



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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TOWN CLERK

2022 MAR -3 AM 9:47

CONSERVATION COMMISSION MINUTES

January 5, 2022

Donald Pearson called the meeting to order at 7:05 p.m. after stating the following:

This meeting of the Wilmington Conservation Commission is being conducted via remote participation. **No in-person attendance of members of the public will be permitted**, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to participate in the meeting via Zoom can do so by clicking on this link:

<https://us02web.zoom.us/j/82017225560?pwd=RzJKTGtJZkVSVjRvTnZ2QUhKNXJkQT09>

Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 820 1722 5560 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by following the steps previously noted then press *9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. In the event that despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able.

Theron Bradley, Vincent Licciardi, Nestor John Salazar and Alexander Rittershaus were also present. Laura deWahl and Michael McInnis were absent. Valerie Gingrich, Director of Planning & Conservation, Cameron Lynch, Conservation Agent, and Jayne Wierzbicki, Conservation Senior Clerk were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 34 Lake Street – Map 34 Parcel 158F

Documents: Request for Determination of Applicability application, received December 10, 2021
"As-Built Plan" dated August 14, 2007

C. Lynch stated that he does not see the applicant, Jeffrey Bradford, in the meeting, and stated he can go over the project for the Commission. D. Pearson agreed. C. Lynch stated that the applicant is proposing a 10' wide by 20' long driveway extension. The driveway is about 54' away from Silver Lake, erosion controls are proposed, the applicant also already has a fence between the extension and the lake itself. Other than the erosion control being added as a condition, and inspected by C. Lynch before work begins, there are no other comments.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 34 Lake Street – Map 34 Parcel 158F

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 126 Salem Street – Map 83 Parcel 17

Documents: Request for Determination of Applicability application, received December 10, 2021
"Plot Plan of Land" dated July 19, 2021

Present in Interest: Kenneth J. Palladino Jr., Applicant/Owner
Ryan Hanlon, Owner

C. Lynch stated that the applicant is present.

R. Hanlon stated that he is present along with K. Palladino. Stated that they had two (2), dead trees on the front of their property and cut them down because they were believed to be an imminent hazard to the house. Stated that they proceeded to cut them down without the knowledge of the policy and permit process within the 50' buffer zone.

C. Lynch stated that, per the Policy (Tree Removal Policy), one (1) replacement is required. Wetlands had been delineated already and they were able to submit the RDA (Request for Determination of Applicability) almost immediately after he had a discussion with the owners. Stated that there is a Notice of Violation (NOV) scheduled for later in the meeting, when it gets to that point, C. Lynch will reiterate what has been said.

D. Pearson asked if R. Hanlon is okay with planting a replacement tree.

R. Hanlon stated they are okay with planting replacements and were already planning to do so anyways. Stated that they would not have cut the trees down if they did not have to and are advocates for trees.

T. Bradley asked where they intend to plant the replacement tree.

R. Hanlon stated they plan to plant one (1) in the vicinity of the back yard and one (1) in the front yard as well. One replacement would be planted closer to tree number two (2) which can be seen from the street. They were also planning on planting one definitively in the back yard within the 50' buffer zone.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 126 Salem Street – Map 83 Parcel 17

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 159 Church Street – Map 63 Parcel 10

Documents: Request for Determination of Applicability Narrative, dated December 15, 2021
Request for Determination of Applicability Application, received December 15, 2021
"Layout & Materials Plan", last revised, December 1, 2021

Present in Interest: Jamie Magaldi, DPW Operations Manager, Town of Wilmington
Bree Sullivan, Gale Associates, Inc.
Ryan Thackery, Gale Associates, Inc.

J. Magaldi stated they filed to reconstruct the existing High School track as part of the Towns FY23 Capital Plan. The track was last reconstructed in 2004 and then resurfaced in 2013 as part of the construction of the new High School. The existing base pavement under the track is approximately 18 years old and experiencing some failures, to the point where it is affecting competition track events, it is considered a life cycle maintenance project.

B. Sullivan stated that she will be sharing her screen. Stated that this is a track reconstruction project, the existing track has reached the end of its service life, will be replacing the existing track, in time in the exact location it is today. The High School property is surrounded by several wetlands, they had Bill Manuel of Wetlands and Land Management do a wetland delineation at the site, performed a field delineation on October 8, 2021, and subsequently wrote a wetlands resource area report, which was originally left out of the RDA submittal package, but was emailed today (January 5, 2022). In that report, he outlines several resource areas surrounding the track, the highlighted areas on the plan show the resource areas and the associated buffer zones. Resource area A is in the upper right-hand corner, on the northern school property boundary, it is a large, isolated land subject to flooding, it is not a state regulated bordering vegetated wetland (BVW). Not shown on this plan is wetland B because it is off the limits of the plan, it is between the softball field and Wildwood Street. The C and D series are towards the East, the wetland delineation line is the green line on the plan, and the successive buffer zones are the 25, the 50, and the 100. Stated that those are both BVW's associated with the Mill Brook watershed. The E series flags are a small, isolated wetland, the isolated land subject to flooding, no associated buffer for that wetland. The F series is a large contiguous BVW associated with Mill Brook. Mill Brook is marked by the blue line on the plan, it shows the mean annual high water, which was flagged with the R series one through nine. B. Manuel could not go further beyond those limits because the underfoot surface is highly organic and very mucky. He was able to get sufficient flags along Mill Brook to get the 200' buffer line within the limits of construction. The construction occurs within the area of the existing track and inside the existing fence line. In addition to the track replacement, they are proposing an additional fence extension, a 4' chain-link fence continuing about 75' all the way to the perimeter fencing. The existing turf will not be touched as part of this project, it will remain as is. The project has a number of mitigating facts as relating to conservation, included in the cover letter. The project is a footprint replacement, no further land disturbed other than what has already been disturbed, all work will occur within the existing fence line, sedimentation barriers will be placed along the fence to prevent construction debris from entering the wetland resource areas. Prior to commencing construction, the contractor will meet with the Conservation Agent to discuss construction phasing and resource area protection measures. As part of the project close out, the site will be inspected for stability and proper decommissioning and disposal of sedimentation barriers. The Conservation Agent will be notified of project completion so a close out inspection can occur.

C. Lynch stated that the erosion control should be changed from a silt sock to a silt fence, so it gives higher protection. Stated that it does get steep, especially on the left side of the track. B. Sullivan agreed to the silt fence.

V. Licciardi asked to clarify if the old track and base are being removed and then replaced by a new base and then a new finish. B. Sullivan stated that V. Licciardi is correct.

D. Pearson asked about the turf field, when it was dropped into the track area, now they are removing the material around the field, if there are any issues to guard against to protect the turf and if it is different performance layers. B. Sullivan said that is correct and asked if D. Pearson is asking about accessing the field. D. Pearson asked about when they replace the track, are there special precautions they will need to take to protect the turf field.

B. Sullivan stated that there is protection for the field, all the work can be performed outside of the turf field, but if they need to put equipment on the field, there will be protection.

J. Magaldi stated there is also a transition from the existing track to the field. Does not know if it is a synthetic stone or some sort of paver, but it does not go from a rubber track right to the synthetic turf.

B. Sullivan stated that there is a curb that surrounds the turf which is what the turf is anchored to, meaning there is a physical barrier that delineates the space between. They will not be disturbing the integrity of that curb when the track is removed. D. Pearson asked if that is present in the straightaways as well as when the curb ends, if it is all around the track.

B. Sullivan stated that in the end zone, the curb would go down and all the way around the turf but not around the curve of the track.

D. Pearson asked V. Gingrich if there are any comments from the public, V. Gingrich stated that there are no comments.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 159 Church Street – Map 63 Parcel 10

PUBLIC HEARING – NOTICE OF INTENT – 226 Burlington Avenue – Map 17 Parcel 54 – DEP FILE #344-1495

Documents: Notice of Intent application received December 10, 2021
“Site Plan to Accompany a Notice of Intent Application” dated January 24, 2019
Notice of Intent revised cover page, December 15, 2021

V. Gingrich stated that there is someone from Hayes Engineering that may be part of this project, asked if they are involved. Peter Ogren of Hayes Engineering stated that he is not part of this project, he is part of the West Street project. V. Gingrich thanked P. Ogren. V. Gingrich asked that C. Lynch go over this project and stated that the project does not yet have a DEP file number, so there cannot be any action tonight.

C. Lynch stated that this project is for the demolition of an existing single-family home and the construction of a new single-family home. A new paved driveway, septic system, stormwater infiltration system, and associated site work. The house will be approximately 57' from BVW's. The project will overall reduce impervious surface on the parcel by 1,100 sq. ft. The erosion controls are proposed in the back.

V. Gingrich stated that the Engineering Department did not have any comments on this NOI (Notice of Intent), and a draft order was prepared by C. Lynch, but cannot be done tonight. Stated that no demarcation is shown on the lot, for the limit of work in the back, the erosion controls are between 35'-50' from the wetlands, they are not getting up to the 15' no disturb, wanted to flag for discussion.

