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TOWN of WILMINGTON
TOWN OF WILMINGTON, MA
DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

July 6, 2022

Donald Pearson called the meeting to order at 7:02 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/87835554051?pwd=RTlnczhWVysrT1EzZG16NHp6Q0xDQT09>

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 878 3555 4051 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, Melissa Gavegnano, Michael McInnis, and William Wierzbicki were also present. Valerie Gingrich, Director of Planning & Conservation, Cameron Lynch, Conservation Agent, and Erika Speight, Conservation Senior Clerk were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 35 Birchwood Road – Map 81 Parcel 16

Documents: Request for Determination of Applicability application and materials, received June 7, 2022
"Plot Plan of Land," received June 7, 2022
Arborist statement, dated September 24, 2021

Present in Interest: Joseph Shalkoski, Applicant

J. Shalkoski proposed the removal of three (3) trees on his property with no stump grinding. Trees to be removed are #6, #9, and #10, which are approximately 100-foot large white pines located on the left side of the property directly adjacent to the wetlands. J. Shalkoski explained that all access would be from Birchwood Road, with no entry into the wetlands, removing the trees with a crane over the house. As a concern of safety, there will be limbs of other trees removed as well as trimming to prevent damage to the property during inclement weather.

C. Lynch stated the only comment regarding the three (3) trees being removed is the required replacement of one (1) tree.

D. Pearson questioned if C. Lynch mentioned to the applicant the benefits of not cutting the tree closest

to the wetlands down right to the ground.

C. Lynch explained leaving a 10-foot snag of the tree to serve as wildlife habitat for tree #6, which is 4-feet away from the wetlands.

J. Shalkoski stated he has no problem leaving the 10-foot snag on tree #6.

T. Bradley questioned if the replacement of trees will be of native species and what is the extent of the trimming on the other trees.

J. Shalkoski answered the replacement trees will be of native species, and he will work with C. Lynch to confirm the correct trees adhering to the Town's guidelines. He also explained in reference to the attached photos, the limbs on existing trees which overhang onto the property, are primarily the ones to be cut, however the rest of the trees will remain intact as they are not harmful to their safety.

No further comments were made by the Commission.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 35 Birchwood Road – Map 81 Parcel 16

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 94 Mink Run Road – Map 11 Parcel 60E

Documents: Request for Determination of Applicability application and materials, received June 10, 2022
"Plot Plan of Land," dated December 16, 2003

Present in Interest: James Byrnes, Applicant

J. Byrnes proposed the removal of fourteen (14) trees on his property that are old and causing damage to his house and yard. Four (4) of the trees are within the rock boundary. One tree (#14) is on his neighbor's property, however, the neighbor gave verbal permission to remove that tree as it is leaning towards J. Byrnes property and will cause damage when it falls. J. Byrnes explained that many more trees are needed to be removed, however Northeast Tree limited it to the fourteen (14) most concerning to their safety.

C. Lynch stated that the wetlands were not delineated, but back when the house was built, the plan showed the encroachment barrier of the stones. He continued by saying that usually demarcation is 15-feet away from the wetlands, however for this specific house they didn't specify the distance from the wetlands. He explained that it is 15-feet in some places, and much more in others. The closest trees to the wetlands are tree #9 and #11. Tree #9 should be coming down the quickest as it is the most damaged and can cause the most damage. The area is heavily wooded, with a decent number of trees coming down, but they are spread out and with the replacement trees, in a few years it should revegetate well.

D. Pearson questioned if replacement trees were talked about with the homeowner.

C. Lynch stated replacement trees will be required. For every two (2) trees above 24-inches in diameter, one (1) replacement is required and for every three (3) trees less than 24-inches in

diameter, one (1) is required. C. Lynch explained that five (5) to seven (7) trees or bushes will need to be planted in place of the removal of the fourteen (14) trees.

V. Licciardi questioned if a release would be needed from the neighbor since the tree is on their property.

C. Lynch explained that he can do a site visit with the neighbor and propose an administrative tree removal.

M. McInnis asked if any snags will be left.

D. Pearson mentioned leaving a 10-foot snag as a place for wildlife habitat, stating it is up to the homeowner and something to consider.

