



TOWN OF WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

CONSERVATION COMMISSION MINUTES

July 5, 2023

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/83599643341?pwd=K1I1Mm9mUnhVYmNtMUFRjQkQ2Zz09>

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: 835 9964 3341 and then enter the following passcode: 607222 if asked. 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.

Donald Pearson, Theron Bradley, William Wierzbicki, Frank Silveira, and Jean Marie Cole were present. Valerie Gingrich, Director of Planning & Conservation, Cameron Lynch, Conservation Agent, and Erika Speight, Conservation Senior Clerk were also present. Vincent Licciardi and Michael McInnis were absent.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 29 Winston Avenue – Map 8 Parcel 61A

Documents: RDA application & materials, received June 6, 2023

Present in Interest: Mark Murphy, Owner & Applicant
John Murphy, Owner & Applicant

C. Lynch stated that he will be presenting this agenda item. He explained that this filing is for the removal of five (5) trees, three (3) of which are behind the 15' no disturb. All the trees are dead, and it would fall under the administrative tree removal criteria, however since they are beyond the 15' no disturb, it wasn't something staff could approve. Two (2) of the trees are within the wetland, but they are dead and leaning towards the house. C. Lynch told the Commission that he explained to the homeowner that since two (2) trees are in the wetland, the Commission may not approve the removal of those two (2), which he understood and would be okay with requesting approval for just the tops of those two (2) trees to be removed. The only comment from staff was for the trees within BVWs, to leave a standing snag for wildlife.

T. Bradley asked if there would be a need for replacement trees.

C. Lynch stated they all are dead trees and a danger to the house, so there wouldn't be a need for replacement trees.

J. Cole asked if the Commission could request that the homeowner plant three (3) trees for regrowth.

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C. Lynch explained for every three (3) trees taken down less than 24" in diameter would require one (1) replacement, and for every two (2) trees taken down greater than 24" in diameter would require one (1) replacement. He stated it would likely be two (2) replacement plantings as the recommendation. It is a reasonable request and he's sure the homeowner wouldn't have a problem with it.

F. Silveira wanted to clarify that the tree replacement policy still applies even if the tree is completely dead.

C. Lynch answered saying there are a few that are dead, and the others aren't dead just yet, but are leaning towards the house. He explained it would be the Commission's decision if they would like to see replacements. He doesn't believe it would be unreasonable.

The homeowners were able to join the Zoom meeting and C. Lynch explained to them that he reviewed the request with the Commission and the only matter of concern was whether one (1) or two (2) replacement trees or shrubs could be planted in place of the five (5) trees going to be taken down.

D. Pearson asked if the homeowner will be using a tree service that has a crane to remove the trees and if C. Lynch thinks there will be any damage to the wetland if they remove the trees from the ground.

M. Murphy explained the ground is firm, and where the trees are located, a bucket truck could remove them.

C. Lynch explained the driveway wraps around to the back of the house, so they could park the truck in the driveway and reach over. No equipment will need to be put into the wetland to remove the trees.

The Commissioner's would like to see one (1) or two (2) replacement plantings.

Upon motion duly made by T. Bradley and seconded by F. Silveira, it was unanimously

VOTED: To issue a Negative Three (3) Determination of Applicability for 29 Winston Avenue – Map 8 Parcel 61A

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 28 Sheridan Road – Map 94 Parcel 10-98

Documents: RDA application & materials, received June 16, 2023
"Plot Plan of Land," revised June 10, 2023

Present in Interest: Kevin DiGiovanni, Owner & Applicant
Tia DiGiovanni, Owner & Applicant

K. DiGiovanni introduced himself and explained he and his wife are proposing an addition to the side of their home with a garage and a room above. He explained there is a stream at the rear of the property, which is over 120' away from the dwelling. There is a drainage easement on the side of the property that opens with wetland exposure.

C. Lynch explained the only comment would be to install erosion control between the limit of work and the drainage easement.

D. Pearson asked while referencing the plan, do they intend to remove the concrete that is proposed.

K. DiGiovanni explained that his wife decided she didn't want concrete and would prefer grass. He stated to be honest, they aren't sure what they would like to do back there just yet.