D. Pearson stated that it will be discussion for next meeting. Without a DEP file number, the Public Hearing will be continued to the February 2, 2022, Conservation Commission meeting.

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

VOTED: To continue the Public Hearing for 226 Burlington Avenue – Map 17 Parcel 54 – DEP File #344-1495 To the February 2, 2022 Conservation Commission meeting

PUBLIC HEARING – NOTICE OF INTENT – Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494

Documents: Notice of Intent application received December 15, 2021
“Wetland Construction Protocol” dated November 7, 2021
Order of Resource Area Delineation, recorded May 28, 2021
“Definitive Subdivision Plan” dated December 8, 2021
Stormwater Management Report, dated December 8, 2021

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy stated that he will be sharing his screen. This NOI is being filed for a proposed subdivision roadway, utilities, and stormwater system, located off the north side of Marion Street, by 71 and 73 Marion Street. Last Spring, an Abbreviated Notice of Resource Area Delineation (ANRAD) was filed to confirm the wetland resource areas on the site, the Commission issued the Order of Resource Area Delineation (ORAD) confirming those resource areas. LJR Engineering is the surveyor for the project, they did the soil testing preliminary work, Patrick Bower of Amoskeag Engineering Consultants, PLLC, did the detailed roadway and stormwater system design. Stated that while the plan set does show proposed house lots, grading around the proposed homes, and buffer zone impacts, this NOI is only for the subdivision roadway, utilities, and stormwater system itself. Stated that if this were to be approved, there would need to be an NOI submitted for the individual house lots within the subdivision. The existing conditions sheet of the plan set shows a BVW associated with an intermittent stream just off the edge of Marion Street, flows south to north. There is an existing driveway access with a culvert beneath it which is the access to the existing homes, 73 and 71 Marion Street. Further in, there is a BVW that crosses the site and opens in back to a larger area to Mill Brook, about 200' beyond the site boundary. The 200' buffer is seen on the plan, straddling the property line. There is no proposed impact to the riverfront resource area as part of this project. With the various wetland areas on the site, most of the site is within the 100' buffer to wetlands, there is a small area in the middle and some area along the westerly end that is out of that 100' buffer. Roadway, grading, and stormwater systems; 750' long roadway, standard cross section, utilities, there is a drainage system, and generally the design of it is such that there is a low point in one area and there is a closed drainage system to an infiltration basin at the rear of the 71 Marion Street lot. Wetland impacts: stated that most of the site is within the 100' buffer zone, the roadway and stormwater system work complies with the 15' no disturb setback, other than the wetland crossings. The work on the individual house lots, such as grading, will be considered at a later time. Stated that in this project, there are two wetland crossings to access useable upland area, the first is just off the edge of Marion Street, where the existing driveway comes into the site, the proposed roadway will widen that area, and involve some impact to wetlands, there is 475 sq. ft. proposed of wetland alteration at this location. Further in, along the roadway, there is the larger wetland alteration with this crossing, involves 4,440 sq. ft. of wetland alteration. Stated that they have narrowed the cross section in the area as much as possible with retaining walls on both sides, eliminating the grass strip, and putting the sidewalk right up to the curb, while maintaining the 28' width of pavement required by the Subdivision Regulations. Provide a 2 to 1 replication for wetland alteration, there are a couple of replication areas proposed. At the rear of lot two and the other replication area proposed on the sides of the existing 73 Marion Street, a total of 10,667 sq. ft. replication proposed, which is greater than the 2 to 1 replication requirement. The other wetland resource area impact is bordering land subject to flooding, there is no impact to that resource area on the first wetland crossing, but there is some impact on the larger, second crossing, in that upper elevation interval. Stated that they calculated a total of 1,617 cubic feet volume impact with this larger crossing. Their proposal is to utilize the

replication area at the rear of lot two, in constructing that, material will have to be removed down to the elevation of the adjacent wetlands and in turn that will provide some compensatory flood storage volume at that location for the storage lost at the wetland crossing; 1,764 cubic feet. Project opened last night with Planning Board, no formal letters or memos issued by the town departments, still at the beginning of the review process. The DEP (Department of Environmental Protection) file number was issued and there are no comments on the DEP file number website.

V. Gingrich stated that the Planning & Conservation and Engineering departments are still reviewing the plans. There are some initial, high-level comments; stated that it would be helpful if the 25' no build setback was put on the plans, the 15' is on there, but would like to see the 25' as well. The bordering land subject to flooding, as seen with the Textron project (201 Lowell Street), they want to see the foot-by-foot elevation of the cut and fill to make sure that each elevation is being compensated for, that is typically shown on the plan with shaded grading to show where the cut and the fill will occur. The crossing at the roadway entrance, from town projects, stated they had been informed by DEP, that even when there is a stream that is encased by wetland, they would still need to quantify stream bank impacts, which seems there will be bank impacts with the extended stream crossing and the widening of the road. Stated that the bank was not delineated with the ORAD, will need to talk about how that will be delineated and checked by the town. Will ask the applicant to do an evaluation of the stream crossing standards for the stream crossing, not necessary for the wetland crossing, but it is for the stream crossing where they are proposing a pipe culvert, will need evaluation in regard to those crossing standards to be justified. Stated that the departments are still reviewing the plans and the replication plans. Where there is wetland impacts and replication, advised the Commission that they would highly recommend that the NOI be peer reviewed by a peer reviewer, but it is up to the Commission. Once everything has been reviewed, by Planning & Conservation and Engineering, all comments will be put in a letter and sent to the applicant and the Commission.

V. Licciardi asked about the path across Lot 7 and if it is an easement. L. Roy stated that there is an existing dirt path/trail, there is no easement associated with it.

T. Bradley stated that he understands the Commission is not being asked to approve the lots, which will come later, but it looks like a tight fit and would not want to see disruption to the wetlands for lots that are going to require exceptions to guidelines that the Commission may not be willing to grant. Asked if L. Roy anticipates if further exceptions will be required for approvals, based on the assumption that the future lots have already been mapped out.

L. Roy stated that he understands there are tight spots with the lot design as well, they have done all the testing for septic system designs and established whether there is adequate space to site the systems and homes in complying with the 15' and 25' buffers. Stated that on a lot of those lots, it will be tight to those buffers, but have laid it out to understand they won't need relief from the Commissions policies.

T. Bradley asked V. Gingrich if it is waiting till later to approve the lots, asked whose strategy it is, the applicant or the town's.

V. Gingrich stated that with subdivisions, it is the best way to do it, is what they have found. Wouldn't want to tie individual parcels to a roadway, in past subdivisions, the NOI ties everything together, some house lots weren't in jurisdiction that were tied to an NOI, so it gets complicated if it is all tied together. The benefit is that the roadway is in the control of the developer, so they will have to close that permit out, and then the house parcels, each one will have to get their own order, and have those orders going forward into the future. Stated that it needs to, in detailed concept, make sense at this stage, so that it is not running into trouble.

L. Roy stated that it was their understanding that it was the preference of the town and that is why they submitted it that way.

N. Salazar asked about the staging/stockpile area by lot 5 at the end of the proposed cul-de-sac, and what they will be stockpiling; lumber, building materials, or cement, etc.

L. Roy stated that the intention is a stockpile area for loam that is stripped, building materials, stated that he thinks it will be a good location being outside of the buffer to wetlands, which is the intent of the applicant coordinating with the owner of the property.

N. Salazar stated that he wants to make sure they are not dumping 300 cubic yards of topsoil somewhere on wetlands. Asked when they foresee the project undergoing and the proposed time length, what time of year, if everything moves forward and the best-case scenario.

L. Roy stated that he cannot speak to the schedule exactly, but it will be a construction season project once they work through permitting and addressed all the comments.

N. Salazar stated that answered his follow up question on the assumption that the season is not through the winter, because of frozen soil, etc. L. Roy stated that is correct. N. Salazar stated his reasoning for the follow up question and concerns of snow and trucks driving through the roadway, needing to be plowed and sanded, was concerned about that getting pushed into the wetlands. However, since the project will not occur during snow season, he rescinded the question. Also added that it does look like a tight fit.

A. Rittershaus asked V. Gingrich if she or someone at Town Hall has reviewed the wetland construction schedule report and if there were any comments.

V. Gingrich stated they have not gotten through that yet, she was able to briefly look at the plans and focus on the crossings to come up with the general comments stated earlier, but they have not gotten into that plan in detail, it would be helpful to have a wetland scientist also look at that replication plan and to confirm that it is appropriate. But they will look at everything and issue comments when they have them.

A. Rittershaus asked what the Commission will be voting on now, at this meeting.

V. Gingrich stated that there will not be a vote tonight since they are still waiting for comments from the departments. There will be comments on stormwater, subdivision regulations on the Planning Board side and make some things potentially shift around. This is the beginning of the process, and they will need to address comments as they go.

D. Pearson asked a question regarding where they are crossing the larger wetland, if it effectively disconnects the northern and southern parts.

L. Roy stated that the wetland does carry through that area, even though there isn't an intermittent stream through there, like there is in the front crossing, they are providing an open bottom box culvert under the crossing.