J. Byrnes stated he will consider leaving the 10-foot snag for the trees.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 94 Mink Run Road – Map 11 Parcel 60E with the condition that the applicant replace 5-7 of the trees and tree #14 be excluded from the determination since it is not on the subject property.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – Church Street ROW – Near Map 42 Parcel 54

Documents: Request for Determination of Applicability application and materials, received June 14, 2022
“Church Street Fire Station Signal Plan,” dated February 7, 2022

Present in Interest: Oxana Fartushnaya, Environmental Scientist, Green International Affiliates
Amy Allen, Traffic Engineer, Green International Affiliates
Danielle Spicer, Green International Affiliates

A. Allen explained the purpose of the project is to allow the first responders to be able to get into and out of the station much quicker without other traffic being in the way. Intention is to improve the emergency response times as well as to make it easier while exiting and entering during emergencies. The signal work is limited to the fire station side of Church Street and on the East side of Church Street, the wetlands are delineated, however most of the work is taking place on the opposite side. There is no paving or sidewalk work besides restoring what is disturbed. Proposal of sedimentation barriers along the East side of the roadway and pavement marking work, which is very minor, adding two new stop lines, adding electrical conduit, and removing the double yellow center line between the stop lines.

O. Fartushnaya explained that the wetlands were delineated and came to determination that none of the work being proposed would affect the wetlands in any way and all the work will be across the street from what they believe are IVWs (isolated vegetated wetlands). If there is any disruption during the work being performed, it will all be restored whether it is pavement or landscape areas. There will be no change in pervious areas and no change in drainage patterns.

C. Lynch explained the only comment is installation of erosion controls along the East side of Church Street along the wetlands.

O. Fartushnaya explained that erosion controls were not included in the details that were submitted, however, it is a standard sediment barrier that will be installed around the East side to protect the IVWs, per the Town's request of Straw Waddles.

No comments were made by the Commission.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for Church Street ROW – Near Map 42 Parcel 54

PUBLIC HEARING – NOTICE OF INTENT – Intersection of Lowell Street and Woburn Street – DEP File #344-1505

Documents: Notice of Intent application and materials, received June 10, 2022
"Massachusetts Department of Transportation Highway Division Plans" dated June 8, 2022
Stormwater Report, received June 10, 2022

Present in Interest: Peter Ellison, Civil Engineer, TEC
John Rockwell, TEC
Paul Alunni, Town Engineer

P. Ellison explained that the purpose of the project is to provide intersection safety and transportation improvements at the Intersection of Lowell Street and Woburn Street. The scope of work includes roadway improvements, approximately 2400-feet of improvements along Lowell Street as well as 1100-feet of improvements along Woburn Street. The focus of this project is to create a new intersection at Lowell Street and Woburn Street, which is substandard from a capacity perspective, with the geography of the intersection being relatively odd which leads to hazardous driving conditions. This is a buffer zone only project with two areas delineated that are within 100-feet of the improvements. The first area is at the B series wetlands, at approximately station 164 on Lowell Street. The proposed work within 100-feet of this wetland system is just to upgrade and replace the existing roadway in its current location. There will be some work within a few feet of those wetlands for replacement of a failing headwall that is very close to the wetlands. Proposing a sediment control barrier between that work to create a clear delineation between the proposed work and the wetland system. The second area is along Woburn Street at approximately station 129. Two wetlands are flagged, the A series wetland on the West side of Woburn Street and the C series wetland along the East side. The proposed work within 100-feet here includes repaving a portion of the existing road, creating a new infiltration basin, which a small portion is within 100-feet, and creating a new outlet for that infiltration basin that will discharge water during high rainfall events down to the A series wetland. The stormwater upgrades are a significant improvement over what is there currently. At 226 Lowell Street, there will be a portion of pavement that will be eliminated and will be turned into an infiltration basin. Overall, the project only increases impervious area about a few hundred square feet, but with the introduction of the new BMPs that they will be providing is a significant improvement of the quality of water that's reaching the wetlands. In addition to the stormwater improvements, P. Ellison proposed standard roadway erosion controls at the limits of work, to protect the wetland resource areas from any sedimentation that is happening in the work area.

C. Lynch stated that there are no comments, however a draft Order of Conditions is provided.

P. Alunni said he read through the draft Order of Conditions and saw no issues with them.

T. Bradley stated that he travels through this area from time to time and hasn't noticed any problems with flooding or any need for erosion controls and asked what the intention is since there are no obvious issues for change.