D. Pearson asked about the proposed addition itself, and if it is in fact going to be 31' X 37'.

K. DiGiovanni answered saying the room to the side is going to be 471 square feet and the room above the garage will be 533 square feet, making the total just over 1,000 square feet.

Upon motion duly made by W. Wierzbicki and seconded by F. Silveira, it was unanimously

VOTED: To issue a Negative Three (3) Determination of Applicability for 28 Sheridan Road – Map 94 Parcel 10-98

PUBLIC HEARING – NOTICE OF INTENT – 911 Main Street – Map 25 Parcel 4 – DEP File #344-1530

Documents: NOI application & materials, received June 14, 2023
"Site Plan," dated May 15, 2023

Present in Interest: Bob Autenzio, Owner & Applicant
Jill Mann, Mann & Mann P.C., Representative

J. Mann introduced herself and stated as the Commission is aware, M.T Pokkets LLC. secured an Order of Conditions (OOC) a while back, which they failed to comply and satisfy all the OOC requirements and then requested a Certificate of Compliance (COC), which couldn't be issued due to failure of work completion. Based on inspection of the property by C. Lynch, there were certain matters that required action to correct circumstances that went far and above within the original OOC, and since the original OOC has now expired, they are before the Commission to respond to the Enforcement Order (EO) issues and have filed a new Notice of Intent (NOI). They intend to correct all the issues identified and would like to review the narrative with the Commission. She explained there was the installation of landscape storage bins, disturbance to the abutting property, storage of heavy equipment, pavement on a parking area that was supposed to be pervious, not impervious, filling of a detention basin, and construction of a retaining wall within the basin. The applicant hired ASB Design Group to redesign the plan and provide the correct measures, to note on the plan what exists today and how they plan to proceed. The plan is to eliminate the storage bins, remove sections of the concrete block wall that are beyond the boundaries of the property, relocate the concrete walls and create some storage bins that were approved on the initial OOC. However, they need to replicate some areas, and the intent is to loam and seed with wetland wildlife mix and relocate the boulders to block unauthorized access, as well as remove the equipment and gravel from a part of the property that was never permitted to be used. They need to replicate some areas within the 50' buffer zone and relocate a retaining wall as well as make sure the stormwater basin is intact. She stated they did receive comments from C. Lynch, and she did correct the NOI comments that he had mentioned. She would like to discuss the notation regarding the installation of a retaining wall, presently which are about 35' from the wetland. The new retaining wall which will be taking the place of some boulders is at 41' and they would like to continue that retaining wall. She explained they would like to revise the stormwater report and update it with the changes they are undertaking as well.

C. Lynch explained there were a few minor changes that needed to happen within the actual application as well as the revised stormwater report. He explained the retaining wall doesn't meet the stormwater policy per the Engineering Division and doesn't meet the Commission's 50' no structure policy.

J. Mann explained she can have the applicant's engineer and P. Alunni get together and go back to the wall to ensure it complies with stormwater management before anything goes further.

T. Bradley asked for clarification that there is an EO and an expired OOC and wondered if the Commission will be looking for sequencing of when they respond to the EO and when they issue a new OOC.

C. Lynch explained that the EO was in response to the lack of action taken within the previous OOC, which was in response to a violation. Allowing them to submit a restoration plan with an NOI previously, put the Commission in a hard place, which resulted in a standstill where they couldn't do much until a new EO was issued, which in response the applicant submitted a new NOI.

T. Bradley asked if the Commission can reasonably take action to look for some dates before they have the report on the retaining wall meeting flood water specifications.

C. Lynch stated the Commission can discuss deadlines for when they'd like to see this by, so it doesn't continue to drag on.

F. Silveira asked about the timeframe of when they will be able to look at the plans, the stormwater management system, and what they think a reasonable timeframe for that would be.

J. Mann stated it will depend on the schedules of P. Alunni and Thad Berry, the applicant's engineer. Typically, it should take about 2-4 weeks to get on the Town Engineer's calendar by submitting a new stormwater report, which they have not done yet. As of now, they are trying to eliminate things that don't require permission from the Commission.

W. Wierzbicki asked if they could provide a timeline for some of those items so they can follow it by the next meeting and see some progress.

J. Mann stated for all the items in the narrative, she will provide the Commission with a timeframe of completion and for all items that don't require permission, they will start working on as soon as possible. She believes they have started to eliminate some of the structural conformities. She can assure the Commission that this will not stretch out for years and she will ensure the work is completed.

