



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

RECEIVED
TOWN CLERK

2022 APR - 7 AM 9:50

TOWN OF WILMINGTON, MA

CONSERVATION COMMISSION MINUTES

March 2, 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/89207817053?pwd=a21vR0h0TjBIUIBha2pCR0NMbng2QT09>

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 856 2863 2459 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 Salazar, and Alexander Rittershaus were also present. Michael McInnis joined the meeting at 7:11 p.m. Laura deWahl was 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 – 11 Rhode Island Road – Map 36 Parcel 186A

Documents: Request for Determination of Applicability application, received February 11, 2022
"Plot Plan" dated January 28, 2022

Present in Interest: Bastin Antonisami, Owner/Applicant

B. Antonisami stated that they have an existing deck and are planning to make a sunroom on it, then proposing to extend a small portion of the deck towards the existing driveway.

C. Lynch stated that before construction begins, to add erosion controls along the back, between the wetlands and the work. B. Antonisami agreed.

T. Bradley stated that he did not see any delineation of the Bordering Vegetated Wetlands (BVWs) on the maps, asked C. Lynch if he was confident on the distances from the BVWs. C. Lynch stated that they were delineated on the plans, asked if he was given the wrong plans. T. Bradley stated that there are three (3) maps, one shows a plot plan, another shows a design for the house, and the other shows the existing house.

B. Antonisami stated that in the plot plan, he has the proposed and existing deck shown, as well as the distance shown to the wetlands. A. Rittershaus asked if it was the triangle line, B. Antonisami confirmed that it was.

V. Gingrich suggested pulling up the plan on the screen to be viewed by everyone. T. Bradley stated that he can take C. Lynch's word for the lines being there and correct.

D. Pearson asked if there are any public comments from the audience. There being no public comments, it was put to vote.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 11 Rhode Island Road – Map 36 Parcel 186A

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – Church Street (Rotary Park) – Map 42 Parcel 7

Documents: Request for Determination of Applicability application and supporting materials, received February 16, 2022

Present in Interest: Tina Stewart, Wilmington Memorial Library Director, Applicant
Scott L'Italien, Town of Wilmington, Deputy Town Engineer

D. Pearson abstained from discussion and vote due to being a current board member of the Board of Library Trustees, giving temporary Chair position to T. Bradley.

T. Stewart read the work description for the Request for Determination of Applicability (RDA).

C. Lynch stated that one (1) post is within the 15' no disturb, it is the Commission's decision if they want it moved or not. It is next to a light post and a bench that are also in the 15' no disturb, the path runs through that area as well. It is already a disturbed area, but it is the Commission's decision if they would like that post moved a bit to get out of the 15' no disturb.

T. Bradley asked, in the opinion of the library, would it make a difference if they would move it out of the 15' no disturb.

T. Stewart stated that it wouldn't, they are very flexible in terms of location, if one has to be moved to comply with the regulations, that should not be a problem.

V. Licciardi asked how much it enters the 15' no disturb.

C. Lynch stated that it is a few feet, but the bench, light post, and the path enter the no disturb area already, as well as people walking off the path in that area all the time, it is a pre-disturbed area.

V. Licciardi asked what kind of material the post will be made of.

T. Stewart stated that she believes it is aluminum. S. L'Italien confirmed that it is aluminum.

T. Bradley asked if there were any comments from the public, there were none. Asked if any of the Commissioners had a problem with the post going where proposed. The Commissioners did not.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for Church Street (Rotary Park) – Map 42 Parcel 7

T. Bradley turned the Chair back over to D. Pearson for the remainder of the meeting.

PUBLIC HEARING – NOTICE OF INTENT – 5 Ridge Road – Map 57 Parcel 41 – DEP File #344-1502

Documents: Notice of Intent application received February 14, 2022
"Site Plan" dated February 7, 2022

Present in Interest: Luke Roy, LJR Engineering, Inc.
Michael Wiehe, Applicant/Owner

L. Roy stated that this filing is for a proposed addition to an existing single-family dwelling. Referred to the visual display showing the existing dwelling and the Bordering Vegetated Wetland (BVW) that has been delineated which crosses the northeast corner of the property. The applicant is proposing a 595 sq. ft. footprint addition to the northerly side of the property, the wetland side of the house. It would be located 28' from the wetlands at the closest point, outside of the 25' no build buffer from the wetlands. Stated that it is a two-level addition the bottom level would be a garage, with the garage door on the left side, proposing a driveway to access that garage door. Designed such as it would come up adjacent to the 15' no disturb buffer but will not encroach on the wetlands so that will be where the erosion controls will be installed. Additionally proposing demarcation in the form of post and rail fence along the 15' no disturb back to where it starts to pull away from the wetlands. Proposing stormwater mitigation in the form of, rather than having the driveway runoff directly to the wetlands, they are proposing a bituminous berm installed along the outer edge and proposing a stone infiltration trench at the back edge of the driveway to capture some of the runoff from the driveway. DEP (Department of Environmental Protection) issued a file number a couple of hours ago.

