

**TOWN of WILMINGTON****DEPARTMENT OF PLANNING & CONSERVATION**121 GLEN ROAD, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov) (978) 658-8238**CONSERVATION COMMISSION MINUTES**

December 1, 2021

Donald Pearson called the meeting to order at 7:02 p.m. Theron Bradley, Vincent Licciardi, Michael McInnis, Laura deWahl were also present. Nestor John Salazar and Alexander Rittershaus were absent. Cameron Lynch, Conservation Agent, and Jayne Wierzbicki, Conservation Senior Clerk were also present.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 211 Lowell Street – Map 57 Parcel 52**

Documents: Request for Determination of Applicability application, received November 10, 2021  
 "Schematic Site Plan" dated October 29, 2021

Present in Interest: Adam Quinn, Applicant

A. Quinn stated that he is the company franchisee of Dunkin' Donuts. Corporate requires a remodel every 10 years; proposing a new menu board with new footing, replacing the old footing. The new footing is within the 100' buffer zone.

C. Lynch stated that although they did not get the wetlands delineated, they put it conservatively at the fence line, the wetlands extend about another 20', making it more of 50' instead of the 37' shown on the plan, making it well away from the wetlands. Advised to add a condition to remove all trash located behind the fence in wetlands in addition to the work already proposed. No further comments.

A. Quinn agreed to the condition.

T. Bradley asked if the new cement pad is the same size as the old. A. Quinn stated that it is.

Upon motion duly made by T. Bradley and seconded by M. McInnis, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 211 Lowell Street – Map 57 Parcel 52

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 8R Fernbanks Road – Map 15 Parcel 109**

Documents: Request for Determination of Applicability application, received November 10, 2021  
 "Proposed Plot Plan" last revised November 5, 2021  
 "Cut Tree Species Table" received November 10, 2021

Present in Interest: Jon Snider, Applicant/Owner

82:2 PM 9- JAN 6 2022

RECEIVED  
TOWN CLERK

J. Snider stated that he attended the October 3, 2021 Conservation Commission meeting, he is now filing to mitigate the tree cutting that took place within the 100' buffer zone to wetlands. Provided the delineation and a description of the trees that were cut including the diameters of those trees.

C. Lynch stated that the department is recommending replacements, the applicant took down 10 trees, but only four (4), according to the tree removal policy, are required for replacements. Only one (1) replacement at the bare minimum is required.

D. Pearson asked if it would be a tree. C. Lynch stated it could be a tree or a shrub. D. Pearson and C. Lynch verified it could be one shrub or one tree

D. Pearson asked if there should be a requirement for what type of planting. C. Lynch stated that it is up to the applicant what to plant for replacements, while referencing the native species list.

J. Snider stated that it was indicated in the RDA (Request for Determination of Applicability) what types of shrubs to plant, planning to plant multiple shrubs. Stated it will be within the 215-200 sq. ft. area and would like to plant pollinators that would be beneficial for wildlife.

M. McInnis stated that he was surprised that it is only one (1) shrub, suggested it be two (2) shrubs or a tree instead. J. Snider agreed to two (2) shrubs.

T. Bradley agreed with the two replacements suggested by M. McInnis

Upon motion duly made by T. Bradley and seconded by M. McInnis, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 8R Fernbanks Road – Map 15 Parcel 109

**CONTINUED PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 90 Eames Street – Map 38 & 24 Parcels 3A & 121**

Documents: Letter from Mary Rimmer, Rimmer Environmental Consulting, LLC, dated November 29, 2021

Present in Interest: Frank Postma, EA Engineering, Science, and Technology, Inc., PBC  
William Schneider, 98 Eames Street RE, LLC

F. Postma explained the RDA filing to the Commission.

C. Lynch stated that a peer review was recommended during the previous Conservation Commission meeting on November 3, 2021, Mary Rimmer from Rimmer Environmental Consulting, LLC, was hired for the peer review. M. Rimmer and C. Lynch walked the property, the only area that they may have suspected was a stone line stormwater ditch that went along the active railroad, but it has no hydrological connection to the wetlands in the area and was deemed non-jurisdictional by M. Rimmer. The report from M. Rimmer states that there are no jurisdictional wetlands in the area.