D. Pearson asked about the number one replication area, at the center lower part - the upper left-hand corner of that part, asked how it connects to the wetlands, stated that it seems to be connected to the lot and asked if it just goes straight across.

L. Roy stated that he agrees it is an irregular shape as far as the replication area, thinks that they could look at it a little closer. D. Pearson stated that at the top, it has to connect to the wetlands. L. Roy stated they are connecting to wetlands in one spot, but the property line is between the replication area and the wetlands, might be able to be shaped a little bit better to connect the way it should. D. Pearson stated that is sort of small anyway.

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

VOTED: To continue the Public Hearing for Marion Street, Eagleview Subdivision – Map 5
Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494 to the February 2, 2022
Conservation Commission meeting

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

Documents: Earthwork Recommendations letter, Geotechnical Services Inc., dated December
6, 2021
Resubmittal/Response Letter dated December 21, 2021
“Exhibit Plan” last revised December 21, 2021
“Non-Residential Site Plan” last revised December 21, 2021
Stormwater Management Report, last revised December 21, 2021
Continuance Request received December 29, 2021

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

C. Lynch stated that the applicant has requested to continue to the February 2, 2022, Conservation
Commission meeting.

Upon motion duly made by T. Bradley 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 February 2, 2022, Conservation Commission meeting

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

Documents: Memorandum from Paul Alunni, PE, Town Engineer, dated December 6, 2021

Present in Interest: Wesley Reed, Applicant/Owner
Attorney Robert Peterson, Sr.
Peter Ogren, Hayes Engineering, Inc.

Attorney R. Peterson stated that they have been on a continuance for this project waiting for the
Planning Board approval and close of the project and complying with the Stormwater Management
Rules and Regulations, now have been fully permitted by the Planning Board, hoping to receive their
Order of Conditions from the Commission. Stated that he is happy to answer any questions relative to
the project.

C. Lynch stated that there is a draft Order of Conditions ready, which was sent to the applicant today, but is not sure if they had the chance to review it.

Attorney R. Peterson stated that he received the draft order, reviewed it with Tony Capachietti of Hayes Engineering and they agree. P. Ogren stated they received and reviewed it as well.

D. Pearson asked the Commission if they have had a chance to review it as well.

C. Lynch stated that number 48 stated that permanent demarcation in the form of post and rail fence or boulders placed a few feet apart. Stated that those were not proposed for the project.

Attorney R. Peterson stated they agree with the condition.

P. Ogren asked about putting that demarcation along the wetland line or along the 15' no disturb line.

C. Lynch stated that it would be on the 15' no disturb. P. Ogren stated that made sense. C. Lynch stated they can also put it at the limit of work, either one will work. P. Ogren stated the limit of work might make sense in a lot of places as well. C. Lynch stated that is also something they can determine.

V. Gingrich stated that there were no "hands raised" for public comments.

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

VOTED: To close the Public Hearing for 154 – 156 West Street – Map 56 Parcels 1 & 2 – DEP File #344-1486

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

VOTED: To approve the Order of Conditions for 154-156 West Street – Map 56 Parcels 1 & 2 – DEP File #344-1486

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

Documents: "Drainage Mitigation Plan" dated November 29, 2021
Stormwater Report, received November 30, 2021
Revised Plan Letter from Norse Environmental, Inc., dated November 30, 2021
Letter from Norse Environmental, Inc., dated December 14, 2021
"Drainage Mitigation Plan" dated December 13, 2021

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.

C. Lynch stated that he had seen M. Herald but is unsure if she is currently in the meeting. C. Lynch suggested to start explaining the project now. D. Pearson agreed. C. Lynch stated that this project is for a 20'x36' garage with associated grading and utilities, the garage is approximately 27' from the BVW's, and they have a 3' wide stone drip trench surrounding the garage which gets to about 24' from the wetlands. The draft Order of Conditions is ready and has been sent to applicant, unsure if they have reviewed it.

M. Herald Refreshed the Commission on the filing. Stated that the original filing did not show any type of infiltration for the garage. They revised the plan to show an infiltration trench that goes around the

entire garage. They originally proposed to remove an area of asphalt and replace with crushed stone, they are now replacing with lawn/grass area. Stated that she believes all the Engineering comments have been addressed.

C. Lynch stated that there is a draft order ready, it had been sent to Norse Environmental earlier today, but is not sure if they have viewed it yet. M. Herald stated that they have reviewed it.

C. Lynch stated that number 49 is what needs to be discussed. Demarcation in the form of a post and rail fence, the area that they would be able to put it is right behind the garage, wanted to get the Commission's thoughts on it because it is a small area and they have a big garden in the back already.

M. Herald stated that there is an existing garden wall that is approximately around the 15' no disturb and wanted to know if that would suffice in terms of a permanent demarcation wall.

D. Pearson asked what the wall is made of. M. Herald stated that it is a block wall with a fence on top.

C. Lynch stated that the area he had been referencing was the corner of the wall to across the 15' behind the garage. It is a small area and out of the way but wanted to get the Commissions thoughts on the fence. D. Pearson asked if it is an existing wall. C. Lynch stated that there is an existing wall, but there is not a fence in the place he is referencing. Some sort of permanent demarcation would suffice.

T. Bradley asked if there is an objection to putting up a wall or fence in that area.

M. Herald stated that it is something they could do, her initial assumption was that they do have some sort of demarcation, but if the Commission wants something there, they can add the different demarcation. There is also a landscape berm that permanently protects the wetland, but they can always add boulders or a post and rail fence.

T. Bradley asked if C. Lynch went to the site. C. Lynch said he had been to the property, it is not a large portion of the site, but wanted to point it out before it was made official.

D. Pearson asked about the note about how contractors should notify engineers if groundwater is observed during construction. Asked if C. Lynch would also be notified if groundwater is observed. M. Herald agreed to notify C. Lynch if groundwater is observed during construction.

D. Pearson stated he does not feel strongly that the demarcation should extend along the 15' beyond the garage. D. Pearson asked the Commissioners if they would like to continue the demarcation from the end of the wall along the 15' line, all of the Commissioners agreed. M. Herald agreed to the condition.

Upon motion duly made by T. Bradley and seconded by A. Rittershaus, it was unanimously

VOTED: To close the Public Hearing for 31 Arlene Avenue – Map A-90 Parcel 10 – DEP File #344-1491

Upon motion duly made by T. Bradley and seconded by A. Rittershaus, it was unanimously

VOTED: To approve the Order of Conditions for 31 Arlene Avenue – Map A-90 Parcel 10 – DEP File #344-1491

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

Documents: Response to Engineering Division Comments, dated December 14, 2021
 Response to Planning & Conservation Comments, dated December 14, 2021
 Traffic Engineering Peer Review Response Letter, dated December 14, 2021
 Traffic Engineering Peer Review Letter from TEC, dated December 21, 2021
 Operation and Maintenance Control Plan, last revised December 10, 2021
 "Plans to Accompany Permit Documents" last revised December 10, 2021
 "Residential Buffer Zone Sections" dated December 7, 2021
 Revised Building Elevations, received December 17, 2021
 "Plans to Accompany Permit Documents" last revised December 22, 2021
 Response letter from Beals Associates, Inc., dated December 23, 2021
 Email Response from Deputy Chief Christopher Pozzi, received December 27, 2021
 Email Response from Matthew Costa, received December 28, 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.
 Dan Ray, Jewett Construction

L. Beals gave a brief overview of the project and where the property is located. Stated that they have been to three Planning Board meetings and, as a result of last night, stated that the Planning Board is satisfied with the design. Most of the development is being done on the western side of the property. The roadway that went through a wetland crossing has been eliminated. Emergency access around the smaller building has been implemented after review from the Fire Department. They realigned some of the roadways for better traffic flow. The smaller building C was 21,600 sq. ft. and was reduced to 19,800 sq. ft. Discussed salt transport through soils using USGS map (US Geological Survey), including significance to the colors, deposit on glacial till, dense salty material that was put down under the ice sheet, relatively impervious, and a non-aquifer material. There are some blotches of bedrock. Glacial till can be composed of clay and cobble, it is slowly permeable and dense. The visual display shows stratified drift, which is sand and gravel, put down in layers depending on the velocity of the water. Stated that glacial till is better for industrial development. Low potential soils with high salt retention when spreading salt is best, the salt applied to the site will remain there and move slowly. Stated all the recommendations on the presentation which have been included in the O&M (Operation & Maintenance) plan.