D. Pearson asked C. Lynch and V. Gingrich if they had received the file number as well and if they had comments. C. Lynch stated that he had received the file number and the only comment was the lack of file number, but they have one now.

T. Bradley asked if, with the 15' being proposed from the BVW, the Commission considers driveways as a building.

V. Gingrich stated that the Commission does not, driveways need to meet the 15' no disturb but they can be within 25'.

D. Pearson asked why the fence does not go all the way to the property line, does not look like much of a distance, it might reduce the likelihood of people walking around the end of it.

L. Roy stated that there is a steep slope, and it starts to pull away from the 15' no disturb, but if the Commission preferred, stated that he is sure the applicant wouldn't mind running it a couple sections longer up to the property line.

D. Pearson asked the Commission about their thoughts on the fence. A. Rittershaus stated that he does not have an opinion, he is on the fence. N. Salazar and V. Licciardi did not have an opinion. M. McInnis stated that as long as the applicant is okay with it.

T. Bradley stated he would be happy to see the fence extended to the property line. D. Pearson stated that the Commission would like to see the fence extended to the property line.

M. Wiehe stated that they are happy to do that. Stated that it does drop off back there and become a stream, but they can comply with that however they can. M. McInnis stated that it follows the 15' and not running over the property line.

D. Pearson asked if there were any questions from the public, there were none. Asked if there were draft conditions. C. Lynch stated that there are and were sent to the applicant this morning. D. Pearson asked if the applicant is okay with the conditions.

L. Roy asked about condition number 47, they did look at doing a roof drain system and stated that it was going to be difficult to fit a system there that would comply. Stated they looked at the driveway runoff to try and mitigate that as an improvement.

D. Pearson asked to look at condition number 47. C. Lynch stated that it can be taken out if the Commission would like. D. Pearson asked if it could be read out. L. Roy read condition number 47 to the Commission.

D. Pearson asked if everyone was okay with eliminating the condition. T. Bradley asked if what they are doing is taking the gutter off the house, so that the runoff runs into the driveway which runs into an infiltration system anyway. L. Roy stated that is essentially what they are doing. N. Salazar, V. Licciardi and A. Rittershaus were okay with taking the condition out. M. McInnis stated that if they will not have the drainage system, then they would want to have something that states they cannot put on gutters because they would have the gutter running to an isolated area as opposed to sheet runoff from the roof.

V. Gingrich stated that typically if the applicant is not proposing underground infiltrators, it wouldn't be put into the conditions, this condition is just a carryover from another order. The department or Engineering would have made the comment to address the rooftop infiltration, in this case, the size of the addition is less than 600 sq. ft. so it does not have to get a stormwater permit. The condition was an error on the part of the department.

D. Pearson stated that they will remove condition number 47.

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

VOTED: To close the Public Hearing for 5 Ridge Road – Map 57 Parcel 41 – DEP File #344-1502

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

VOTED: To approve the Order of Conditions for 5 Ridge Road – Map 57 Parcel 41 – DEP File #344-1502

PUBLIC HEARING – NOTICE OF INTENT – 18 Kenwood Avenue – Map 59 Parcel 23 – DEP FILE #344-1501

Documents: Notice of Intent Application received February 15, 2022
"Site Plan" dated February 14, 2022

Present in Interest: Cristina Elena Marchis, Applicant/Owner
Maureen Herald, Norse Environmental Services, Inc.
Miron Marchis, 18 Kenwood Avenue

M. Herald stated that the NOI was filed due to a Notice of Violation (NOV) issued August 7, 2019, with the previous Conservation Agent. An after-the-fact NOI is being filed for clearing vegetation within the 100' buffer zone and Bordering Vegetated Wetlands (BVWs). Referred to the visual display and pointing out the wetland boundary, trees that are 36"-40" in diameter, and the existing tree line. Proposing to remove the existing paved area (driveway) and replace with pervious pavers. Also proposing to put a second level on the existing dwelling, which would go on top of the footprint. Requesting to square away the enforcement action. Proposing to plant native shrubs along the wetland boundary. Requesting to allow the BVW itself to naturalize, there was no fill brought into the wetland, but it was cut and manicured into a lawn area in between the tree line.

C. Lynch stated that erosion controls should be placed along the back of the property while the second-floor addition is being constructed. The demarcation is right on the wetland boundary line, which should be moved to the 15' no disturb line, that area is usable because of the resulting NOV, it should be moved up even though it is currently lawn area. Not shown on the plan or mentioned in the NOI, there are swing sets behind the wetland line, those should be removed. In the fall, during a site visit, a black pipe was running from the house, underground and came up right before the wetlands to empty roof runoff. Advised that the applicant can use natural wetland seed mix to help the BVW naturalize and avoid any invasives.