V. Licciardi asked what the lot will be used for.

F. Postma stated that they are still finalizing the plans. There will be a Site Plan Review in the near future. The goal was to redevelop, but the timeline has not been finalized. Benevento asked for a

stormwater design, but the first stage is to look at the rail lines, as there were others interested in the rail lines. The first stretch of rail line is part of the purchase of property.

Upon motion duly made by T. Bradley and seconded by L. deWahl, it was unanimously

VOTED: To issue a Negative one (1) Determination of Applicability for 90 Eames Street – Map 38 & 24 Parcels 3A & 121

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 99 Fordham Road – Map 99 Parcel 135 – DEP FILE #344-1489**

Documents: Letter from Shaun Kelly, Vanasse & Associates Inc., dated October 29, 2021  
Resubmittal Letter dated November 5, 2021  
“Non-Residential Site Plan” last revised October 20, 2021  
Stormwater Management Report, revised October 20, 2021  
“Tree Exhibit” plan, dated November 3, 2021  
Memorandum from Paul M. Alunni, PE, Town Engineer, dated November 24, 2021  
Review Letter from Valerie Gingrich, Director of Planning & Conservation, dated November 24, 2021

Present in Interest: Brenton Cole, Granite Engineering, LLC  
Jeff Merritt, Granite Engineering, LLC

J. Merritt stated that they have been through a round of engineering review, largely the project has remained unchanged. Refreshed the Commission on the project, which is at the end of Fordham Road, on the Shriner’s Auditorium property, includes gravel parking, they are proposing to take a portion of the back gravel parking lot and make it asphalt. On the property, there are resources South and West, on the West side of Fordham Road they will be working in that buffer. Working with the Town Engineer and making changes mostly relative to land outside of that 100’ buffer. The work in the 100’ buffer has to do with re-grading the existing access road, locating a stormwater management practice, which there are none existing for this parking lot. As part of that response to the initial engineering review, they are proposing the relocation vertically of municipal water running through the buffer. The other improvements are happening outside of the 100’ buffer. Shifting some of the configuration of the parking lot to move it away from the property line and expand the buffer. There are remaining engineering comments that they are working through.

C. Lynch stated there are no comments currently because the Department has not been able to review what has been submitted.

V. Licciardi referenced the Memorandum from the Town Engineer, asked if they will comply with the comments.

J. Merritt stated that they are trying to work through those comments, some are easier to address than others which will need to be discussed with the Planning Board but are still working through all those comments.

T. Bradley asked if they are looking for a continuance to the next meeting.

D. Pearson stated that he believes they are. Also stated that the one other thing was regarding the engineer’s comments about reorienting the parking to save a few more trees.

J. Merritt stated that was one of the things done on this last round of revisions, stated that back in September there was, as designed, an appendage to the parking lot which protruded to the north, they cut that off and reoriented it so that they could expand that buffer. Stated that there are no major changes to the 100' buffer.

D. Pearson asked if they had an objection to continuing to the next meeting or if they need more time.

J. Merritt stated that they should not need more time after that, believes that they addressed comments relating to the 100' buffer. D. Pearson asked if they are okay with continuing in case anything comes up, they will be able to submit without re-filing. J. Merritt agreed with the continuance. The Commission agreed they should come back.

M. McInnis stated he did not see the engineering comments, but saw the comments from Valerie Gingrich, Director of Planning & Conservation, asked if those will be addressed later. C. Lynch stated that they were just submitted on November 24, 2021, and were not addressed yet.

