On motion by Comm. Faust to continue the Hearing to February 9, 2026, seconded by Comm. Porter, 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 outbuilding, 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, August 4, and December 12, 2025.

On motion by Comm. Sevier to continue the Hearing to February 23, 2026, seconded by Comm. Rogers, via roll call the vote was unanimous in the affirmative.

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

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

On motion by Comm. Faust to continue the Hearing to March 9, 2026, seconded by Comm. Rogers, 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. Rogers to continue the Hearing to February 23, 2026, seconded by Comm. Sevier, 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, 2025 and December 29, 2025.

Doug Dillon of Goddard Consulting introduced himself and stated that the discussion was focused on the APR. He provided an update, stating that the project team was waiting for the project engineer, Mark Elbag, to place the correct Agricultural Preservation Restriction on the site plans. He stated that revised plans showing a reshaped rain garden and the locations of test pits had been submitted to Coordinator Capone. He stated that once the updated information was added, the project would otherwise be ready to proceed on that item.

Chair Henkels recalled prior discussion regarding an invasive species management plan and associated mitigation for additional work proposed on the property. He referenced a planting plan that included a variety of native species and prior discussion regarding their placement, and asked whether Mr. Dillon had comments.

Mr. Dillon stated that his understanding was that the mitigation discussion had been resolved previously. He recalled that the plantings were unevenly distributed and the installation of a split rail fence was added, intended to serve as a permanent or semi-permanent line of demarcation. He described a row of flowering dogwoods and New Jersey tea upslope, with highbush blueberry downslope and some red maple, and stated that he believed this aspect had been addressed, subject to correction.

Chair Henkels stated that the matter would be revisited. He then noted that the broader discussion of the APR as it pertained to 94 and 100 Pride Crossing would be addressed shortly and that much of that discussion related to an open Order of Conditions. He stated that the relevance was how that Order of Conditions might apply to the application currently under discussion. Mr. Dillon confirmed that understanding.

Coordinator Capone stated that her primary concern with the mitigation area was that much of the area designated for invasive species removal and replanting was an interior forest area that did not currently contain invasive species. She stated that the question for the Commission was whether additional plantings in that area constituted appropriate mitigation or whether alternative approaches should be considered. She expressed concern that bringing equipment and foreign materials into a clean interior forest area could potentially introduce invasives rather than improve conditions. She stated that if an Order of Conditions required work in that area, it should include provisions for invasive species management if invasives were introduced, along with a management timeline. She stated that, at present, the interior forest was clean.

Mr. Dillon stated that Coordinator Capone's concerns were reasonable. He stated that he had revisited the site after submitting materials and thought he may have observed some glossy buckthorn in the interior forest area, though conditions made it difficult to confirm. He stated that additional plantings, such as highbush blueberry or red maple, could be added if the Commission desired, but noted that long-term management considerations would need to be addressed.

Coordinator Capone asked whether alternative mitigation options might be more appropriate, such as removing lawn areas and replanting them to provide greater ecological benefit. She noted that stormwater management review was still ongoing and that no determination had been made on that component. She stated that soil testing had been completed and that the stormwater basin had been reshaped to be located outside the 50-foot setback to wetlands. She stated that these items constituted the remaining outstanding issues for the lot.

Chair Henkels then invited questions from the Commissioners.

Comm. Sevier asked whether there were other areas available for mitigation, stating that it did not seem logical to install mitigation plantings within an unaffected forest area.

Mr. Dillon responded that the mitigation layout was constrained by the lot configuration and recent lot line changes. He explained that the developable portion of the site was located on an upper plateau and that the lot was hatchet-shaped, with frontage at the narrow end. He stated that the mitigation focus was along the perimeter of the woodland edge. He explained that he had not specified an invasive species management plan throughout the entire interior forest area because that area did not contain invasives. He stated that the area where he believed glossy buckthorn was present was limited to approximately the first 20 to 25 feet along the forest edge. He stated that this edge area contained bittersweet, garlic mustard, and other common invasive species, and that space elsewhere on the property was limited.

Comm. Sevier asked Coordinator Capone whether she agreed with Mr. Dillon's assessment that the first approximately 25 feet at the forest edge contained invasive species.