D. Pearson asked if the applicant is able to do some work on the property without the NOI being approved.

V. Gingrich stated if the Commission wanted to authorize certain pieces of it, they could do that as a restoration action or they could wait to see the whole plan and authorize the whole plan. She explained that she talked with the Town Engineer and said that retaining walls in basins don't meet the stormwater policy from the state, so they'll have to look at a different design and he questioned if they were even needed. The Commission can authorize restoration work before the NOI is completed.

D. Pearson asked the Commission to look at the narrative and give their take on which of the nine (9) can be worked on while they continue the hearing.

J. Cole asked if the site is being leased to another company at this time. She wanted to ensure they were fully aware of these concerns and ensure they are complying with the requirements.

J. Mann stated M.T. Pokkets LLC is the owner, but Paul's Landscape is the company that uses the property. Paul's Landscaping is the same principal of each company, one is like an act of operating company and the other is a single purpose on LLC set up for the sole purpose of owning real-estate.

D. Pearson stated in a sense that there are some things that they will permit in advance of the NOI, and then there is the whole issue of the final approval of the drawings which includes the agreement with the Engineering Division and Conservation which is the checkered flag for the rest of the work. He stated if they are using 2-4 weeks as a mental model for the principles to have the conversation of the retaining wall and the other details will take 2-4 weeks. As for the next meeting, at that point he'd like to have a schedule provided for the rest of the work that needs to be completed at the next meeting to measure progress going forward.

J. Mann stated based off the narrative, they'd be able to complete numbers 1, 2, 3, 5, and 7. She could obtain a schedule to provide to the staff.

V. Gingrich stated those items could be considered restoration.

D. Pearson stated the Commission can permit the work on those items while they hammer out the other items and create a schedule for the remaining items on the list.

No comments were made by the public.

Upon motion duly made by T. Bradley and seconded by F. Silveira, it was unanimously

VOTED: To continue the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1530 to the August 2, 2023, Conservation Commission meeting

PUBLIC HEARING – NOTICE OF INTENT – 190 Main Street – Map 44 Parcel 178 – DEP File #344-1531

Documents: NOI application & materials, received June 14, 2023
"Site Plan," dated June 12, 2023
Engineering review letter No.1, dated June 30, 2023
Stormwater Report, received June 14, 2023

Present in Interest: Richard Gallant, Owner & Applicant
Bridget Hilgendorff, VHB, Representative
Daniel Keches, VHB

B. Hilgendorff introduced herself and shared her screen. She explained that the applicant is proposing to construct an approximate 43,000 square foot expansion to the existing ice rink facility which will include a new rink, locker rooms, and bathrooms, in addition to modified service parking lots and access drives. There is no work proposed within resource areas and the work will be limited to the existing developed area, with limited tree removal and reduced impervious surface within the buffer zone. There will also be associated stormwater and utility improvements, as well as grading and landscaping. There are two (2) BVWs located on site, one (1) to the southern end and one (1) to the northern end of the site. The buffer zones currently consist of the existing driveway and parking lot, areas of maintained lawn, and small portions of undeveloped forest. There will be no impact to BVWs, and no work proposed within the 15' buffer zone, with net decrease in impervious surface, no structures or buildings proposed within the 30' setback, and a portion of the stormwater management system will be installed within the buffer zone and a small portion of the parking lot as well. Within 100' of the buffer

zone, there will be the installation of the stormwater management system, as well as the reconfiguration and paving of the existing parking lot, site grading, and limited tree clearing. There will be a net decrease of 8,700 square feet within the 50' buffer zone, and a decrease of 10,700 square feet within that 100' buffer zone, with an overall improvement. There will be native plantings and native seed mix, trees planted within the new parking area, trees proposed along the northern portion of the parking area, as well as the southern portion, which is not yet shown on the plans but will be added.

D. Keches stated they are proposing stormwater to be compliant with MassDEP stormwater standards as well as the town's regulations, reducing peak rates and volumes, providing mitigation and treatment through the two (2) basins, the infiltration basin on the north side and the lined enhanced basin on the south side due to high groundwater encountered. The infiltration for the northern basin is proposed beyond the 50' buffer zone per DEP standards, so the portion within the buffer zone will be lined and compliant with the town's standards greater than 60% total phosphorus removal and 90% total suspended solids removal. This has been reviewed by the Town Engineer and they received written comments from both the Engineering Division and Planning and Conservation, and they are in the process of making minor revisions to accommodate the comments received.