Robert Cronan an abutter at 75 Park Street stated that they still have concerns about the project. In the newest submittal, the Tree Exhibit, which they believed was a response to Paul Alunni, Town Engineer, and V. Gingrich's letters, however, they do not feel the new submittal shows the changes. Stated that he does not believe the Abutters' comments have been conveyed accurately, plans that have been submitted have not been fully reviewed. Asked to meet with the Departments who review the plans to show what has not been clearly represented on the plans. Stated that there was a change in the appendage that addressed concerns, but it only provides relief in one area. Stated that about 50% of the area of the proposed lot requires the removal of existing trees. As well as a substantial amount of area being on a downhill slope, unless it is not clearly shown on the plan, they do not understand how that area is going to be brought up and level with the gravel line. Stated that it seems like fill would be required for that, they saw some notes about how an earth removal permit was made, but they believe that fill will be brought in to make it level.

D. Pearson suggested that he should attend the Planning Board meeting. C. Lynch agreed and stated that a lot of the trees will be out of the Conservation Commission's jurisdiction, outside of the 100' buffer zone to wetlands.

D. Pearson advised that they could have a discussion with the staff on these issues, C. Lynch agreed. D. Pearson also advised that they may want to attend the Planning Board meeting to make sure they have been heard. C. Lynch suggested a phone or virtual call as well as talking through it in person.

R. Cronan asked who the primary contact is for the Planning Board, C. Lynch stated that it is V. Gingrich.

Upon motion duly made by M. McInnis and seconded by V. Licciardi, it was unanimously

VOTED: To continue the Public Hearing for 99 Fordham Road – Map 99 Parcel 135 – DEP File #344-1489 To the January 5, 2022 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 154-156 West Street – Map 56 Parcels 1 & 2 – DEP FILE #344-1486**

Documents: Email from Robert G. Peterson, Sr., requesting to continue to the January 5, 2022 meeting, received December 1, 2021

C. Lynch stated that the applicant has requested to continue to the January 5, 2022 meeting.

Upon motion duly made by M. McInnis and seconded by V. Licciardi, it was unanimously

VOTED: To continue the Public Hearing for 154 – 156 West Street – Map 56 Parcels 1 & 2 – DEP File #344-1486 to the January 5, 2022 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 31 Arlene Avenue – Map A-90 Parcel 10 – DEP FILE #344-1491**

Documents: Continuance Request Letter, dated November 29, 2021  
“Drainage Mitigation Plan” dated November 29, 2021  
Stormwater Report, received November 30, 2021  
Revised Plan Letter from Norse Environmental, Inc., dated November 30, 2021

C. Lynch stated that the applicant requested to continue to the January 5, 2022 meeting.

Upon motion duly made by L. deWahl and seconded by T. Bradley, it was unanimously

VOTED: To continue the Public Hearing for 31 Arlene Avenue – Map A-90 Parcel 10 – DEP File #344-1491 to the January 5, 2022 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP FILE #344-1492**

Documents: Memorandum from Paul M. Alunni, PE, Town Engineer, dated November 15, 2021  
Review Letter from Valerie Gingrich, Director of Planning & Conservation, dated November 15, 2021

Present in Interest: Ben Masselink, DIV 36-38 Upton LLC c/o The Davis Company, Applicant/Owner  
Larry Beals, Beals Associates, Inc.  
Mathew Costa, Beals Associates, Inc.

L. Beals stated there were a couple of issues that came up from last meeting that they would like to address. The site is outlined on the visual display, also outlined a couple of the site elements. The project was approved in a different configuration a few years ago. The proposal now has a total of three (3) buildings; two (2) large buildings and a smaller building on the right-hand side of the street. There are resource areas located to the East of the property and an intermittent stream located between two of the lots. Stated that the question was asked last time about deicing management. Stated that they recently worked in another town redeveloping a site in an aquifer, it was an opportunity to take out the out-of-date stormwater management system and implement a better system. Defined deicing which includes sodium chloride, calcium chloride and magnesium chloride. Stated that the issue with the chemicals is that they are stable, once they are in the ground, they do not decompose, oxidize, or diminish- they move through the soil, once the chemicals are in the water, there is no easy way to remove them, there are no filters to install to get the chloride out of the system. Stated that the best method to remove salt from runoff is to manage it effectively and use the deicing compounds in an appropriate manner. Stated that there are also organic based deicers, but they create a different problem because of the phosphorous. Mitigate as appropriate, based on previous experiences with deicing and towns next to highways/interstates. Stated that it would be a controlled application of salt