D. Pearson asked if C. Lynch noticed any invasive species in the back. C. Lynch stated that he did not, it is bare in the back, mostly grass.

T. Bradley stated that the 2019 NOV requests that they identify any fill and disturbance to vegetation but did not see any fill identified on the new plan. C. Lynch stated that he does not believe any fill was brought in, it was definitely cleared, but is unsure about the fill since it is a flat yard which matches the neighboring yards.

A. Rittershaus asked if there were any chemical applications in order to implement the lawn or if it was just laying of sod in the back. M. Herald stated that it looks like it was loam and seeded, but the homeowners are on to clarify.

C.E. Marchis stated that when they purchased the property in 2018, there was lawn there, but no chemicals were or ever are being used.

M. McInnis stated that the Willow trees were almost 40" in diameter, and there are only nine or ten replacements, asked if it meets the tree removal policy. M. Herald stated that those are existing trees. Stated that on the plan, it shows an overlay from the previous lawn from a 2014 aerial.

D. Pearson asked if the second-floor addition was mentioned in the NOI. C. Lynch stated that second-floor additions usually don't require to be in the NOI if they are staying in the same footprint, but the building permit for the addition came through the Conservation Department and that is when the NOV was rediscovered. D. Pearson asked if a Draft Order has been prepared. C. Lynch stated that there has not been a Draft prepared since there were outstanding questions.

D. Pearson asked M. Herald if they are all okay with the comments from C. Lynch. M. Herald stated that the erosion controls are not a problem, asked if the swing set can be moved outside of the wetland and be on the 15'. D. Pearson stated that is okay. Stated that another comment was moving the demarcation line from the wetland boundary to the 15' no disturb line. M. Herald stated that they can do that, but the homeowners were hoping to restore the lawn to its previous state when the house was purchased, asked if the Commission would consider that as an option.

D. Pearson stated that before he asks the Commission about the demarcation, asked if the pipe that is discharging into the wetlands will be removed. M. Herald stated that it will be removed. D. Pearson stated that the other comment was promoting some naturalization with a seed mix. M. Herald stated that they can include a wetland seed mix.

D. Pearson asked the Commission how they felt about having an actual 15' no disturb line. T. Bradley stated that he does not see a reason not to respect the 15' no disturb line. N. Salazar, V. Licciardi, and M. McInnis agreed, A. Rittershaus wanted clarification. V. Gingrich stated that, in this case, their lawn previously went to the wetland line. When there is no previous demarcation, the Commission hasn't historically asked the applicant to pull it back since that is their established lawn.

C.E. Marchis stated that they would like to have the lawn as it had been previously when the house was purchased. The other neighbors have the same land and plot plan, the realtor had said that the wetland boundaries were the same as the neighbors. When the NOV was issued, there were problems that they ran into, COVID hit and then they could not get in touch with anyone. They would like the lawn as it were.

D. Pearson stated that in the right-hand rear portion, there is a break of wetland flags, and it goes off to the rear of the property. There is that bit of upland; if that could be converted to wetland, asked if the Commission would feel differently about having the shrub line closer to the wetland line if a little bit more wetland was created. M. Herald stated that would work, they could add two (2) more shrubs in. V. Gingrich asked if D. Pearson meant squaring out the line. D. Pearson said yes, and have flags 3A, 2A, and 1A, take the triangle that is not wetland and make it wetland. V. Gingrich stated that it may not solve the question of having the no disturb or not. D. Pearson stated that he agreed, but would it make the Commission feel better about having the distance be less. V. Gingrich asked the Commission if they would rather have a more robust demarcation closer to the wetland rather than just shrubs. Suggested something more permanent like a post and rail fence or boulders. D. Pearson asked how the Commission felt. T. Bradley stated that he feels okay giving up some of that 15' but would like the shrubs and fence on the upland side of the wetlands. M. McInnis asked if the applicant is okay with the shrubs and fence. D. Pearson asked C.E. Marchis how she felt about the fence and shrubs. C.E. Marchis stated that she would rather just have shrubs but understands the Commission and the decision they make.

M. McInnis stated that he is in favor of the fence and shrubs and went back to the comment of moving the right-side shrub down to gain some wetlands there. A. Rittershaus stated that just shrubs are fine. V. Gingrich stated that there is no Draft Order prepared for the project, asked D. Pearson if the applicant would be okay continuing and re-grouping to revise the plans so that it can be acted on during the next meeting. D. Pearson stated that another thing was the approximate previous edge of lawn is a little bit behind the wetland delineation. Another thought would be to go off the previous edge of lawn with the demarcation.