P. Ellison explained that you may not notice flooding on the roadway, but to meet modern design standards from the Massachusetts Stormwater handbook there is a certain level of treatment that is expected to be provided with the system, so as part of the improvements we are upgrading the existing system to meet those standards.

P. Alunni explained that it is also implementing low impact development and the spirit of the stormwater policy and some of the things that have been promoted in our stormwater regulations. Removing that pavement area and converting it to a water quality swale and an infiltration basin with a forebay, the amount of pretreatment and treatment that's collecting runoff from a very heavily traveled intersection and all the oils and greases and sediment that is carried along in that runoff, this will be a huge improvement. The other thing that's happening along Lowell Street, it's an older system that's a mishmash of different sized pipes and it bottlenecks in some areas with some surcharging going on, that water can bubble up out of catch basins during certain storm events. Ideally, this will make travelling on Lowell Street safer.

V. Licciardi questioned if this involves any private land taking.

J. Rockwell explained that there are no "takings" per say, there is an easement that was donated by the 203 Lowell Street project at the southwest intersection. There are a number of temporary easements and permanent utility easements that we're required to take to accommodate the construction of the project. Abutters will be contacted and explained the need for those easements and the Mass DOT process.

W. Wierzbicki questioned if there will be replacement trees and/or shrubs that are going to need to be removed to complete this project, around the basin.

P. Ellison said he is unsure of the exact number, however the plans that were submitted do show plantings along the edges and that includes trees as well as shrubs. A rough estimate would range from thirty (30) to forty (40) replacements.

J. Rockwell said they are working with a landscape architect and the Mass DOT landscape section to refine the number of trees and shrubs that are proposed for the project and to ensure that there is no conflict with utilities and such. This level plan shows nearly seventy (70) trees and over one hundred (100) shrubs installed throughout the project.

M. McInnis questioned if development is going on the southwest quadrant and have the plans been coordinated with what is happening there. Also, if curb cuts are included.

J. Rockwell answered yes, they have. They accommodated utility connections as well as their topography of the proposed site to ensure it is compatible with the grading we're proposing along the widened intersection. Curb cuts are accommodated on the plans.

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

VOTED: To close the Public Hearing for Intersection of Lowell Street and Woburn Street – DEP File #344-1505

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

VOTED: To issue the Order of Conditions for Intersection of Lowell Street and Woburn Street –
DEP File #344-1505

**PUBLIC HEARING – NOTICE OF INTENT – 29 Lawrence Street – Map 80 Parcel 76 – DEP File
#344-????**

Documents: Notice of Intent application and materials, received June 13, 2022
“Site Plans” dated June 10, 2022

Present in Interest: Garrett DeBlois, Applicant

G. DeBlois proposed a 12'x22' addition, with relocation of an existing deck and added stairs to his single-family home.

C. Lynch explained that there is a draft Order of Conditions ready to go, but unfortunately DEP has yet to issue a DEP file number for this project. C. Lynch has been in contact with DEP, but unfortunately has not heard back with a file number.

D. Pearson stated that lack of the DEP file number is a showstopper. In the past, the Commission has been able to vote on things contingent of certain things, but never for a file number.

M. McInnis asked if it would be possible to vote today contingent upon approval when the DEP file number is issued. C. Lynch explained that the DEP file number is one of the most important parts of the approval and without it, the Commission would not be able to vote on it. V. Gingrich also explained that DEP communicated in the past that the Commission cannot vote on items that do not have a DEP file number.

C. Lynch explained the draft Order of Conditions concern of permanent demarcation in the form of a post-and-rail fence, native shrubs, and/or boulders two and one-half to three feet in diameter placed two feet apart shall be installed along the 15-foot setback or top of slope as approved by the Conservation Agent in a permanent manner to prevent future encroachment. This condition shall run with the property inclusive of the transfer of ownership.

D. Pearson asked the Commission if the change in slope be the place that limits the yard from the wetlands or if demarcation should be required?

M. Gavegnano questioned if it was a drop off slope or a gradual sloping downward.

C. Lynch explained that it is a steep drop on the left side with the right side being more gradual, but overall being a steep drop off.

G. DeBlois explained there are some existing trees that make it somewhat impossible to get to on the right side.

M. Gavegnano said if you can see visually that there is demarcation naturally because of the drop, then permanent demarcation shouldn't be necessary, however if it flattens at a point, then there should be some sort of demarcation put into place.