because of the slow-moving vehicles that release salt in the parking lot. Went over salt management and why it is important. Referred to the visual display relating to soil types in the area. The site comprises of glacial till which is dense and compact, there is also bedrock around the site which is impervious, surrounding the site there are also sand and gravel deposits, summarized that the site is not in an aquifer.

D. Pearson asked if L. Beals had focused on the thawing technology, and if he was talking about just melting ice or preventing ice from forming rather than laying sand down. Also asked if this is something they would have in the O&M (Operation & Maintenance) Manual and specify what the deicing practice would be.

L. Beals stated that these things would be in the O&M Manual and that they have some recommendations, and if they make sense, then they would implement into the O&M Plan. Stated that he was more focused on Sodium Chloride and deicing compounds now because that is the issue. Another thing that was discussed was posting signs that indicate "no snow storage" when closer to resource areas. Stated that another suggestion was posting signs every 50' along the roadway and parking areas adjacent to resource areas, and signs posted at increased height, so they don't get blocked by any snow. Snow storage locations separate from stormwater inlets, separated from the resource areas. Application rate management, reduce speed in parking lots, vehicles would move slowly. Manage deicing compounds properly and before the storm. On sidewalks, the deicing compound will be hand spread.

T. Bradley asked who will own the trucks for deicing. L. Beals stated it is done under contract by the Davis Company.

T. Bradley asked how they will monitor speed in the parking lots and enforce those limits. L. Beals stated that is what they are there for, for an Order of Conditions that will have those types of conditions included. L. Beals stated that it is up to the Davis Company to let the contractors know and to enforce those conditions. Also stated that they will track how much they use of the deicing compound.

D. Pearson asked if the Commission will see the O&M manual for the submittal.

L. Beals stated there were corrections needed to be made prior to submittal. Stated they will first send it to C. Lynch and get those comments, and then go from there.

D. Pearson stated that they are running over the time.

L. Beals stated they corrected a math error from previous meeting slides. Summary slide of resource area and buffer zone impacts. Increased the impacts on the 100' buffer the most, the changes are farther away from resource areas than previously. Increase impact of 400 sq. ft. in the 50' buffer zone. In the 15' no disturb zone there was a decrease in impact by 1,500 sq. ft. done by removal of the dry well from the bigger parcel to the smaller parcel. Direct resource impact has been increased by 575 sq. ft.

C. Lynch stated that on November 15, 2021, the Planning & Conservation Department issued 16 comments, the points talked about tonight only addressed one single comment. Also have not received any updated or revised plans addressing the comments, so the department had nothing to review.

L. Beals stated that they were trying to incorporate all revisions into one plan. Meeting with the fire safety officer to address their comments as well.

D. Pearson asked if it made sense to continue to the January 5, 2022 meeting or if they needed more time. L. Beals agreed that they will continue to the next meeting and make the changes accordingly.

M. McInnis asked about the project being over till, about the benefits, including impervious materials, and collecting deicing agents. Also asked where the effluent is going, into the till or into the wetlands. Then stated that they should leave the question on the table for now to save time. L. Beals stated that they will put that in the response.

V. Licciardi stated that last month he had asked about the retaining wall being within the 50' of the wetland area, stated there is a no-build policy. In front of building A, there is 20' in the no build area, building B there is an area that is 10', at least, in the no build area on the right-hand corner. Also stated that a lot of the parking areas are within the 50' no build area. Asked for a solution.

L. Beals pointed out the impact areas and stated the reconfiguration. Took the roadway out and moved it, because of the reconfiguration, they needed a retaining wall along that side of the driveway to avoid filling in that sensitive area.