M. Costa stated there was a crossing over the stream before and now they have turned it up towards the road, and there is a net decrease in impact within the 15' no disturb. There is an overall increase in impact due to the realignment of the access drive. Stated they are only impacting about 53% of the overall buffer area, 36% of that is within the 50' buffer zone. Taken out the impact of the 15' no disturb as well as direct impact to the stream. The development is staying towards the industrial park while they are protecting the resource area and residential area more. The retaining wall along the stream in the revised submittal was realigned to follow the edge of the roadway, shortening the wall as well as allowing for grading and replanting at the bottom of the wall. Stated that they also decreased the height of the wall which is about a foot lower at its maximum height, the average height also goes down by a foot making all along the retaining wall about three and a half feet. In the revised submittal, the other retaining wall, originally about six and a half feet tall and about 84' long, is replaced by a 1:1 rip-rap slope when the roadway is lowered about one foot and a half, that . The Endangered Species study

was in the original documentation submittal, National Heritage map showing to the left, protected habitat area, no National Heritage area on the property, there is a certified vernal pool that is well outside of development. The cut and fill analysis, the earthwork, the site is a fill site, they raised a building to avoid bedrock, about a 24,000 cubic yard fill. Stated that, per the Wilmington tree removal policy, a week ago they surveyed the trees within the 50'-100' buffer zone, the majority of the trees are within 10"-12" in diameter, light vegetation. They provide a count on how many will be removed which is 52, with 16 additional plantings in that area, proposing to plant about 62 total trees, overall, about 176 trees throughout the property with a variety of species to mix it up because of lack of diversity. Provided a summary of interests for this project.

V. Gingrich stated that the Engineering (issuing comments next week) and Planning & Conservation (issuing comments soon) Departments are still reviewing plans, there was a lot of different documents submitted which are still under review. Stated that the applicant mentioned building C, there was a vegetated drive that was added around that building, they had to add a short retaining wall outside of the 15' no disturb and less than 4' tall. Typically, the Commission has not disallowed retaining walls in the no structure setback if they are under 4', because they are not considered a structure.

V. Licciardi stated that he still has a problem with the retaining walls, specifically the height. Sheet C6.9 shows some of the walls at 28', 27', 21', asked for clarification.

M. Costa stated that the larger walls are located along the property lines of Ballardvale Street. That is the only large wall remaining, there is a large existing grade change between the property and Ballardvale properties, plus the lift of those loading areas cause the increase.

V. Licciardi asked if they will be putting the walls up. M. Costa stated that they will be constructing the walls. V. Licciardi asked if these walls will be landscaping or large concrete blocks. M. Costa stated that they are looking at the smaller concrete blocks currently. Stated that they have a step landscape wall which was discussed with the Planning Board along the west side of the property, no more large walls by the resource areas. V. Licciardi asked if this was the entire length and asked if it will be engineered by a structural engineer. M. Costa stated that is correct. V. Licciardi stated that in the parking lot areas, there are step walls, asked what will be put at the top where the driveways are to stop a vehicle from accidentally going over the side. M. Costa stated they are proposing a wood guardrail. V. Licciardi asked if it will be structurally engineered. M. Costa stated that is correct. V. Licciardi stated that another wall is very close to the no disturb area, asked what kind of wall it will be. M. Costa stated that will be the smaller, concrete block retaining wall, the product is Versaloc which is typically used for the smaller block. V. Licciardi asked M. Costa to tell the Commission how tall that wall will be. M. Costa stated that the tallest point is seven feet, then slopes to about three and a half to four feet.

T. Bradley stated that at the last meeting the Commission requested, and the applicant agreed to provide, a discussion on the overall impact on wetlands and the BVW's, compared to the plan approved in 2019, stated that he had not seen that yet at this meeting.

M. Costa stated that the Resource Area Impact Study table, from the presentation shows the impact on wetlands, a net increase of about 4,000 sq. ft. impact to the buffer zones, primarily the 5,800 sq. ft. in the 100' buffer zone, due to the realignment of the driveway. L. Beals stated that the numbers on the right-hand side of the table, the 15' no disturb zone is decreased by 1,500 sq. ft. and direct resource impacts are decreased, it goes from 575' sq. ft. down to zero, because the driveway was taken out. T. Bradley asked if there was an increase in the 50' buffer zone. L. Beals stated that it was a 400' increase. T. Bradley asked if there was any way to reduce that. M. Costa stated that he does not believe so because the primary impact is from those access drives, looked at reducing the wall heights and adjusting those elevations to reduce impacts. Stated that, per the zoning requirements, they have

made sure they meet those. T. Bradley stated that he has some concern that in 2019 the Commission stretched to allow the building and the buffer zone to the extent that they had, stated that it is disturbing to see that increased some more.

A. Rittershaus asked if the deicing and salt management measures proposed will go in the O&M plan or in the conditions. L. Beals stated that they can do what is preferable of the Commission, stated that he believes the way it is typically done is in the O&M plan and obligating the owner of the property to comply. Stated that they can also put it specifically in the Order of Conditions as a condition. Asked if they should put it in once or twice. A. Rittershaus stated that putting it in once is fine, as long as it is generally referenced. L. Beals stated that he believes the O&M plan is the right way to do it because that is what people will have when they are operating and maintaining the site.

D. Pearson asked about the winter maintenance section in the O&M plan, pretreatment on paved surfaces, was mentioned, preferably by spraying a solution of salt onto the road as opposed to scattering crystals and/or sand. L. Beals stated that it is an effective technique, when there is a storm anticipated, stated that the deicing compound goes down early, then as the snow begins to hit it, it melts. Stated that waiting till after the snow hits the ground is less effective.

D. Pearson asked if they can possibly treat, given roadway temperature, by spraying a solution of salt on the road, if it is more under their control, and the rate and amount that can get offsite is less. L. Beals stated that it is more under their control. D. Pearson asked if rather, in the O&M manual, than a mention of pretreatment or prewetted salts, as something that can reduce application. If snowfall and temperatures warrant it, that may be the go-to method, but if not, they may use a salt mixture, scattered by slower moving vehicles at a rate that they are tracking. Also did not see anything mentioned about sand, asked if it will be a mixture of salt and sand used, stated that it looked like they were just talking about salt.

L. Beals stated that they were talking about salt because that was the concern, but it would be a salt/sand mix. D. Pearson asked that if there were a salt/sand mix, do they then, in the wintertime have requirements that sweeping take place, stated that he looked at the section that mentioned sweeping and stated that they had said it was recommended they do it monthly. Asked that if, in a bad season, putting down that mixture could be more often. L. Beals stated that is possible, but the benefit of leaving a parking lot surface gritty is that they would not have to re-sand.

D. Pearson stated that the language used on pre-wetting salt is of more interest and not something they would want used as the first layer of defense. L. Beals stated that maybe they should write it more carefully, stating to prioritize the techniques. Stated that they want to leave more flexibility with the building manager because they will not be able to anticipate everything. Stated that they will take a look at that language and share it with the Planning & Conservation Department.

D. Pearson asked about the logs, and they had mentioned the property manager retains all the logs. Asked if that is something that is shared with the town on a routine or on demand basis, or if there is a more formal way to access the logs. L. Beals stated that the purpose of the logs is for the property manager every year to look at how much deicing compounds are being used and what types. The purpose of it is to show the property manager all of that information and data. Stated that is something that can be shared with the town if they are interested.

Upon motion duly made by V. Licciardi and seconded by T. Bradley, 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 February 2, 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: Memorandum from Beals Associates, Inc., dated December 9, 2021

Present in Interest: Devin Howe, Beals Associates Inc.
Larry Beals, Beals Associates Inc.
Richard Kirby, LEC Environmental Consultants, Inc.

D. Howe stated that during the last Conservation Commission meeting, they had presented their findings on a questionable drainage easement along the eastern side of the property, question if the easement was jurisdictional as an intermittent stream. Stated that after that meeting, Beals Associates issued a memo that discussed why the stream was not jurisdictional, providing the information to support that finding. Following the issuance of the memo, R. Kirby issued a memo, stated that he believes it concurs with their determination. Stated that he can also go through the memo from Beals Associates if the Commission would like.

D. Pearson asked D. Howe if he had any more to say before R. Kirby speaks. D. Howe stated that he is all set, unless there is anything in the memo that the Commission had questions about.

R. Kirby stated that a memo had been prepared today, after conducting site visits and reviewing the memo from Beals Associates. Stated that he was on site in mid-October and early November, the second meeting was with D. Howe. Stated that the purpose of those meetings was to evaluate the delineated stream, whether this stream has an upgradient wetland, it flows from or through, which renders it jurisdictional. Stated that those flags that delineate the bank for that stream are straightforward, curl along the top of the relatively steep slope, not a lot of room for interpretation. The stream along the eastern property boundary, the drainage ditch, which occurs within a drainage easement, just off site. Questioned if it was jurisdictional at first, they worked with the town to determine if there were any upgradient resource areas, if there were, similar to the stream, it would be jurisdictional. They looked at the town engineering drainage maps that C. Lynch provided. R. Kirby stated that he walked Upton Drive and looked at the stormwater inlets, and all the water that contributes to that drainage ditch is surface water from Upton Drive and the adjacent parking lot. no upgradient resource areas, asked if there is a point along the sides of the channel. Stated that there were not any upgradient resource areas to make it jurisdictional. Asked if there was a point along the channel, if there were no upgradient resource areas, along the sides of the channel where there would be wetland plants and soils, because then there would be a BVW, from that point downgradient or downstream, it would be considered jurisdictional as an intermittent stream. Stated that is when he had met D. Howe on site and advised him that is what the Commission will want to know. D. Howe evaluated the vegetation and the soils, provided photographs, stated that it is consistent with his (R. Kirby's) observations. Stated it is outside of growing season, but the evidence of non-wetland plants along the bank, does not believe it will change much, even if it were Spring or Summer months. Stated that he concurs with the determination that the ditch is not jurisdictional.