C. Lynch stated from a conservation standpoint, there aren't many comments, and most of the comments are coming from the Engineering Division. One (1) thing he did mention was they'd like to see a few more plantings along the parking area closest to the BVWs to form a thicker buffer.

T. Bradley asked C. Lynch if they're confident on the wetland delineation and if there would be a need for a peer review.

C. Lynch stated he doesn't believe a peer review would be necessary since they're pulling back a lot of impervious area away from the wetlands and increasing that buffer zone.

T. Bradley asked for a brief overview of how they're decreasing the impervious surface while adding a building. He explained that it seems counterintuitive.

D. Keches stated they are decreasing impervious area within the buffer zone with a slight increase overall to the site due to the added building footprint.

C. Lynch explained that the building itself is outside of the 100' buffer zone.

F. Silveira stated he agrees with T. Bradley, and explained that adding a building implies adding capacity, and asked how it would work for an increase in parking need relative to impervious areas.

D. Keches stated a traffic impact assessment was submitted based on the existing conditions observed. The existing parking is more than adequate for the added demand for a second rink, and they will be working with a traffic peer reviewer to address any comments or concerns. They feel the parking will be more than adequate for the demand of the second rink.

V. Gingrich added that the applicant did submit to the Planning Board at the same time as the Commission, and staff has made a recommendation to the applicant that the traffic study be peer reviewed to ensure it is done properly and adequately assesses the impacts. They also applied for a parking special permit to have fewer than the required parking spaces on the site, which will be looked at as well during the peer review. The site doesn't provide the parking that is required per the bylaw, so they'll have to justify that request through the Planning Board.

J. Cole asked about the southern portion of the proposed plan and requested more information regarding stormwater and how it will be taken care of.

D. Keches stated both basins will be slanted and in the current condition, there is a small bioretention basin that picks up runoff from the existing driveway and they are proposing to expand that. The flow will be a combination of pipe flow from the building and a few area drains and overland sheet flow. That will be a lined basin that will not infiltrate and the drains in the bottom of the soil and stone section will allow the treated stormwater to flow out through the existing drainpipes and ultimately to the southern wetland and then in the larger storm events, there will be an emergency overflow that will flow out of the basin and shows that even in a 100-year storm, there will not be an issue with stormwater on the basin limits.

D. Pearson stated when looking at the plan and seeing the added building which is the size of the first, it looks like the number of parking spaces may be the same as before and asked if the arena operated with half of the parking over its history.

R. Gallant stated on most days, only 20-25% of the parking lot is actually used.

D. Pearson asked what happens during events and did they ever have to refuse people.

R. Gallant stated he is unaware of that ever happening at the facility.

T. Bradley stated he would like to see the final plan show that somehow overflow parking into the buffer zone will be prohibited by either a wall, a fence, boulders, etc. He believes all the Commissioner's share the concern that there will be overflow parking and he'd like to keep it away from the wetlands.

D. Keches stated given the extent of the basins proposed, he doesn't believe it would be feasible to park off the paved areas from anywhere within the buffer zone. He explained they are willing to work with the Commission with whatever they'd like to see.

D. Pearson reiterated that if the intent was to allow parking along the access roads, that should be something to disclose now or prohibit.

D. Keches stated that is not the intent.

J. Cole recommended no parking signs for those areas.

D. Keches confirmed he will incorporate those into the plan.

G. DePalma commented from the public and asked what the number of parking spaces at the property currently is.

D. Keches answered saying there are roughly 200 parking spaces currently.

G. DePalma asked for confirmation that the required parking spaces for this proposal would be over 300.

D. Keches explained the requirement would be one (1) parking space for every three (3) seats.

G. DePalma asked if they are confident that they'll be able to cover parking for what is there currently and through the Commission, they will be able to determine a way to keep people from parking in the wetlands.

D. Keches stated based on the traffic study and the peer review, they feel that there is more than adequate capacity for both rinks. They will work with the Commission to avoid people parking in the wetlands.