V. Licciardi stated that there is a lot of work being done in a small lot. L. Beals stated that there is a reduction in footprint from what was originally proposed and are protecting wildlife and groundwater. V. Licciardi stated that there is too much to say it is okay.

T. Bradley asked if they could add in more detail for next meeting with the cross over versus the retaining wall. L. Beals agreed.

V. Licciardi asked about how tall the walls are.

B. Masselink stated that the tallest point on the wall to the right is 13' and gradually slopes down, the wall up to the top, where the larger wetland resource area is, is about 8'-10'

V. Licciardi asked if the walls will be structurally engineered. B. Masselink said yes. V. Licciardi asked if there was a wildlife study done on the lot.

B. Masselink stated there is no National Heritage nature species out there. V. Licciardi asked to verify if a study was done. B. Masselink stated that research into the National Heritage, the site is mostly undeveloped, there are only a few areas, majority of the site is common fill, there is no heavy growth or woods.

V. Licciardi asked where the 22,000 yards of fill or gravel will be moved to. L. Beals stated that it will remain on site. M. Costa stated that a cut and fill analysis will be created from the responses from the Town Engineer.

V. Licciardi asked if they had considered a parking garage. M. Costa stated they have not. V. Licciardi asked if they should consider it.

M. Costa stated that they have been asked by the Planning Board if the amount of spaces are needed. Stated that they are not sure if adding in the parking garage is necessary with more parking. V. Licciardi stated it would make a difference on the 50' no build zone. T. Bradley stated that V. Licciardi is suggesting a garage instead of all those spaces.

L. deWahl asked if their next analysis will be reducing the number of parking spaces.

M. Costa stated they are moving forward with the plan for zoning purposes, they have enough spaces to satisfy zoning requirements. Stated that the site is difficult in terms of layouts, they are not sure if a parking garage will fit due to dimensional restraints onsite.

L. Beals asked to summarize revisions; disposal of salt, minimizing wetland impacts, evaluate if they have addressed issues related to the Wetland Protection Act, earthworks analysis, respond to comments.

L. deWahl stated that since they will be cutting trees for building C, asked if they will be tracking the number of trees and how many replacements are needed. L. Beals agreed.

M. Costa asked what exactly they will be responding to. C. Lynch stated the comments issued, anything discussed this meeting, and L. Beals' summary list.

D. Pearson stated, to reiterate V. Licciardi's question, about making the buildings slightly shorter so they are further from the resource areas.

L. Beals stated those comments will be addressed.

Upon motion duly made by M. McInnis and seconded by L. deWahl, it was unanimously

VOTED: To continue the Public Hearing for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1492 to the January 5, 2022 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION  
30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1493**

Documents: Email Response from Devin Howe, Beals Associates Inc., received October 27, 2021  
"Topographic Plan", last revised January 23, 1984

Present in Interest: Devin Howe, Beals Associates Inc.  
Larry Beals, Beals Associates Inc.

D. Howe passed out materials and went over the layout of the property. In contact with Richard Kirby, LEC Environmental Consultants, Inc., the first peer review of the site posed a question about a piece of the property. One question R. Kirby had is if the drainage easement along the Eastern portion of the site could be considered a resource area and jurisdictional by the Commission. L. Beals and D. Howe reviewed the drainage easement and the upstream area to determine if there are other wetlands or easements that are tributary to that drainage easement. The first delineation, the drainage easement would be jurisdiction. Stated that L. Beals will give a summary on the findings from the delineation today (December 1, 2021).