T. Bradley said if it is not usable, and it is a sizable drop off then there is no need to require demarcation.

V. Licciardi, W. Wierzbicki, and M. McInnis agreed with T. Bradley.

D. Pearson confirmed with C. Lynch that there will be a 15-foot no disturbed zone, even if unmarked on the property, in place. He also explained that if the Commission comes up with a way to expedite the issuance due to the DEP file number, that we will reach out to G. DeBlois if there can be approval sooner than the August 3, 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 29 Lawrence Street – Map 80 Parcel 76 – DEP File #344-???? to the August 3, 2022, Conservation Commission meeting

CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 800 Salem Street – Map R1 Parcel 24 – DEP File #344-????

Documents: ANRAD application and materials, dated June 24, 2022
“Plans to Accompany,” dated April 20, 2022

Present in Interest: None.

C. Lynch stated that they requested to continue to the August 3, 2022, Conservation Commission meeting.

D. Pearson questioned if the peer review is complete.

C. Lynch explained that the peer review is ongoing.

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

VOTED: To continue the Public Hearing for 800 Salem Street – Map R1 Parcel 24 – DEP File #344-???? to the August 3, 2022, Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Cross Street – Map 40 Parcel 11 – DEP File #344-1504

Documents: Site Plan Review Letter, dated June 29, 2022
Continuance letter from Robert Peterson, dated June 30, 2022

Present in Interest: None.

Request to continue to the August 3, 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 Cross Street – Map 40 Parcel 11 – DEP File #344-1504 to the August 3, 2022, 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: Continuance email from Kristen Costa, dated June 30, 2022

Present in Interest: None.

Request to continue to the August 3, 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 Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494 to the August 3, 2022 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1500

Documents: Continuance email from Matthew Costa, dated June 30, 2022

Present in Interest: None.

Request to continue to the August 3, 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 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1500 to the August 3, 2022, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 1 Sgt. Veloza Way – Map R2 Parcel 40 – DEP File #344-1454

Documents: Request for Certificate of Compliance received June 14, 2022
“Plan to Accompany,” dated June 10, 2022

C. Lynch stated that the Order of Conditions required a compost bin, however the property does not have it. A small 8’x8’ patio was added to the back of the house as well. This will be a pattern for all the Sgt. Veloza parcels as well as McDonald Road parcel.

D. Pearson asked who would supply the compost bin.

C. Lynch explained either the homeowner or the developer, however that would not be pertinent to the Commission’s decision.

T. Bradley questioned what didn’t matter, having the compost bin or who pays for it?

C. Lynch answered with who pays for it, whether it be the homeowner or the developer.

T. Bradley questioned if the compost bin was stated in the Order of Conditions.

C. Lynch confirmed that it is stated in the Order of Conditions.

D. Pearson questioned if the patio is impervious or not.

C. Lynch explained he reached out to the applicant's Engineer but has not heard back yet on if it is impervious or not.

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

VOTED: To table the Certificate of Compliance for 1 Sgt. Veloza Way – Map R2 Parcel 40 – DEP File #344-1454 to the August 3, 2022, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 4 Sgt. Veloza Way – Map R2 Parcel 43 – DEP File #344-1381

Documents: Request for Certificate of Compliance, received June 9, 2022
"Plans to Accompany," dated February 3, 2022

See above minutes for 1 Sgt. Veloza Way, as multiple projects were presented together.

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

VOTED: To table the Certificate of Compliance for 4 Sgt. Veloza Way – Map R2 Parcel 43 DEP File #344-1381 to the August 3, 2022, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 5 Sgt. Veloza Way – Map R2 Parcel 41 – DEP File #344-1381

Documents: Request for Certificate of Compliance, received June 14, 2022
"Plan to Accompany," dated January 18, 2022

See above minutes for 1 Sgt. Veloza Way, as multiple projects were presented together.

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

VOTED: To table the Certificate of Compliance for 5 Sgt. Veloza Way – Map R2 Parcel 41 DEP File #344-1381 to the August 3, 2022, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 101 McDonald Road – Map R2 Parcel 45 – DEP File #344-1388

Documents: Request for Certificate of Compliance, received June 9, 2022
"Plan to Accompany," dated February 3, 2022

See above minutes for 1 Sgt. Veloza Way, as multiple projects were presented together.

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

VOTED: To table the Certificate of Compliance for 101 McDonald Road – Map R2 Parcel 45 DEP File #344-1388 to the August 3, 2022, Conservation Commission meeting.