Coordinator Capone responded that the area on the right side of the mapped mitigation area, extending roughly 20 to 25 feet along the tree line, did contain significant invasive species. She stated that this area had been cleared in the late 1990s and was subject to invasive species management requirements under a prior Order of Conditions. The lot line had changed within the last year, and that invasive species management would now stop at the revised lot line. She noted that this raised a concern that invasives on the adjacent property side of the lot line could persist and potentially spread back into the site. The remainder of the mitigation area, particularly on the left side, did not contain substantial invasive species, aside from typical edge conditions, and that the interior forest was largely free of invasives. The proposed approach in that area consisted of supplemental native plantings. This could be considered mitigation but wanted to confirm that the Commission was comfortable with that approach. She also noted that there was a substantial amount of lawn on the property and that other mitigation opportunities could potentially be explored.

Comm. Sevier asked whether plantings such as blueberries, New Jersey tea, and witch hazel would be successful under the existing canopy conditions, and whether the area was sufficiently shaded to limit their viability.

Mr. Dillon stated that witch hazel tended to prefer partially shaded, well-drained conditions and that blueberries were commonly found slightly downslope in similar settings. He stated that bittersweet tended to occupy sunnier border areas and that the species selected were chosen based on their growing characteristics. He stated that several of the proposed species, except for New Jersey tea, were already present on the site.

Comm. Sevier asked whether the area previously subject to invasive management constituted a portion of the proposed mitigation area and sought clarification on the proportion of new mitigation versus previously required management. He asked whether it represented approximately one-third or two-thirds of the total area, or alternatively, how many square feet constituted new mitigation.

Mr. Dillon stated that the prior Order of Conditions did not include a mapped or delineated mitigation area and that there was no graphic depiction comparable to the current plan that would allow a direct comparison. He stated that the prior requirement was generally to maintain the perimeter area for invasive control. He stated that

he could not quantify the incremental mitigation area in square feet relative to the prior order. He further stated that his intent was not to allow invasives to persist or spread, including along lot lines or within adjacent wetland areas. He stated that the interior wetland area was also largely free of invasives and that his goal was to manage and ideally eliminate invasive species rather than allow them to expand.

Chair Henkels thanked Mr. Dillon and asked Comm. Sevier whether his questions had been answered in part. Comm. Sevier responded that they had not been fully answered.

Mr. Dillon asked for clarification on what additional information the Commission was seeking and how he could better address the question regarding mitigation. He stated that, in his experience, installing native plantings under existing canopy conditions was standard practice and that mitigation was not limited to areas that were already cleared or devoid of vegetation.

Comm. Sevier stated that the site contained a large lawn area and questioned whether the proposed mitigation area was truly the only viable option. He stated that it was difficult to accept that mitigation within an unaffected forest area was the only choice available.

Mr. Dillon responded that the lawn area was part of a maintained area established under an existing APR agreement. He stated that the Agricultural Preservation Restriction defined the house area, and that the agreement had been structured to allow house reconstruction within that general area. He stated that he had not been involved when the original agreement was drafted, but that the lawn area had been maintained for many years following the original Order of Conditions.

Comm. Sevier responded that the Commission was reviewing a new project and that, if no changes were being proposed, the matter would not be before the Commission. He stated that he was not inclined to support introducing plantings into an area without invasives, where success was uncertain and impacts were unclear, particularly given the extent of lawn available on the site. He stated that, from his perspective, the lawn area represented a clear opportunity for mitigation.

Mr. Dillon stated that the split rail fence had been specified based on recommendations from the Commission during a site walk, particularly along the border area, and that the mitigation design had been prepared following that guidance.

Coordinator Capone stated that the prior Order of Conditions had required a stone wall set 25 feet from the wetland and that this was not a new requirement. She stated that there was no requirement that mitigation be limited solely to the Agricultural Preservation Restriction area. Chair Henkels stated that he understood Comm. Sevier's concerns and suggested that Mr. Dillon review other mitigation opportunities on the property, particularly locations where plantings would have a higher likelihood of success. Coordinator Capone stated that there appeared to be significant opportunity elsewhere on the site and requested that an alternative mitigation option be presented at the next hearing. Mr. Dillon agreed to review alternative mitigation options.

A representative of First Colony Development Co., Jon Delli Priscoli of 84 Main Street, Southborough, asked for clarification regarding which areas were being questioned by the Commission. He confirmed that the concern was focused on plantings located behind the fence and downslope, rather than the plantings immediately inside the fence line. Comm. Sevier confirmed that the concern related to the plantings located behind the fence and below the slope area, as shown on the plan.