L. Beals stated that towards the back of the visual display is where the drainage easement flows into the intermittent stream. Looking at the vegetation, one plant is Staghorn Sumac in the easement, it is not a wetland plant, it is an upland plant. The vines depicted are an invasive plant called Oriental Bittersweet, which do not grow in wetlands. Outside of the borders of the photo is a 12" diameter tree which is a Big Tooth Aspen, it is an upland plant as well. They looked at the hydrology of the plants in the soils, plants are almost exclusively upland. With the manmade, manufactured swale, the drainage upstream comes under the roadway, there is a headwall. Riprap along the whole area, along the channel there is stone. They tried to get a soil sample, but it is all fill and rock. Concluded that the



resource area is an intermittent stream. Has water but does not have the soils and plants to constitute it as a resource area. There was a wetland flag put up but were not sure who put it there. There is a Cedar growing on the banks of the drainage easement, pointed out where the headwall is that discharges stormwater runoff. There is a catch basin in the field, assumes that the parking lots are connected. Concluded it is a drainage easement, not a resource area.

D. Pearson asked if this was independently done, without R. Kirby. L. Beals stated R. Kirby was not onsite today. L. Beals also stated that they should be presenting their findings to R. Kirby as well.

D. Pearson asked if continuing to January 5, 2022 would work. D. Howe agreed.

C. Lynch stated that the Department has not reviewed the newest material yet since it had been submitted earlier in the day today (December 1, 2021).

M. McInnis asked if the peer reviewer submitted comments and has seen the new material. C. Lynch stated that he had provided comments before the site visit and submittal of material at the meeting. L. Beals stated that R. Kirby has not seen it.

Upon motion duly made by L. deWahl and seconded by V. Licciardi, it was unanimously

VOTED: To continue the Public Hearing for 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1493 To the January 5, 2022 Conservation Commission meeting.

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 196 Ballardvale Street – Map R2 Parcel 18H – DEP File #344-1421**

Documents: Request for Certificate of Compliance, received October 25, 2021  
“As- Built” Plan, last revised December 23, 2020  
Email from Cameron Lynch, Conservation Agent, and Benjamin Osgood, Ranger Engineering, dated November 30, 2021

Present in Interest: Benjamin Osgood, Ranger Engineering Group, Inc.

B. Osgood stated that the property was permitted about three (3) years ago, construction was completed last fall to the middle of last summer, the owner would like to get the Certificate of Compliance (COC) to clean it up, trying to get it done as soon as possible. Stated that site inspection is stable, an email was received from C. Lynch regarding some trees and shrubs that may not be exactly per the proposed plan, did a site visit tonight (December 1, 2021), believed they planted all the plantings, stated that some did not survive, they did not show every little shrub on the As-Built plan because it gets to be tedious. Did notice there were some additional trees planted earlier in the fall, some did not survive additional planting. Stated that, generally, the plantings are in compliance with what the Commission had approved. There are no shrubs by the sign, there was a note in the plan that there would be a planting area at the base of the new sign To Be Determined (TBD), the owners want to keep it as a lawn. Stated that the patio was added due to COVID, Habit Burger opened right at the start of COVID, they wanted to add outdoor seating, stated they had a permit from the Board of Health (BOH), the patio is out of the buffer zone, by Ballardvale Street. Stated that there is no furniture there, unsure if they will use that area, generally the site is stable and in conformance with the Order of Conditions.

C. Lynch stated that B. Osgood went over some of the comments made. During the site visit, some of the plantings have died and are missing on some of the islands in the parking lot, the patio, and on the

approved plan it showed a potential planting area under the sign labeled TBD. The only thing in the buffer zone would be the sign plantings, the rest are more of a Planning Board issue that would be addressed at some point. It is the Commission's decision if they want to see plantings under the sign, in the area where they planned.

D. Pearson asked how big the patio is. B. Osgood stated that it is about 12x12. C. Lynch stated that is also outside of the buffer zone.

D. Pearson asked if it is ok with the Commission. C. Lynch stated that it would be okay with the Commission, but possibly not with the Planning Board, it is out of the Commission's jurisdiction.

D. Pearson asked about the plantings in the islands in the parking lot and if they were outside of the buffer zone. C. Lynch stated that they are also outside of the buffer zone.