Upon motion duly made by A. Rittershaus and seconded by V. Licciardi, it was unanimously

VOTED: To close the Public Hearing for 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1493.

Upon motion duly made by A. Rittershaus and seconded by T. Bradley, it was unanimously

VOTED: To approve the Order of Resource Area Delineation for 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1493

REQUEST TO EXTEND ORDER OF CONTITIONS – Silver Lake Main Street (Rt. 38) – Map 34, 45, 55 Parcel Great Pond N/A – DEP File #344-1139

Documents: Email from Jamie Magaldi, Operations Manager, received November 22, 2021
WPA Form 7, Request to Extend Order of Conditions, received November 22, 2021

C. Lynch stated that this is the filing for the Department of Public Works (DPW), the work is for invasive species management in Silver Lake, they originally got the Order of Conditions in 2009, they have been extending it to continue to manage the invasive species in the lake.

D. Pearson asked V. Gingrich if he should go to the public for questions or comments. V. Gingrich stated that it is not a public hearing, D. Pearson does not have to, but advised that he can if he would like.

C. Lynch stated that the 3-year extension goes to April 2, 2025.

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

VOTED: To approve the 3-year extension for the Order of Conditions for Silver Lake, Main Street (Rt. 38) – Map 34, 45, 55 Parcel Great Pond N/A – DEP File #344-1139

NOTICE OF VIOLATION – Trees

126 Salem Street – Map 83 Parcel 17 – Trees

C. Lynch stated that it was talked about during the Public Meeting for the Request for Determination of Applicability (RDA). The applicant/owner immediately filed an RDA for the two trees that were cut down, they were given a Negative Three (3) Determination.

D. Pearson asked if they would come back in a month or two. C. Lynch stated that they are all set.

55 Andover Street – Map 103 Parcel 15 – Trees

James Morris, Owner of 55 Andover Street, stated that he is in attendance to give his response. Stated that he has provided a response to the improper Notice of Violation (NOV) that he had received. Stated that he does not believe any further action is necessary at this point on his part.

D. Pearson asked J. Morris if he is intending to file an RDA, and that is the action he will take. J. Morris stated that he has no present plans to do that.

C. Lynch stated that a month ago, J. Morris reported that he had a couple of trees that needed to be taken down; some that had fallen on cars. J. Morris had come in to seek approval for cutting down, five (5) or six (6) at the time and that they had talked back and forth, then the number of trees went up to 15. Stated that J. Morris was seeking an RDA at the time. Through the administrative approval process, the department can only approve the removal of up to five (5) trees. C. Lynch stated that J. Morris chose not to do the administrative approval to remove the 5 most immediate trees. Stated that when he did a site visit, he started counting what looked like 20 plus trees removed. Stated that he issued the

NOV because, at the time, he said that he was going to file an RDA, but did not, so the NOV had to be issued. Stated that now that he says he will not be filing an RDA is more reason to issue the NOV.

V. Licciardi stated that he believes it was ok to cut down the problem trees, but to go beyond that, he needs to do what has to be done.

T. Bradley stated that if they were falling and needed to be cut because of safety, he is ok with that, but then asked C. Lynch if he had an assessment at whether it was merely about safety and the administrative approval limiting the number of trees to 5 and never imagined this many trees about to fall.

C. Lynch stated that he does not believe it was 20 trees that needed to be cut down, stated that 5 or 6 could have been cut down with the administrative approval, immediately, that would have been okay, and he could have filed for the remaining trees that were not an imminent threat at the time. However, he chose not to file anything at all. T. Bradley asked to hear from the property owner about his thinking.

J. Morris stated that he believes many of C. Lynch's statements made today, with respect to the condition of the trees and the condition of the property, are wholly inaccurate. Stated that he provided a single space, detailed, four-page letter responding to the NOV with pictures, analysis of the trees that were cut down, analysis of the condition of the property before the trees were cut down, and believes that every single one of the trees was an immediate, clear, and present danger to himself, his personal safety, his neighbor's houses, and their children's personal safety. Stated that he wholeheartedly disagrees with the notion that he cut down 20 trees. Stated that he knows exactly how many trees were cut down and it is 15. Stated that he can go out there, count the stumps, and send pictures to the Commission, if that is what the Commission feels is required. Stated that, by way of elaboration, he asked if the Commissioners have seen the letter that had been sent in response of the NOV. The Commissioners motioned in agreement that they have seen the materials. J. Morris stated that he originally asked for an Emergency Certification (EC), well within the Commission's authority, and the Commission's policies in respect to removing dead, dangerous, dying, leaning, damaged trees. Stated that his EC was denied, and it was suggested that he instead use the administrative tree removal policy and stated that he had gotten verbal approval to do so, and that approval was then withdrawn. Stated that he was in personal danger of the trees falling down, one of them had already hit the house, one had already crushed one of his plow trucks, one of them was about to fall on his house with the remaining stems still left there. Stated that he had requested an EC twice to do this. Stated that he had submitted a planting plan where he is proposing to plant more than twice as many trees as were removed as replacements. Stated that he believes he has done everything that is required, asked for an EC, was advised to use the administrative tree removal process, stated that he tried to do that, it was approved and denied. Stated that he was left with no other choice but to remove these trees, he fully intends that he will follow his planting plan and will replace all the trees, if not more, than what were removed, believes he has done everything that was required. Stated that he sees no further need to file an RDA or any other kind of permit request, as he cannot imagine that any of those such requests will provide the Commission with any further information or anything beyond what has already been submitted in this situation.

T. Bradley asked C. Lynch if he replaces trees according to the tree replacement policy, if he recommends any other action. C. Lynch stated that at the end of the day, it was a violation, so a RDA would be required.

N. Salazar referenced the pictures in the text that was provided, pictures 9-12, the heartwood is rotted out, out of all the trees that were cut down at the homeowners' action, asked if those were the only pictures of the stumps. J. Morris stated that he can provide more pictures, he did not want to

overwhelm the Commission, but would be happy to share his screen now to view the pictures. D. Pearson asked if they were the same pictures he attached to his letter. J. Morris stated they are the same. D. Pearson stated the Commission is ok with the materials provided.

A. Rittershaus asked C. Lynch if the owner were to file a RDA, would there be an initial investigation to determine the exact number of trees that were actually cut down or look into the health status of the trees. C. Lynch stated that each stump would need to be located and have that put on a plan, then file for an after-the-fact RDA. A. Rittershaus stated that, for example, he finds the owner cut down 20 trees, asked if the ultimate resolution is he do the plantings, or if there is an additional remediate action that needs to be taken, per enforcement measures. C. Lynch stated that, per the policy, it does not matter if the trees are alive or dead, it would still need written approval before hand. The number of trees would be 3 to 1, so however many stumps are found, for every 3 taken down, 1 would be required. A. Rittershaus asked if that is the only remedy available, the additional plantings. C. Lynch stated that is the usual remedy for these.

A. Rittershaus asked J. Morris why he was opposed to the RDA. J. Morris stated there is a couple of reasons, stated that he is proposing, and has always proposed, to plant more trees than what is required by the Wilmington Commission tree removal policy. Stated that, in some cases, he is planning to plant three times as many trees as were taken down. Stated that it is his opinion, and believes he is accurate, that this is the kind of work that should have been approved with an EC, stated that he would have been happy to file a RDA as opposed to an EC, but he stated he was dissuaded from that and was advised to use the administrative tree removal process which was then approved and denied, and believes he has done everything that is required. Stated that he has done everything the town has asked him to, stated that this asking to file a RDA is bureaucratic overreach, and from his perspective, he would have been happy to file a RDA after an issuance of an EC, as typically would be the next step, but once the NOV was issued, all bets were off as far as he was concerned, stated that it was certainly overreach, bureaucratic, government, overreach, putting him, his family, his neighbors, his property, in immediate danger for no reason whatsoever. Stated that, as a result of that, he does not believe he should do anything more other than plant more trees, as he already indicated. Stated that he further explained to C. Lynch that if he sent a NOV, he would respond, and asked C. Lynch not to send a notice of violation, and he sent it anyways, stated that this is the response that the Commission gets from someone who tries to do the right thing.

V. Licciardi asked J. Morris to refresh the Commission on when he applied for cutting down the trees. J. Morris stated that it is all specified in the letter, stated that he applied back in November to have the trees removed under EC. V. Licciardi asked if he had come before the Commission, and it got denied. J. Morris stated that is not accurate, stated that he went to the Planning & Conservation department and asked for an EC to remove the trees. Stated that the EC was denied, and instead was suggested to use the administrative tree removal policy. Stated that he filed an application to use the administrative tree removal policy, that application was verbally approved, then rescinded.