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 55A Chestnut Street – Map 16 Parcel 2A –
DEP File #344-1443**

Documents: Restoration Report from Steven Erikson, dated May 31, 2022
“As-Built Plan,” dated February 17, 2022

C. Lynch stated that the Certificate of Compliance wouldn't be approved today due to the homeowner of 55A Chestnut Street removing a decent number of trees on 65 Chestnut Street's property as well as a few trees on their own property. Doing this work was in violation of their Order of Conditions which was for a previous Notice of Violation from the other side of the property. Violation letters were sent, per the Town's wetland enforcement bylaw, to both 55A and 65 Chestnut Street homeowners as well as an Enforcement Order with both homeowner's names, since the violation occurred on both properties, however 55A Chestnut Street homeowner being the violator. C. Lynch stated that the homeowner of 55A Chestnut Street stated it was removal of only three (3) trees, but with review of the photos it is more than three (3) trees. The accurate number is hard to tell since the stumps were ground up, leaving no remains of the trees that were removed.

L. Craig said he will allow a wetland scientist and land surveyor onto his property to provide those services if he is not held liable for the work that had been performed and that the work to be performed be at the standards recommended by the Commission.

C. Lynch confirmed that it is noted in the Enforcement Order that although his property was the location of the violation, that he was not the violator.

M. McInnis questioned how the number of trees removed will be resolved.

C. Lynch explained that the exact number of trees removed that will need to be replaced is up to the land surveyor and the wetland scientist to determine. Aerial photos are provided and overall, it may end up having to be an estimate of trees rather than an exact number.

Upon motion duly made by M. McInnis and seconded by W. Wierzbicki, it was unanimously

VOTED: To table the Certificate of Compliance for 55A Chestnut Street – Map 16 Parcel 2A –
DEP File #344-1443

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 251A Middlesex Avenue – Map 65 Parcel 13 –
DEP File #344-1257**

Documents: Request for Certificate of Compliance, received June 14, 2022
“As-Built Plan,” dated June 10, 2022

C. Lynch explained the only discrepancy with the Order of Conditions is that the fence goes away from the wetlands in one part which is better as it shortens the area closest to the wetlands. Also, one post of the fence is located slightly off property.

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

VOTED: To issue the Certificate of Compliance for 251A Middlesex Avenue – Map 65 Parcel 13 –
DEP File #344-1257

NOTICE OF VIOLATION**4 Wilton Drive – Map 21 Parcel 3M**

C. Lynch explained he and V. Gingrich walked the trail around Lt. Buck a few months back and stumbled across Mr. Broman's backyard and noticed a good amount of Earth being removed. At the time they believed it to be over the property line and in Conservation land and into the wetlands, however, after going on site and meeting with Mr. Broman, it was clear that it is not on Conservation land and didn't proceed into the wetlands. C. Lynch talked with Mr. Broman about issuing an Enforcement Order so that he could finish restoring that back portion of his property to its original grade.

Mr. Broman explained that his intention was to remove all the junk he had in his backyard, and he had the plantings flagged as spoken about with C. Lynch. T. Broman stated he will put plantings there and not make changes to that area going forward.

C. Lynch stated to the Commission that it is not wetland replication, it is strictly upland replication. Moreso plantings and throwing some seeding back there to revegetate that area.

D. Pearson questioned if there is documentation of a planting plan in place.

C. Lynch stated that there is a restoration plan in place and that Mr. Broman agreed to do plantings even further than 15' as a good common ground for demarcation of the undisturbed area in the future.

D. Pearson asked how it would be known that the line of plantings is demarcation?

C. Lynch suggested that planting decent sized ones and that they all be planted in a row as a good visual demarcation.

D. Pearson asked if demarcation was stated in the Order of Conditions and if it is clear enough to survive through the future sale of the property to the next owner.

C. Lynch stated that the property is very long and thin, and where grass begins to grow is a couple hundred feet from the wetlands so there is no Order of Conditions from when the house was built since it is so far away.

D. Pearson questioned if demarcation is something that will be continuous owner to owner from the Enforcement Order.

C. Lynch explained that it is something that could be added as another section in that Order.

V. Gingrich explained that the file for the Enforcement Order stays with the property file, and it would be a document that would be referenced to when looking at the property. The other option could be the homeowner filing a Notice of Intent which has ongoing conditions. We have been notified from DEP that Notices of Intents are not the right way to resolve Enforcements because an Order of Conditions allows for work; it does not require work to be done. They advise that Enforcement Orders are the proper way to follow through with Enforcement. It wouldn't necessarily be an order in an Order of Conditions, but it would live on in the Enforcement Order that would be referenced to in the future.