G. DePalma clarified that they won't be designing any overflow parking other than what is currently proposed.

D. Keches confirmed.

G. DePalma asked for an explanation of where they will be placing overflow when that time comes and show how it won't affect wetlands or any other parts of the property that aren't built on. He doesn't understand why they don't keep the required parking spaces and prevent having any issues later on. He is confused why they'd propose this and not have any contingency plan with parking. He is assuming they are building a new rink to attract more business, so the parking spaces staying the same doesn't make sense when the town bylaws require over 300 spaces for this type of proposal.

S. Murphy commented from the public and expressed her concerns about parking. She explained that years ago when the Wilmington kids used to play there, the parking lot would be jam packed, and she isn't sure how adding another rink and keeping the same amount of parking spaces would be adequate. Her main concern is regarding the basin, and when approving this project originally, it was said that they'd have to maintain that basin. She explained that it is filthy and full of carriages, trash, tires, etc. and stated it's obvious they aren't keeping up with the landscaping currently, so what would make people think that they will in the future.

R. Gallant stated they welcome anyone from the Commission to visit the property, and stated he doesn't think they'll find those conditions exist. He explained that he only owned the property for four (4) years, but he can assure the Commission that there is no debris, trash, or anything that he is aware of.

J. Cole stated she would be happy to go with S. Murphy and visit the site.

A. Falanga commented from the public and expressed his concerns. He agreed with S. Murphy and stated that there is in fact shopping carts, a couch, even a clothesline that has been there for an extended amount of time. His concern is the northern portion of the plan where it mentions phase three (3) for future expansion and where the retaining pond and stream are, his concern is his yard turning into a pond if they continue to develop further north. His question is when would phase three (3) be happening in the northern expansion and what would that look like.

D. Keches stated that the phases shown on the survey plan tie back to the original easement and property documents, so Ristuccia and existing facility was phase one (1), phase two (2) was the rear property that was built 10-15 years ago, and phase three (3) was shown on those documents but there is nothing proposed. He believes the majority of what is called phase (3) is jurisdictional wetlands and not developable land.

A. Falanga clarified that they're looking at a footprint that would be a little bit larger than what they are currently occupying.

D. Keches confirmed. The vast majority of what is proposed for development is within existing developed areas.

D. Pearson recommended removing that from the drawing since it is misleading and causing people concern. He also mentioned a gate that could be used in the parking lot that says when the parking area is full, like airports, and would make people have to park elsewhere.

D. Keches stated he believes the applicant would be open to working with the town to satisfy any concerns about that.

Upon motion duly made by T. Bradley and seconded by W. Wierzbicki, it was unanimously

VOTED: To continue the Public Hearing for 190 Main Street – Map 44 Parcel 178 – DEP File #344-1531

PUBLIC HEARING – NOTICE OF INTENT – 30 Linda Road – Map 88 Parcel 32B – DEP File #344-1529

Documents: NOI application & materials, received June 14, 2023
"Site Plan," dated May 17, 2023

Present in Interest: David & Erin Yahoodik, Owners & Applicants

D. Yahoodik introduced himself and explained he's been working with Luke Roy at LJR Engineering for a proposed addition to the right side of the dwelling which will be within the 100' wetland buffer zone. The proposed addition would be 774 square feet bordering the 25' no build zone, but not within it.

C. Lynch explained the only comment is that usually the Commission likes to see the post-and-rail fence 15' from the wetland, but a portion does get rather close. He explained that he went back in the files and the fence has been in place for a good amount of time but wanted to mention that to the Commission.

T. Bradley asked C. Lynch about the accuracy of the wetland markings.

C. Lynch answered saying the wetland delineation was from 2021, however does look similar to the current state on site.

F. Silveira asked if there are any plans to move or alter the post-and-rail fence to that 15' no disturb line.

D. Yahoodik stated he isn't aware of the fence being moved or altered at this time.

D. Pearson touched upon what F. Silveira said, and stated that if they need to remove a part of the fence for the addition, which would be the part that isn't complying with the 15' no disturb rule, the Commission would ask that they move the fence to the 15' no disturb. He advised that the homeowner work closely with the builder to tolerate that 25' no structure bylaw.