C. Lynch asked to speak on the EC. Stated that J. Morris had spoken to V. Gingrich, C. Lynch, and the Conservation Senior Clerk, and had not requested an EC, it had always been an RDA. Stated that they had considered the administrative approval route, and found the limit was 5 trees.

J. Morris stated that he completely disagrees with the characterization of the facts, that it is inaccurate.

D. Pearson stated that if he intends to plant trees, he would still need to show where the wetlands are and where he will be planting the trees, if he were in the 100' buffer zone, so that the Commission knows that the applicant is planting them where they should. Asking for a RDA is providing the Commission with the documentation that they are planting trees where they are allowed to, and that

they are planting a number of them that is sufficient, to make up for the fact that there were trees that were taken down. Does not see why requiring some sort of action from J. Morris would be as burdensome as it may seem or why it is out of line. Stated that if he wanted to plant trees, he would still need the Commission's approval to do so. Stated that submitting a RDA is the simplest way to do it, recommends that he take a moment to think about it and then go ahead with that.

J. Morris stated that he appreciates the guidance. Stated that the trees that were cut down were on the edge, if not in, the existing lawn area. Asked if D. Pearson is suggesting that anyone who wants to plant a tree in their lawn, that may be in the buffer zone, must file a RDA and come before the Commission. D. Pearson said yes. J. Morris asked if that is something that is done on a regular basis in Wilmington. D. Pearson stated that if it is within 100' of the wetland, yes, you would need to say that you want to take action. Stated that planting trees typically do not need much discussion. J. Morris stated that he is well aware of the intricacies of the Wetlands Protection Act, he was chair of the Commission for more than 10 years, in the 1990's through the 2000's, stated that he wrote those policies that are seen on the Town of Wilmington website, with respect to what the Commission looks to have. Stated that he is the one who developed the 25' setback, that he is the one who developed the 15' no disturb zone, that he is the one who developed the 50' no disturb zone for commercial properties, stated that his Commission, he knows this very well, he would be surprised to see people filing RDAs to plant trees in their front lawns, because they happen to be within 100' of an alleged resource area. Stated that he has already submitted a planting plan, has already said that he will plant more trees than were removed, stated that he cannot see the use of an RDA at this point, because he believes he has been treated badly by the town, he cannot see the use or the function of an RDA at this point when he has already agreed to do more than what is required, stated that all it will do will cost him money, and provide absolutely no more information that would help the Commission make any decision whatsoever, with respect to the circumstance.

D. Pearson stated gratitude for J. Morris' past work on the Commission. Stated that with his planting plan, there is no WPA form to carry that plan into the office, it is not attached to something that the Commission would recognize. The EC is one thing, the administrative tree approval is another, which would at least contain the planting plan.

J. Morris stated that his planting plan was a short narrative that was required by C. Lynch that was to be attached to the administrative tree removal application. Stated that it is already in the office and that it must be in the office some place.

C. Lynch stated that the administrative approval was withdrawn, the department does not keep withdrawn documents. J. Morris stated he cannot comment on the Commissions, or the Planning & Conservation departments record retention policy.

D. Pearson asked V. Gingrich and C. Lynch if they had a sense of how to proceed. V. Gingrich stated that it is up to the Commission and if there are any questions about what had occurred, feel free to ask. Stated that when J. Morris came to the Planning & Conservation department and they were talking, along with, C. Lynch at the counter, it was understood that the tree count had changed and that is why the administrative tree policy was no longer an option, when they stood at the counter, V. Gingrich stated that there was no talk of an EC, which are taken seriously and are not denied, they are brought to the Commission after they are filed. Stated that the EC was news to the department when it was said in his description. When trees are taken down without approval, the NOV is standard practice, they attend the next meeting (which is currently being done), and the standard, typical practice is they would file an RDA with planting replacements included with that RDA after-the-fact, they would describe the trees, the number of trees, and the proposed replacements.

D. Pearson stated that he had been on the Commission for quite a while, 20 years perhaps, and has not seen EC for tree removal, that he can remember. Stated that he can say that our practice for after-the-fact tree removal that has been applied to a fair number of cases. People will cut down trees without knowing, they need to check with the Commission, and they will come back with a multitude of responses but will eventually come up with a filing and planting plan, but that is the way it has been going for as long as he has been with the Commission.

J. Morris stated that he completely disagrees with V. Gingrich's explanation of whether an EC was requested or not. Stated that, when it was being discussed with C. Lynch and V. Gingrich, they should not worry because he will do the right thing, stated that he will file the RDA and he will plant the trees. Stated to imagine his shock when he received an NOV, after already having been approved and then withdrawn. Stated that he would be happy to comply and to do this, but no violation of the Wetlands Protection Act (WPA) occurred. Stated that he was fully within his rights, he was denied relief. Stated that if they withdraw the NOV, he will consider filing an RDA.

D. Pearson stated that he would be tempted to say that a violation did occur. J. Morris stepped in and stated that he does not agree that a violation did occur, this was an emergency situation, his request had already been approved, he did not violate anything. Stated that when you have a law that states you must do these steps to get a permit, but then there are safety valves built into the law, that say 'if there is an emergency then you can go do this and then file later', responding to an emergency and then filing later is not a violation of the WPA. Stated that he objects in the strongest possible terms to the issuance of the NOV, and he objects in the strongest possible terms that there was any violation of the WPA itself, as he was taking advantage and using the safety valves available to people under the WPA. Stated that in the Commissions' and Departments' interpretation of the WPA, no one can do anything. That a stream could be flooding someone's house and you cannot sandbag because that's a violation and taking action within some alleged resource area. Stated that he is responding to emergency situations, using the safety valves are the kind of thing that ECs are made for, or other things. Stated that his view is there was no violation.

V. Gingrich advised the Commission to take a vote on what the requirement would be and if there is a requirement to file, what the deadline would be, so that it is laid out in detail, and everyone is aware of the expectations.

D. Pearson asked if it would be an enforcement order. V. Gingrich stated that at this point, the Commission could set a deadline for a filing if that is the direction the Commission is going towards. Stated that if that deadline is not met, that would lead to enforcement. D. Pearson stated that in principle, it seems far apart. Asked the Commission if they would like J. Morris to file an after-the-fact RDA with the restoration plan, the RDA would show the property, where the trees were cut, and where the new trees will be planted.

The Commission agreed to require an after-the-fact RDA be filed by the homeowner.

D. Pearson stated that he is sorry the way J. Morris feels the way he does, but it has been asked for other homeowners, J. Morris is not being singled out, and the Commission would like to see an RDA be filed. Stated that if J. Morris could file for the next meeting, that would be great. The trees have come down and everyone may want to cool off for a while. Stated that he would be okay if it were to be submitted in a couple of months as well.

J. Morris stated that he appreciates D. Pearson but would respectfully request that if the Commission issues a requirement for filing an RDA, that the NOV be void, withdrawn, rescinded, and revoked.

A. Rittershaus asked if they do so, can the Commission still have enforcement rights if the homeowner does not comply. D. Pearson stated that they are asking for the homeowner to do something after-the-fact, which has been asked previously, and the Commission has done NOV as a routine, part of the process to others, who have done things that they did not get prior approval for and stated that he is unsure how to carve out an exception.

J. Morris stated that the exception, in this case, is that this was not done without notice to the Planning & Conservation department and the Commission. Stated that he was very upfront about it.

V. Gingrich stated that is correct, J. Morris did notify the department that he was going to cut the trees down, and there was a discussion on how homeowners are not allowed to cut trees down without prior approval, but the department and the Commission cannot go out to the property and physically prevent people from cutting trees down. But a filing is needed, with the Commission, to cut the trees down. Stated that the department was on notice that he was going to take the trees down, but the suggestion that the department not issue a NOV, which is always issued to people who cut trees down in a buffer zone or resource are without permission, that would be giving J. Morris special treatment.

J. Morris stated that he had permission, it was withdrawn, but he had permission. C. Lynch asked J. Morris if he was referring to the administrative tree removal as the permission. J. Morris stated that he was referring to C. Lynch's voicemail as well. C. Lynch stated that for the administrative tree removal, it was never signed, and a copy was never sent to the homeowner. J. Morris stated that if they were going to go to a place where everything has to be done in writing, and we cannot rely on anyone's word anymore, stated that he thinks we are in a bad place.

D. Pearson stated that he is not comfortable with someone having a special case if he knows what has been done, why the NOV was issued, dozens of times while he has been here. V. Licciardi stated that he can see cleaning up the trees that are down, but to cut the other trees down, he does not go along with that. D. Pearson stated that they are on the subject of issuing vs. not issuing a NOV. V. Licciardi stated that he believes they have to issue a NOV. The Commission agreed. A. Rittershaus stated that it would be more symbolic, not a substantive gain.

J. Morris stated his gratitude and said that he may have a different response if the Commission decides to go this route.

D. Pearson stated that the Commission is asking J. Morris to file an RDA and asked regarding the timetable... V. Gingrich suggested giving more time for the filing, for the March 2, 2022 Conservation Commission meeting, the deadline for the March meeting is February 16, 2022, just so that there is more time. D. Pearson stated that the Commission would like to have an RDA filed for the March meeting.