D. Pearson stated that the only thing is the plantings around the sign.

B. Osgood stated that right now, it is just lawn, they keep it maintained but want to avoid having things in view of the street. Stated that they planted extra trees, on the As-Built, there are three (3) trees near the sign that were planted, but not on the proposed plan, wanted trees around the sign instead of shrubs. Stated that it was more of a Planning Board issue rather than a Conservation Commission issue. It is stable and maintaining the buffer zone.

D. Pearson asked B. Osgood to verify about the additional plantings that were planted that were not shown on the plans. B. Osgood stated that they added trees down on that side of the property in the buffer zone.

D. Pearson asked the Commission members if they were okay if they planted a couple of trees in one place but nothing where they said they would. M. McInnis stated that he is not concerned where they were planting the trees, asked if it was jurisdictional for the Commission. All the Commission members stated they were okay with the plantings.

Upon motion duly made by T. Bradley and seconded by L. deWahl, it was unanimously

VOTED: To issue the Certificate of Compliance for 196 Ballardvale Street – Map R2 Parcel 18H – DEP File #344-1421

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 804 Woburn Street – Map 46 & 47 Parcels 130 & 2 – DEP File #344-1384**

Documents: Request for Certificate of Compliance, received November 8, 2021  
"Existing Conditions" Plan Set 1-6, last revised March 26, 2021

Present in Interest: Joseph Persechino, Tighe & Bond, Inc.

C. Lynch stated that this is Analog Devices property, also listed as 1 Analog Way, stated that him and Hai Lam, Wilmington's Assistant Town Engineer, went for a site walk and it looks in good condition.

Upon motion duly made by T. Bradley and seconded by V. Licciardi, it was unanimously

VOTED: To issue the Certificate of Compliance for 804 Woburn Street – Map 46 & 47 Parcels 130 & 2 – DEP File #344-1384

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 291 Chestnut Street – Map 2 Parcel 21A – DEP File #344-1448**

Documents: Request for Certificate of Compliance, received November 16, 2021  
“As-Built Plan” dated November 15, 2021

Present in Interest: David & Lori Morgan, Owners

C. Lynch stated that anything behind the fence, there can be no mowing or trimming, anything behind the demarcation leave that be.

D. Morgan agreed to the conditions.

Upon motion duly made by L. deWahl and seconded by V. Licciardi, it was unanimously

VOTED: To issue the Certificate of Compliance for 291 Chestnut Street – Map 2 Parcel 21A – DEP File #344-1448

**REQUEST TO EXTEND ORDER OF CONTITIONS – 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400**

Documents: Letter from Maureen Herald, Norse Environmental Services, Inc., dated November 5, 2021  
Email from Maureen Herald, Norse Environmental, Inc., and Cameron Lynch, Conservation Agent received December 1, 2021.

Present in Interest: Robert Autenzio Jr., Applicant/Owner

C. Lynch stated that on the original request, the applicant has requested an additional three (3) years extending the Order of Conditions to December 6, 2024. Had informed, today through email, Maureen Herald, Norse Environmental Services, Inc., and the Applicant that special legislation was passed for COVID-19, so any Order of Conditions issued before March 10, 2020, were extended an additional 462 days, making a new expiration date for this Order, March 13, 2023. Stated that M. Herald followed up and stated that they would be requesting only one more year instead of three. Stated that the request should be denied since they already have the deadline over a year extension already placed.

D. Pearson stated that if the applicant needs more time after the March 13, 2023 deadline, before that time, they should submit another request and attend the meeting.

R. Autenzio stated they will be done before that time. C. Lynch stated that this Order was in response to enforcement, keeping it to the deadline of March 13, 2023, is reasonable.

D. Pearson asked if a formal request was submitted. C. Lynch confirmed that there was a formal request. D. Pearson stated since it was a formal request, it must be denied.

C. Lynch asked about a tentative construction schedule.

R. Autenzio stated he has one on hand and went over the construction schedule, he has material ordered, once the weather is better in the Spring is when they will start putting down the asphalt, and finish by late Spring.

M. McInnis asked if the applicant would be better off retracting the request rather than being denied. D. Pearson suggested denying the request now, then the department of Planning & Conservation can discuss what can be done in the future.