D. Yahoodik confirmed.

C. Lynch stated staff did have a draft Order of Conditions (OOC) prepared, however the Town Engineer is still reviewing the project and it won't be able to be voted on until after his review.

No comments were made by the public.

Upon motion duly made by T. Bradley and seconded by W. Wierzbicki, it was unanimously

VOTED: To continue the Public Hearing for 30 Linda Road – Map 88 Parcel 32B – DEP File #344-1529 to the August 2, 2023, Conservation Commission meeting

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

Documents: None.

The applicant requested to continue to the August 2, 2023, Conservation Commission meeting.

Upon motion duly made by W. Wierzbicki and seconded by T. Bradley, it was four (4) in favor (D. Pearson, T. Bradley, W. Wierzbicki, and F. Silveira) and one (1) abstention (J. Cole)

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 August 2, 2023, Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 79 Nichols Street – Map 35 Parcel 29 – DEP File #344-1527

Documents: None.

The applicant requested to continue to the August 2, 2023, Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by W. Wierzbicki, it was unanimously

VOTED: To continue the Public Hearing for 79 Nichols Street – Map 35 Parcel 29 – DEP File #344-1527 to the August 2, 2023, Conservation Commission meeting

CONTINUED PUBLIC HEARING – ABBREV. NOTICE OF RESOURCE AREA DELINEATION – Birch Street, Fir Street, Alder Street, Hall Street, March Road – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, 11 – DEP File #344-1524

Documents: None.

The applicant requested to continue to the August 2, 2023, Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by F. Silveira, it was unanimously

VOTED: To continue the Public Hearing for Birch Street, Fir Street, Alder Street, Hall Street, March Road – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, 11 – DEP File #344-1524 to the August 2, 2023, Conservation Commission meeting

CONTINUED PUBLIC HEARING – ABBREV. NOTICE OF RESOURCE AREA DELINEATION – 50 Fordham Road – Map 91 Parcel 131A – DEP File #344-1526

Documents: None.

The applicant requested to continue to the August 2, 2023, Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by W. Wierzbicki, it was unanimously

VOTED: To continue the Public Hearing for 50 Fordham Road – Map 91 Parcel 131A – DEP File #344-1526 to the August 2, 2023, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393

Documents: Request for Certificate of Compliance, received June 14, 2023

C. Lynch stated this was in response to a violation from Benevento Companies a few years back. He went out to the site and checked out the section where they restored which looks great and the Certificate of Compliance (COC) is ready to be issued.

Upon motion duly made by W. Wierzbicki and seconded by T. Bradley, it was unanimously

VOTED: To issue the Certificate of Compliance for 219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393

ENFORCEMENT ORDER

4 Wilton Drive – Map 21 Parcel 3M

C. Lynch explained the homeowner responded late in the afternoon and hopes to have something prior to the next meeting. C. Lynch went onsite and explained that all the work was done, the post-and-rail fence was installed, and the last part they're waiting on is for the homeowner to submit a plan showing all of that.

10 Pond Street – Map 34 Parcel 146 – DEP File #344-1067

C. Lynch explained that he was in contact with M. Herald from Norse Environmental Services earlier today and she was contacted by the homeowner to take over the restoration and the Enforcement Order (EO). He mentioned that as of this morning she explained that she wasn't contracted to do the work, but wanted to make staff aware that she will most likely be working on restoration for this project. M. Herald is hoping to submit the first version of the restoration plan to the Commission at the next meeting.

D. Pearson asked if there was a court date set for July yet.

C. Lynch confirmed there is a date set for July 12th. He stated depending on when M. Herald gets back to him and what the status of work is, that will determine if it will be going to court or not.

52 Adams Street – Map 51 Parcel 99 – DEP File #344-1300

C. Lynch stated prior to the last meeting, the homeowner called and said he would talk with his engineer and come up with a restoration plan. He explained that he tried to get in contact with the homeowner since then and had not gotten a response yet.

D. Pearson asked if staff had explored the option of Town Counsel working on this since the initial

response from the homeowner was such a rejection.

C. Lynch explained the initial Notice of Violation (NOV) and the Enforcement Order (EO) were sent to the homeowner in which both were ignored, then Town Counsel sent them a letter from the Town Manager specifically, which is why the homeowner got in contact with staff. He explained staff can reach out to Town Counsel again and see what they'd recommend. The next step would be to have Town Counsel file a complaint with Superior Court.