J. Morris stated that he will give it some thought, but his response may be different.

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

VOTED: For the homeowner to file a Request for Determination of Applicability for the March 2, 2022, Conservation Commission meeting.

447 Middlesex Avenue – Map 96A Parcel 3A – Update

C. Lynch stated that fill was brought in to raise the level of the backyard. A NOV was sent out before the December 1, 2021, Conservation Commission meeting. Since then, they have gotten their wetlands

delineated and put on a plan and they have an as built and an existing conditions plan prepared for submission. Stated that they were not able to submit a NOI for this meeting, planning to submit a NOI for February 2, 2022, which had been discussed at the previous meeting (December 1, 2021), because they were unsure if they would be able to get everything in on time. Advised the Commission to set a hard deadline to submit it by so it does not drag on.

D. Pearson asked if they had agreed in principle to submit it by next meeting. C. Lynch stated that is correct.

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

VOTED: For the homeowner to file the Notice of Intent by the deadline January 19, 2022, for the Conservation Commission meeting on February 2, 2022.

201 Lowell Street – Map 48 Parcel 73A – Update

Dave Fenstermacher of VHB refreshed the Commission on what had occurred on the Textron property with trees being cut down. Stated that they had intended to submit the RDA for the December 1, 2021, Conservation Commission meeting, but there were additional trees that they wanted to include in the RDA. They intend to submit an in-depth RDA in January for the February 2, 2022, Conservation Commission meeting.

D. Pearson stated that their understanding is that they will submit the RDA for the February 2, 2022, meeting.

Lord's Tree Service

C. Lynch stated that he has asked E. Lord to come in for several violations on properties done by Lord's Tree Service, in the last couple of months. The following properties were involved: 126 Salem Street, 8R Fernbanks Road, 55 Andover Street. Over the last year and a half, a majority of the NOV's have been done by them. Stated that at 126 Salem Street, when C. Lynch did a site visit, and spoke with E. Lord, he had informed C. Lynch that he knows what he was doing, he knew the regulations and that he needed approval, but they were not going to seek approval and continue work. C. Lynch stated that E. Lord said, "they didn't care". C. Lynch stated that they have a couple of potential solutions to the ongoing issue that can be discussed later.

Edward Lord, 165 Salem Road, Billerica, MA, stated that he is the owner of Lord's Tree Service. Stated that he has lived in Wilmington for 29 years, it is his hometown, and where he does the majority of his work. He has been cutting trees in Wilmington for 17 years. Stated that he loves this town as well as the woods and Mother Nature, stated that he is not clear cutting the conservation lands, he is not cutting down the cranberry bog, and he is not cutting down the Maple Meadows, he is only protecting Wilmington's people and their properties. Stated that he has never had a problem with conservation in his life, and all of a sudden, C. Lynch of Haverhill shows up, fresh out of college. D. Pearson asked E. Lord not to make it personal. E. Lord agreed. E. Lord stated that C. Lynch's letters are inaccurate and that there are blatant lies in them. Stated that, in the letter regarding 126 Salem Road, C. Lynch wrote that "there were several trees", there were only three trees, that they "fell within the buffer zone" but there was not a drop of water in sight, stated "these activities occurred after I had been informed that cutting the trees would require prior approval from the WCC [WWC]" and had been ordered to "stop working". Stated that was also not true, that he was halfway through the job and stated that C. Lynch said he did not expect E. Lord to stop working. E. Lord stated that in the letter that was sent regarding the parcel at 55 Andover Street, C. Lynch stated that "these activities occurred after you had previously

been informed that cutting the trees required approval from the WCC [WWC]" and stated that it was another blatant lie. Stated that no one from conservation had reached out to him, had they, Lord's Tree Service would have been well within their rights to cut every one of those house crushing trees down anyways. Stated that C. Lynch better get a leash put on or else he will be filing a lawsuit against the Wilmington Conservation Commission, that he is out of bounds and a liability to Wilmington residents. Stated that he will also be filing a complaint about C. Lynch through the State Ethics Board for his lies and his complete disregard for people's property, safety, and wellbeing. Stated that if his customers have potentially dangerous or life-threatening trees in their yard, and they want to cut them down, then that is what he will do. Asked when is enough going to be enough, when someone gets killed by a tree crushing them. Stated that he has cut trees out of people's beds, so he knows firsthand what trees can do, stated again that he has cut trees out of people's beds. Stated that J. Morris of 55 Andover Street and K. Palladino and R. Hanlon of 126 Salem Street both had enormous trees hanging over their bedrooms, the only thing being conserved keeping those trees up were the homeowners' fears at night trying to sleep on a windy night. Stated that J. Morris had two trucks crushed and his power ripped off his house by giant pines, all of those 120' pines were all within reach of his house, were all leaning in towards it, many were very close to his house, so close you could hardly see his house on GPS. Stated that K. Palladino and R. Hanlon had a large limb come off the locus against their house and another locus against their house has a significant amount of rot with a split in the trunk. D. Pearson suggested that rather than going through each of the cases... E. Lord stated he just wanted to make his case. D. Pearson stated that the Commission does not have a lot of time tonight to do this. E. Lord stated that he only has a page to read and has already gone through three quarters of it, that he is almost done. E. Lord continued, stating that these trees were up and leaning against the house and also had the potential to kill, cause great harm to, or at least do serious damage to the house. Stated that most of this town was built on a swamp and many of the properties have never had tree work done or haven't in many years. Trees on wood lines don't grow straight up, they grow into the open space that is available, people's yards. Stated that when yards get swallowed up by trees, and going towards and over houses, from no tree work being performed for decades, asked if they can blame the people for wanting to maintain their yards, protect themselves, and their property. Stated that every time C. Lynch and this Administration fails to consider his customers' safety and wellbeing, he will be advising his customers to be filing a complaint against C. Lynch and V. Gingrich immediately with the State Ethics Board and the Town Manager. Stated that this behavior being conducted by the Wilmington Conservation is despicable, government was designed to protect the people, not put them in great danger. Stated that we the peoples' lives, properties, safety, and wellbeing always come first, not rotten, compromised, 100' trees falling apart, hanging over people's houses. Stated that it is not only disturbing on the Wilmington Conservation's part, but it is disgusting and shameful. Stated that he will be starting a petition that will make V. Gingrich, C. Lynch, or any other members of the WWC personally suable in the event one is denied or delayed an EC for the removal of hazardous or potentially deadly trees with result of property damage, personal injuries, or loss of life, personally held accountable... D. Pearson stated that the Commission gets the message, asked if he had been muted, V. Gingrich stated that she had.

V. Gingrich stated that the reason he was asked to come tonight and the reason why the NOV was issued was to, hopefully, figure out a protocol for when or prior to trees being taken down have an inspection if they are unsure if they would need a filing. Stated that she and C. Lynch are trying to do their jobs to make sure that the policies of the Commission, and the WPA, are seen through. When these issues are encountered repeatedly, felt it was a good idea to have a discussion on how it would be rectified.

D. Pearson stated that what he heard in E. Lord's remarks was that trees were cut and there wasn't any water observed, D. Pearson believes that what the Commission wants to send as a message to tree services is that it isn't always obvious where the wetlands begin and where they end, and where it is

and isn't okay to cut trees without prior approval. Stated that in some cases the Commission and the Department end up sending peer reviewers, second sets of wetland scientists out, to establish where the wetland boundary is. Stated that to have tree service companies understand there are protocols and have them understand where the wetland boundaries are, before starting that work, if in fact that is the case, is what the message is saying to tree services. Stated that they would like tree services to know that a tree is in an area that is subject to the WPA, and needs permission, of some sort, to be taken down or not. Stated that it may be an emergency and would get emergency approval, or it may not be an emergency and would get administrative approval, but there needs to be some sort of process that is followed, to keep things from happening that need to be retroactively approved.

V. Licciardi stated that as a contractor, if there was an emergency, he would get what is needed, get on the job, start the work, but the same or next day, he would go down to the Building Department, get the approval and permit, and that is the way this should be approached. Stated that he should get his people on the job, go to the Conservation Department, and get approval, stated that there is no reason he cannot do that, and he won't be denied.

T. Bradley agreed. Stated that if they are standing in a particular case between safety and non-safety, the Commission would like to know, but other than that, if it doesn't preclude safety, they would need to follow the procedure on assessing trees to come down in areas of jurisdiction. V. Licciardi agreed and stated that he needs to get a permit.

N. Salazar agreed that sometimes there is an emergency and contractor wise, they need to decipher if there is an immediate danger with a tree, they need to know when to make the call of doing it immediately or if they have time.

A. Rittershaus agreed and believes a professional tree service should be held to that standard and abide by what the regulations require.

D. Pearson stated that he agrees and sees that there may be some actions the Commission would like to take in terms of trying to minimize misunderstandings like this in the future. Stated that they have had arrangements with tree services to call the Conservation Department if there are any questions about whether a tree is within a wetlands protected area or not. Asked if there were other things.