Mr. Delli Priscoli suggested relocating mitigation plantings to an area of lawn near the purple line shown on the plan, extending toward the driveway, where sunlight conditions were favorable. He stated that this approach would avoid the lower area entirely and focus mitigation in the upper lawn area. He stated that preparing a revised sketch reflecting this concept would be preferable to redesigning mitigation during the hearing. He stated that he understood the Commission's concerns and agreed that there was sufficient lawn area to accommodate mitigation plantings. He also provided background that the site had previously contained a house that burned following a lightning strike, contributing to the current lawn condition.

Chair Henkels redirected the discussion to focus on the mitigation plan currently under review. Mr. Delli Priscoli reiterated that he would return with a revised or enhanced mitigation concept responsive to the Commission's comments and noted that a stormwater management hearing was scheduled for that week.

Chair Henkels asked Coordinator Capone to summarize what would be required for the next hearing. Coordinator Capone stated that a revised plan should be submitted identifying different areas for invasive species removal and replanting. She stated that mitigation along the rear of the house was appropriate, and that additional plantings in upper lawn areas, including those discussed by Mr. Delli Priscoli, could be counted toward mitigation. She stated that the primary concern was the lower left area shown on the current plan, and that relocating mitigation from that area to other parts of the site would be consistent with the Commission's discussion.

Chair Henkels asked whether there were any further questions from Mr. Dillon or Mr. Delli Priscoli, and none were raised. Chair Henkels asked for permission to continue the hearing, to which Mr. Delli Priscoli replied that he anticipated being ready for the February 9 meeting and would notify Coordinator Capone if additional time was needed.

On motion by Comm. Sevier to continue the Hearing to February 9, 2026, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative. This was further continued to February 23<sup>rd</sup>, after discussion on the Certificate of Compliance below.

### Certificate of Compliance:

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

Mr. Dillon stated that he was appearing on behalf of Goddard Consulting with the applicant, Mr. Delli Priscoli, regarding the Certificate of Compliance. He stated that following the prior meeting with the Commission, the project team met internally to reassess the outstanding issues and mitigation approach. He stated that the submitted memorandum proposed a written commitment to regrade and reseed the area beneath the trailer and to waive the right to construct a barn within that area.

Mr. Dillon stated that he had also conducted historical research using U.S. Geological Survey maps from the 1940s through the early 1980s. He stated that the hashed lines shown on those maps represented former roads on the property and that the mapped feature labeled "94" approximately corresponded to the roadway areas under discussion as part of the Enforcement proceeding.

Chair Henkels stated that he had reviewed the documents submitted in January 2026, including the detailed letter provided by Mr. Dillon. He then stated that, based on his understanding, the proposal involved an exchange whereby the applicant would remove a previously proposed barn that had not been constructed and that had been shown on an earlier plan within the APR area. He stated that, in return, the applicant was requesting approval to maintain the roadway running from the southeast portion of the property to 150 Wayside Inn Road, subject to all required permits and any necessary restoration. He further stated that this proposal also included reseeding and removal of recycled asphalt associated with the driveway east of the existing barn that connected to the trail behind the chapel. He asked whether that understanding was correct.

Mr. Dillon stated that this characterization was essentially correct and asked Mr. Delli Priscoli whether those conditions aligned with the applicant's intent.

Mr. Delli Priscoli stated that the description was not complete. He stated that when he acquired the properties, the paved driveway that had existed along the indicated alignment was no longer present and had already been restored to grass. He stated that this restoration work had already been completed. He further stated that the team had discussed the possibility that, if access through 150 Wayside Inn Road were approved, the existing paved roadway and small granite bridge could be removed as an additional restoration measure.

Mr. Delli Priscoli and Mr. Dillon addressed the Commission regarding the location and removal of historic and existing driveways on the property. Mr. Dillon explained that a large connecting driveway, which had previously

extended from 100 Pride's Crossing to the existing barn, had been fully removed and re-grassed. He estimated this change affected approximately 4,800 square feet of prior asphalt.

Chair Henkels requested clarification on whether any portion of the pre-existing driveway, particularly on the left-hand side of the screen, was located within resource areas or the APR. Mr. Dillon responded that it was along the outer boundary of the APR, possibly near the 100-foot Buffer of the pond, but he could not confirm definitively.

Mr. Delli Priscoli clarified that the discussion pertained to the existing driveway servicing the barn and not the prior driveways being removed. He stated that the existing driveway, which currently provides access from Pride's Crossing to the barn, would continue to serve the new house construction. He proposed that beyond the new house, the driveway and the small granite crossing should be removed, effectively eliminating the paved driveway up to where it flares near the APR line.