D. Pearson asked if we could remove condition number five (5) from the restoration plan.

M. McInnis said it may not be required, however it is still a good idea to leave it, as it wouldn't hurt to make it better if the applicant is not averse to it.

V. Gingrich stated that she doesn't believe DEP will have any issues with demarcation being included in the restoration plans.

T. Broman stated he will do whatever the Commission requires him to do. His intent was to clean the backyard, not do any harm. Also, DEP doesn't recognize the back as wetlands, which he believes it is, nor do they recognize it as an intermittent stream. Eleven (11) years back when they built the Lt. Buck development in the back side of his property, they ruled it out to not be wetlands. He is confused as to what he did wrong, because when it was investigated in the past, it wasn't wetlands, however now he is receiving feedback saying it is.

D. Pearson suggested leaving the Enforcement Order as written. He explained that when wetlands are delineated, they are only good for three (3) years, saying that the wetland boundary can change any time after.

C. Lynch stated he will work with Mr. Broman on the Enforcement Order.

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

VOTED: To issue the Enforcement Order for 4 Wilton Drive – Map 21 Parcel 3M

ENFORCEMENT ORDER

702 Sandy Lane – Map 106 Parcel 124 – Update

C. Lynch stated that the applicant's representative hired a surveyor and a wetland scientist. They sent an update and should be ready to go for the next meeting.

55A & 65 Chestnut Street – Map 16 Parcels 2A & 1A

Following the Request for Certificate of Compliance discussion above, C. Lynch stated the restoration plan for both properties:

1. Bordering Vegetated Wetlands (BVWs) in proximity to the unauthorized work shall be delineated by a professional wetland scientist and shown on the restoration plan. This plan shall show the wetland boundary, the 15-foot no disturb setback, the 25-foot no-structure setback, and the 100-foot buffer zone to BVWs. Property boundaries for 55A Chestnut Street (Map 16 Parcel 2A) and 65 Chestnut Street (Map 16 Parcel 1A) shall be surveyed by a PLS and shown on the same restoration plan.
2. The extent of disturbed areas on both properties of 55A Chestnut Street (Map 16 Parcel 2A) and 65 Chestnut Street (Map 16 Parcel 1A) shall be shown on the restoration plan and shall include the location, diameter, and species of trees and vegetation that was disturbed or removed. Any disturbance to wetlands that has occurred shall be shown with the square foot of disturbance and any vegetation removed.
3. Restoration plantings shall be shown on the plan in accordance with approved trees from the Wilmington Conservation Commissions Recommended Native Tree and Shrub list. Number of restoration plantings shall be based off the Wilmington Conservation

Commissions Tree and Vegetation Removal Policy. If wetland disturbance is found, the restoration plan shall indicate that a wetland seed mix will be used to revegetate the disturbed area. If any trees or shrubs were removed in the wetland, they shall be indicated on the restoration plan and replaced based off the Wilmington Conservation Commissions Tree and Vegetation Removal Policy.

4. The restoration plan shall note that all debris caused by this unapproved work including but not limited to downed trees, brush, waste, and wood chips caused by stump grinding and or spread shall be removed by hand from the 100-foot buffer zone to BVWs upon approval of the restoration plan by the Wilmington Conservation Commission.

C. Lynch stated that the Commission should receive a restoration plan by July 20, 2022.

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

VOTED: To ratify the Enforcement Order for 55A Chestnut Street – Map 16 Parcel 2A – DEP File #344-1443

ELECTION OF CHAIR AND VICE-CHAIR

The Commission agreed to pass on the election until further notice due to the joining of a few new members to the Conservation Commission.

MINUTES – June 1, 2022

The June 1, 2022, Conservation Commission meeting minutes could not be voted on due to the lack of members who attended the July 6, 2022 meeting.

NEXT MEETING – August 3, 2022

ADJOURN

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

VOTED: By D. Pearson, V. Licciardi, M. McInnis, T. Bradley, M. Gavegnano, and W. Wierzbicki to adjourn the meeting at 9:10 p.m.

Respectfully submitted,



Erika Speight
Senior Clerk