The Commissioner's agree that Town Counsel should take the next step to gain the homeowners attention.

773 Salem Street – Map R1 Parcel 23

C. Lynch explained he drove past the site, and it looked like all materials were removed from Town land. He spoke with the applicant's wetland scientist and stated M. Seekamp was going to do aerial photographs of the parcel, but the Commission won't be able to accept the Mean Annual High-water line (MAHW) delineation through aerial photographs; he would have to physically go onsite and delineate MAHW and have a surveyor go out shortly after to put it on a plan. C. Lynch explained that the wetland scientist stated he will have it ready for the August 2, 2023, Conservation Commission meeting.

D. Pearson asked if there would be any kind of mental check the Commission can perform relating to the project over at 800 Salem Street, which required a similar delineation.

C. Lynch stated the Commission can see what the wetland scientist provides and if there are any red flags that come up, the Commission can refer back to the delineation done across the street at 800 Salem Street.

911 Main Street – Map 25 Parcel 4 – DEP File #344-1400

C. Lynch explained that the Enforcement Order (EO) is ready to be ratified. See above Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1530.

Upon motion duly made by W. Wierzbicki and seconded by F. Silveira, it was unanimously

VOTED: To ratify the Enforcement Order for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400

DISCUSSION

687 Main Street – Map 39 Parcel 11A – DEP File #344-1473

C. Lynch explained that staff prepared an Enforcement Order (EO) that the Commission can discuss a deadline for.

D. Pearson stated a lot of time has gone by and the Commission is running out of patience.

J. McKenna stated he went by the site today and all the plantings were done and the infiltration trench in the back had to be put on hold for the wetland grass around it to grow in.

D. Pearson stated he understands that some things got done, but others that are substantial didn't get done. He explained that the end of this needs to be seen sooner than later.

V. Gingrich shared her screen and presented the EO to the Commission.

J. McKenna stated his understanding is that the infiltration system is in place and ready to be connected since the grass in that area has grown in. The plantings have been done and the applicant is ready to do the work on the pavement section. He asked C. Lynch if he was able to visit the site recently.

C. Lynch explained he has gone out recently and the site has looked the same for the past four (4) months. The excavator has been blocking the entrance for months and hasn't moved from what he has seen. He explained that he hasn't seen any plantings either.

J. McKenna is under the impression that the infiltration system can now be connected and become operational.

D. Pearson suggested the EO verbiage be more specific as to what the stormwater BMPs are meant to do and not simply as a decoration, but as a functional piece of property.

V. Gingrich updated the terminology to read BMPs are completed and in operation, in place of the word constructed.

J. McKenna stated he will contact the engineer and set up a time to meet C. Lynch on site to inspect the plantings and make sure they're where they should be. He stated that he will have the engineer contact staff to inspect the site and move on to the final stage of this project.

Upon motion duly made by T. Bradley and seconded by W. Wierzbicki, it was unanimously

VOTED: To ratify the Enforcement Order for 687 Main Street – Map 39 Parcel 11A – DEP File #344-1473 as amended.

MINUTES – June 7, 2023

D. Pearson asked to rewrite the sentence at the top of page 7, where it stated "they are in the process of making all the surfaces on the property impermeable" and change "all the surfaces" to "the driveway surfaces." The correction has been made.

Upon motion duly made by F. Silveira and seconded by T. Bradley,

D. Pearson, T. Bradley, W. Wierzbicki, F. Silveira, and J. Cole voted 5-0 to accept the minutes for the June 7, 2023, Conservation Commission meeting as amended.

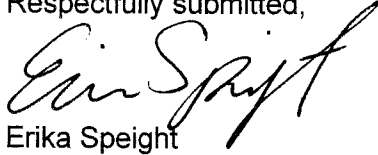
NEXT MEETING – August 2, 2023

ADJOURN

There being no additional business to come before the Conservation Commission, J. Cole motioned and W. Wierzbicki seconded, it was

VOTED: By D. Pearson, T. Bradley, W. Wierzbicki, F. Silveira, and J. Cole to adjourn the meeting at 8:53 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erika Speight". The signature is fluid and cursive, with the first name "Erika" written in a larger, more prominent script than the last name "Speight".

Erika Speight
Senior Clerk