Chair Henkels, Coordinator Capone, and Mr. Delli Priscoli discussed whether this removal was part of the original Enforcement Order. It was clarified that the existing paved driveway was installed after the original violation and without Commission permits. Therefore, its removal constitutes addressing current violations under the Wetlands Protection Act and the APR, not mitigation for prior work.

Coordinator Capone confirmed Chair Henkels understanding that for this removal to proceed, the applicant would need to amend the existing NOI, including associated stormwater management and other regulatory requirements for the recycled asphalt driveway to remain. Any resulting Order of Conditions would incorporate this work in accordance with the Wetlands Protection Act, the Sudbury Wetlands Administration Bylaw, and the APR. This action addresses existing violations rather than serving as mitigation or compensation for prior work.

Mr. Delli Priscoli clarified to the Commission that all remedial work, including regrading, re-grassing, and removal of the proposed barn, could be incorporated under the existing Notice of Intent NOI for 94 Pride's Crossing. This would allow the work to be documented and completed prior to issuance of a Certificate of Compliance. Chair Henkels confirmed that the new Order of Conditions would be all-inclusive, covering any new work or corrections associated with the property, consistent with previous discussions.

Mr. Delli Priscoli explained that access to agricultural fields and the existing barn must be maintained for farm operations, fire protection, and public safety. He indicated that pathways are inherent to farm operations, and while fences may be installed, no additional structures would be constructed. The existing barn would remain, but the previously proposed barn illustrated in earlier plans would be eliminated. Chair Henkels confirmed that the elimination of the proposed barn would be in exchange for retaining access along the outlined roadway, which would also incorporate the removal of prior violations, including the previously discussed driveway re-grassing and corrections.

Mr. Delli Priscoli emphasized that the roadway would provide practical access to the farm and the barn while resolving multiple issues, and that all work would comply with the APR and existing Orders of Conditions.

Chair Henkels summarized that the applicant is requesting that this roadway remain in place as part of the broader remedial package and opened the floor for Commissioners' questions.

Comm. Faust asked Mr. Dillon to illustrate the location of the roadway under discussion, noting that there are multiple roads on the site. Mr. Dillon clarified that the roadway extends south from the 1986 barn and swings westward.

Chair Henkels requested clarification regarding wetlands delineations along the east side, near a bend in the roadway, to confirm whether any portion of the roadway intersects resource areas. Mr. Delli Priscoli confirmed that the area in question is currently grass on both sides of the narrow farm pathway, and no wetlands are present in that specific section. He noted that when farm fields are mowed, both sides of the pathway are maintained.

Chair Henkels sought Commissioners' input on the proposed exchange of the originally planned barn for the roadway amendment under the APR.

Comm. Sevier acknowledged Mr. Delli Priscoli's position on retaining the roadway and noted that the previously proposed barn serves as a "bargaining chip" in the discussion. He expressed openness to the exchange but questioned what additional mitigation or benefits the applicant could offer, beyond prior plans, to justify allowing the roadway to remain in place.

Chair Henkels emphasized the need to resolve the issue efficiently, given the extensive time already spent, and prepared to solicit further input from the Commission on the proposed plan.

Chair Henkels asked Mr. Dillon to show the Commission the location of the roadway, noting concerns about wetlands along the southeast corner. Mr. Delli Priscoli clarified that the section in question is currently grass on both sides of a narrow, minimally constructed farm path, and that while passable by vehicles, it is not intended as a public road. He emphasized the need for practical access to the barn and agricultural fields, noting that the existing path connects to previously permitted access at 150 Wayside Inn Road.

Comm. Sevier asked what the applicant could offer in exchange for relief to allow the roadway to remain. Mr. Delli Priscoli proposed that, in addition to waiving the construction of the previously planned barn, he could leave the path in place and reintroduce trees or other plantings between the path and the forested area, serving as additional mitigation.

Comm. Faust indicated agreement with Comm. Sevier's perspective, noting that trading the unbuilt barn for the roadway addresses part of the issue but not all. He supported the idea of adding trees and plantings along the other side of the road, particularly near the wetlands and woods, in combination with addressing outstanding items on the violations list.

Comm. Rogers and Comm. Porter both indicated agreement with the positions previously stated by Comm. Faust and Comm. Sevier regarding the roadway.

Chair Henkels asked Mr. Dillon to clarify the narrative plan for addressing all outstanding violations required for a Certificate of Compliance. Mr. Dillon confirmed that the January 20th letter outlined the actions necessary to address the items from the 1999 enforcement order and suggested using that document as a foundation to clarify ambiguities.