Upon motion duly made by M. McInnis and seconded by T. Bradley, it was unanimously

VOTED: To deny the extension for the Order of Conditions for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400

#### **NOTICE OF VIOLATION – Trees**

##### **201 Lowell Street – Map 48 Parcel 73A – Update**

C. Lynch reiterated what happened on the property, which included cutting trees within the buffer zone. Stated they will come to the next meeting with an RDA, filing it by December 15, 2021; they will be putting in plantings and installing signs that state there should be no mowing, trimming, or dumping along the street. Stated that they will also be installing an informational board about the wetlands and facts on preserving them.

##### **447 Middlesex Avenue – Map 96A Parcel 3A**

D. Ciccariello stated he was in the process of leveling his backyard and received a letter from C. Lynch, he was not aware of wetlands behind his property. He followed the letter; put up a fence, Norse Environmental Services, Inc. came out, tagged all the wetlands, and in the process of waiting to get the land surveyed. Would like to finish mediating.

D. Pearson asked if once they get everything together, then will he file.

D. Ciccariello agreed. Norse Environmental stated he needs to demarcate the 15' no disturb buffer, thinking about boulders to demarcate.

D. Pearson stated that the Commission will see a filing soon. D. Ciccariello agreed once the land gets surveyed then he can present something.

C. Lynch asked the Commission which filing would be more appropriate a Notice of Intent (NOI) or a Request for Determination of Applicability (RDA), depending on what information is given, the RDA being the less extensive filing. If the Commission reviews that information and decides there needs to be more, they could potentially advise an NOI instead. It is the Commissions choice.

D. Ciccariello stated that he is in the buffer zone, but the work was not physically in the wetlands. D. Pearson asked if it is the Lubbers Brook riverfront, C. Lynch stated he does not believe it is.

C. Lynch confirmed with D. Ciccariello that Maureen Herald, Norse Environmental Services, Inc., will be on this project. C. Lynch stated that he will be in contact with M. Herald about the project.

D. Ciccariello stated that he hopes to have everything done by next meeting, including the surveying.

C. Lynch stated that it might be difficult to get everything by the January 5, 2022 meeting, he may have to continue to the February 2, 2022 meeting if necessary. D. Ciccariello agreed. C. Lynch thanked D. Ciccariello for putting up the fencing so quickly.

## **ADMINISTRATIVE TREE REMOVAL**

### **53 Chestnut Street – Map 16 Parcel 3 – Trees**

C. Lynch stated that this removal is for three (3) tall, White Pines located behind the house. They are about 40'-45' away from wetlands. There is a cluster of four (4) or five (5), and one right in the center, about a 100' tall Pine fell from the windstorm last month. The others have rotting roots, bases are hollow, and are leaning towards the house. They will be removed using a cherry picker from the street because the lawn is set down low behind the house. Will not be going near the wetlands. They will be trimming another tree, but DPW (Department of Public Works) will be doing that, since it is a public shade tree.

### **378-384 Middlesex Avenue, & 200 Jefferson Road**

D. Pearson acknowledged the Superseding Order of Conditions issued by DEP (Department of Environmental Protection).

## **MINUTES – November 3, 2021**

Upon motion duly made by M. McInnis and seconded by V. Licciardi,

D. Pearson, T. Bradley, L. deWahl, V. Licciardi, and M. McInnis voted 5-0 to accept the minutes for the November 3, 2021 Conservation Commission Meeting with two (2) amendments

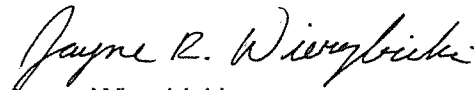
## **NEXT MEETING – January 5, 2022**

## **ADJOURN**

There being no additional business to come before the Conservation Commission, M. McInnis motioned and L. deWahl seconded, it was unanimously

VOTED: To adjourn the meeting at 8:49 pm.

Respectfully submitted,



Jayne Wierzbicki  
Senior Clerk