V. Licciardi stated that the problem is E. Lord could do anything he wants at any time, but at what point does he need to be stopped. Stated that the problem is the homeowner is responsible, the ultimate end, the address, no matter what happens. The owner is responsible, that is what it comes down to. Stated that he has been there in a lot of cases, not that he had done anything wrong, gave an example of a building and the way they tried to drop it down, put a cable around it, pulled it with a tractor, and it fell on his brother-in-law's building. Stated that he was responsible, the building inspector comes down on the owner of the building, not on the individual that did the damage. Stated that it is the address, that is who has the problem.

D. Pearson stated that, by the same token, you would like to think that every person to call to fix a problem should be able to say that they cannot do that and think they could get into trouble by doing so. Stated that is where his disagreement came in with E. Lord, that he needs to do what a customer asks, even if it might not be the right thing to do.

E. Lord stated that every, single one of those trees was a hazard, they were a potential, deadly hazard. That one pine top that was still left over that had crushed the two trucks, was hanging directly over his bedroom, stated that the rest were all within the vicinity of J. Morris' house, big 120' pines. Stated that

he is not out there cutting down conservation, he is just protecting peoples' properties, stated that C. Lynch is going way overboard.

D. Pearson stated that in addition to trees that are obviously dangerous, there are probably others that are harmless, if somebody wants to increase the size of their lawn, and yet, taking down the trees that he wants, may require that he get prior approval. Stated that there it is not that obvious that the Commissions 'okay' is required to do that. Asked what to do to keep the situation from happening over and over again. Stated that there is when you cannot make a judgement and it is an emergency, and there still are procedures for these cases. Asked what kind of resource the Commission can provide, asked E. Lord what kind of reassurance he will provide to take advantage of this, so that situations like this aren't reoccurring.

N. Salazar stated that, with his background, and dealing with repeat violations in manufacturing, with E. Lord doing majority of his work in Wilmington and living here all his life, suggested submitting a work log every month or to call C. Lynch, but it may be a burden to E. Lord as well as C. Lynch. Also suggested having some more awareness of the wetlands and for him to be able to provide that information to homeowners as an fyi, saying that he believes this is a gray area and that he is unsure if he can do what is being asked of him, but can suggest different things to do and go to the Conservation Commission, so that both E. Lord and the homeowner are covered.

D. Pearson asked if E. Lord is willing to check in with the Conservation Agent when it is not clear when there is a wetland around. E. Lord stated that he has told people to contact Conservation before. D. Pearson asked if it is something he can make part of his mantra. E. Lord said of course and stated that he does not have a thing against Conservation, there comes a point where people's lives and their property mean more than big, old, 100', compromised trees that are falling apart. E. Lord asked what country we live in when we can't cut down a big, dangerous tree that is hanging over a house. Stated that the homeowner was afraid to sleep at night and cannot believe they are having this conversation.

D. Pearson asked how it would be if they had a conversation at a lower temperature level to have the staff go over with E. Lord the ways that, ideally, emergency situations are going to be dealt with and he may end up doing something right away because of his judgement. But there are other ways that it isn't an emergency right now, but in a couple of days, it might become an emergency, so he would take a different kind of action. E. Lord stated that fifty percent of this town was built on wetlands or swamp, stated that he has a lot of jobs in Wilmington, and if the Commission wants him to call on every single job, that he thinks may or may not be within the 100' buffer zone, C. Lynch is going to be one busy man. D. Pearson stated that in some cases people would have gotten permission to cut down trees. Stated that maybe it is a matter of clarifying the timelines and the ground rules... E. Lord stated that the reason people are hesitant to call in the first place is because of examples like J. Morris who was denied cutting those trees down after he had a couple of pickup trucks crushed, his power ripped off his house, the double top pine, the top already came off and hit his vehicle, the other top was hanging right toward his house and he was denied. E. Lord stated that every single one of those 100'-120' trees were all within his house, striking distance of his house, stated that he disagrees that there was any violation, and that J. Morris was just protecting his property.

D. Pearson asked C. Lynch and V. Gingrich where they would like to go from here. V. Gingrich stated it is up to the Commission. Stated that they can go over the administrative tree policy, EC, and the filing process with E. Lord if that is helpful, and what situation would work for each. It is up to the Commission. D. Pearson asked E. Lord if he would be willing to have a free cup of coffee and sit down with the Conservation Department. E. Lord stated he would buy the coffee. D. Pearson stated he can have a conversation about the different approvals and when he might seek them, come up with different situations and ask what might be done then. D. Pearson asked E. Lord if that would be

something that can be arranged, E. Lord agreed. D. Pearson asked what way of communication is best. E. Lord stated that he can sit down with the Conservation Committee and stated that it is no problem. D. Pearson stated that the Commission usually gets involved on a monthly basis, they see an EC that the office staff has given, and the Commission reviews it maybe two or three weeks later.

E. Lord asked if that was a little bit of a wait for someone who has an emergency situation. D. Pearson stated that the staff makes the decision and determines it is an emergency and give permission to go forward with work, and sometimes it is a DPW (Department of Public Works) situation, not just conservation, the staff makes the call, and later on, at the meeting, the Commission states their approval. D. Pearson asked if that is something that can be arranged, the parties involved agreed. V. Gingrich stated that they can review the tree policy in detail and go over each filing.

D. Pearson stated that it sounds like emergencies are something that may need to be talked about, what the department does to verify that something is an emergency and what the Commissions role is, seeing it after the fact. If it is something that cannot wait, they do what they need to do, and if it is something that can wait a while and having a discussion along those lines. V. Gingrich states that it is outlined in the tree policy, emergencies are talked about in there and have some wording towards it, and that is why the administrative approval was made to take up to five trees to approve so that people do not have to wait to see the Commission for a certain number of trees. D. Pearson stated that in the case of 126 Salem Street, the number of trees was within that administrative tree approval limit, while in the case of 55 Andover Street, it was greater than the limit. Which would also be helpful to understand the constraints that the department and Commission operate in approval wise.

V. Gingrich asked E. Lord if he could send his phone number for future contact. E. Lord said of course.

J. Morris stated that he wanted everyone to realize that they (the Commission and Department) are imposing additional costs on someone who has a potentially combination emergency and non-emergency situation, stated that this is not his circumstance, but advised to be aware, because if someone asks a tree company to go to a house and remove one tree, it will cost them \$4,000 if a crane and other equipment are needed. Stated that the set up time to remove one tree or five trees is the same, and if the department says they can only remove it by EC, they are asking homeowners to spend two or three times the amount they would normally spend because they have to come, set up the crane, take down the dead or damaged tree, go away, come back some other time later, after approval has been obtained, and spend another \$4,000 or \$5,000 to have a couple more trees taken down that may or may not be an emergency. Stated that the only reason he is bringing it up is to understand the economic impact that they are putting on people by asking them to do things like this, that's all.

D. Pearson stated that a meeting would be a good time to push back on the limits to say that. If they can only approve one tree at a time, it is sort of working against the customer, asked if the limit varies. V. Gingrich stated it is a limit of five trees.

J. Morris stated that a crane cost \$5,000 a day, if a site is difficult to access, be aware that this is costing homeowners additional money, that's all. D. Pearson stated that one of the ways of getting tree removal approved is the administrative way would set up a limit of five, which is something that would probably work out okay, in terms of bang for the buck if they needed to have a crane, it is not a single tree or two, it is up to five. J. Morris stated that his only point is to be aware that there are economic costs to people, as a result to these policies.

D. Pearson thanked the speakers and attendees.

DISCUSSION

Calendar Meeting Schedule 2022 – April 2023

V. Gingrich stated that if there are any dates or conflicts that the Commission would think are problematic, let us know. Believes they are good on the dates, so if they have looked over the dates and it looks okay, then we will proceed with that meeting schedule this year.

D. Pearson stated that the schedule is okay with him and asked the rest of the Commission if they have looked through and are okay with it, stated that they can miss a meeting every so often if they need to. The Commissioners agreed.

MINUTES – December 1, 2021

D. Pearson asked J. Wierzbicki to read the change in minutes from December 1, 2021.

J. Wierzbicki stated the change is on page 13, the very last page, as follows:

“378-384 Middlesex Avenue, & 200 Jefferson Road

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

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

D. Pearson, T. Bradley, L., V. Licciardi, and N. Salazar voted 4-0 to accept the minutes for the December 1, 2021, Conservation Commission Meeting. A. Rittershaus abstained.

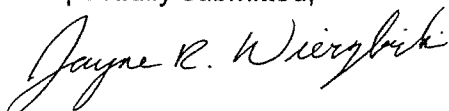
NEXT MEETING – February 2, 2022

ADJOURN

There being no additional business to come before the Conservation Commission, V. Licciardi motioned and T. Bradley seconded, it was

VOTED: By D. Pearson, T. Bradley, V. Licciardi, and N. Salazar to adjourn the meeting at 10:48 pm.

Respectfully submitted,



Jayne Wierzbicki
Senior Clerk