Mr. Delli Priscoli proposed that rather than creating an entirely new document, a simple amendment could be drafted to the existing APR, incorporating both restorative work (e.g., re-grassing, tree plantings) and new work, including the elimination of the previously planned barn. This amendment would consolidate overlapping Orders of Conditions, reflecting mitigation measures, trade-offs, and updated standards.

Chair Henkels confirmed this approach, and Comm. Sevier added that using the original APR with tracked changes would allow the Commission to review every line item without risk of omissions. Mr. Delli Priscoli agreed to proceed promptly with this approach.

Coordinator Capone commented that the process was moving in the right direction but advised that if the roadway is to remain on 94 Pride's Crossing, the applicant should coordinate with Planning regarding stormwater permitting, noting an upcoming board meeting.

Mr. Delli Priscoli confirmed that he holds easements for all relevant properties, giving him full legal rights to maintain and use the agricultural pathways across the parcels. He explained that the improved path is permeable and suitable for emergency vehicles, emphasizing the practical necessity for access to the farm and barn for safety and operational purposes.

Coordinator Capone clarified that the connector roadway between 150 Wayside and 94 Pride's Crossing, must now be included in the stormwater review currently before the Planning Board, as it was not part of the original submission for the new house construction. She requested that the plan also illustrate the wetland delineation in the rear, along with any piles of material slated for removal.

The Commission agreed that they would consider allowing the roadway to remain, subject to the inclusion of mitigation measures and the updated stormwater review. Chair Henkels summarized that the Commission's action at this stage was to indicate openness to amending the APR to allow the improved path to remain.

On motion by Comm. Sevier to indicate that the Commission is open to amending the APR, seconded by Comm. Faust, via roll call the vote was unanimous in the affirmative.

Mr. Delli Priscoli requested to continue the matter to February 23, 2026, to allow time to prepare the amendment, mitigation plan, and associated documentation.

On motion by Comm. Faust to continue the Hearing to February 23, 2026, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

### Enforcement Order Update:

#### **73 Wayside Inn Road: Parking Lot Restoration**

Coordinator Capone addressed the Enforcement Order update, noting that due to snow and current ground conditions, no restoration work had been possible and anticipated that restoration would likely occur in the spring. She indicated that the item would remain on future agendas to monitor progress.

### Other Business:

#### **Town Report**

Coordinator Capone summarized the Commission's accomplishments over the past year, highlighting 22 meetings with 100 Hearings, issuance of 24 Orders of Conditions, 18 Determinations of Applicability, and 26 Certificates of Compliance, along with addressing a few Enforcement actions. She emphasized that the report also reflected conservation work on Town-owned properties that often goes unnoticed during permitting activities.

She described the work done at Broadacres Farm, including relocation of discarded farm implements, creation of a pollinator garden, and enhancements to the agricultural landscape. On the Bruce Freeman Rail Trail, the Commission secured a \$40,000 grant to install a rain garden and pollinator garden, which showed early evidence of pollinator activity. Invasive species management continued with targeted efforts against Japanese knotweed and Japanese stilt grass. A turtle fencing pilot project along Raymond Road successfully reduced wildlife roadkill while addressing aesthetic and cost considerations.

Scout projects included a potential meadow restoration at Hop Brook, development of a proposed fitness trail connected to the Mass Central Rail Trail, bridge connection at Frost Farm, and an archaeological dig at Lincoln Meadows Community Garden, which yielded historical artifacts. The Commission also focused on educating the community about second-generation anticoagulant rodenticides, collaborating with schools, daycares, restaurants, and the Board of Health to reduce their use. Agricultural activities on conservation lands proceeded without incident. The deer management program expanded to include Landham Brook Marsh, maintaining population control efficiency, and the Christmas Bird Count recorded nearly 1,600 birds across 48 species, including a rare clay-colored sparrow observed in Southwest Sudbury, the fourth in the program's 50-year history.

Chair Henkels commended Coordinator Capone and the land management team, as well as volunteers and Scouts, for their contributions to these projects and their impact on the community.

On motion by Comm. Sevier to approve the report, seconded by Comm. Porter, via roll call the vote was unanimous in the affirmative.

### Adjourn Meeting

On motion by Comm. Porter to adjourn the meeting at 8:54 PM, seconded by Comm. Sevier, via roll call the vote was unanimous in the affirmative.