M. Herald stated that they request to continue to the April 6, 2022 Conservation Commission meeting.

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

VOTED: To continue the Public Hearing for 18 Kenwood Avenue – Map 59 Parcel 23 – DEP File #344-1501 To the April 6, 2022, Conservation Commission meeting

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

Present in Interest: Adam Binnie, Applicant
Brenton Cole, Granite Engineering, LLC

B. Cole stated that it is the third time in front of the Commission, they had to work through Engineering and Planning comments, which they have done and have gotten approval from the Planning Board along with Conditions. Seeking approval to go to construction.

D. Pearson asked if they have received the Draft Order of Conditions. B. Cole stated that he has seen them, and they have no issues. C. Lynch stated that there were no further comments.

D. Pearson asked if there were any questions from the public, there were none.

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

VOTED: To close the Public Hearing for 99 Fordham Road – Map 99 Parcel 135 – DEP File #344-1489

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

VOTED: To approve the Order of Conditions for 99 Fordham Road – Map 99 Parcel 135 – DEP File #344-1489

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

Documents: "Plans to Accompany Permit Documents for Upton Park" last revised January 27, 2022
Response to Engineering Division comments dated January 28, 2022
Response to Planning & Conservation comments dated January 28, 2022
"Site Lighting Plan – West Alternate" last revised January 27, 2022
"Site Light Plan – East Alternate" last revised January 27, 2022
Summary of Resubmittal dated January 28, 2022

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 stated that a Draft decision was received, no comments or criticisms, one matter stated that there was a choice of planting vegetation on the 25' buffer or placing rocks, preference would be to plant vegetation. Either alternative is fine. There is some language that stated unless 'otherwise approved by commission', would like some guidance. C. Lynch stated it is the choice of the Commission if they would rather see vegetation or boulders. D. Pearson asked to see a plan that shows where the demarcation would be.

M. Costa referred to the visual display to point out along the intermittent stream on the right side of the property is where they currently show the boulders, for the wetland area is where the vegetation would be planted.

D. Pearson asked the Commission members what their preference would be. N. Salazar, T. Bradley and A. Rittershaus stated that they would prefer vegetation, V. Licciardi stated that he does not have a preference.

M. McInnis stated that he prefers boulders since it is a more permanent demarcation where vegetation tends to go away, but would go with what the majority says, unless it would rather be discussed. V. Licciardi stated that he prefers boulders instead. T. Bradley stated that he has no preference but would be happy to move to boulders if they believe that it is an area where vegetation will not thrive.

D. Pearson stated that if there were a robust wall of vegetation, no one would want to go beyond it, is unsure about the other one along the intermittent stream. M. Costa stated that there is no preference, the dark shading is the limit of grading. Any of the plantings or placing a boulder down there, they would need an excavator to do some disturbance in order to place those plantings.

M. McInnis stated that his concern is the survivability of the vegetation, if they can somehow guarantee maintenance, then that would switch his opinion back to vegetation.

L. Beals stated that if the project were to be approved, they would get the Order of Conditions, build, and then file for the Certificate of Compliance after it has been constructed, they would need to verify that the vegetation had been planted and had survived, also selected vegetation that is friendly in wetland environments.

D. Pearson stated that he prefers vegetation, would think of it as a token nod to climate resilience. Seems like there is a slight preference for vegetation over boulders. Asked the Commission. M. McInnis asked about boulders along the intermittent stream and vegetation in the wetland area.

M. Costa stated that they are fine with the boulders along the intermittent stream. L. Beals stated that it may be a good hybrid. D. Pearson stated that it seems the Commission is leaning towards boulders along the intermittent stream and vegetation along the wetlands. Asked if the Draft Order should be worded differently to fit the conclusion.

V. Gingrich stated that they are agreeing on what is shown on the plan which is vegetation along the BVW and boulders with vegetation along the setback of the bank of the intermittent stream. They can say that permanent demarcation along the 15' no disturb shall be installed as shown on the plan.

D. Pearson asked if there were any questions or comments from the public, there were none.

V. Licciardi stated that, on a previous project at 5 Ridge Road, the driveway was in the no build zone, there are several areas of the driveway on this project, asked if the Commission does not have any jurisdiction over building in the 50' zone. D. Pearson asked V. Gingrich if she had said driveways were not considered structures

V. Gingrich stated that the Commission has not considered driveways a structure, driveways, roadways, and parking lots have been allowed to go up to the 15' no disturb, in general, but there are cases where that may not be appropriate. The policy itself would be that disturbance itself would not happen within 15'. The next setback in the policy is for structures which would be buildings, higher

retaining walls, pools, sheds, etc. V. Licciardi asked if roads are included with driveways, in the same category. V. Gingrich said they are.

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

VOTED: To close the Public Hearing for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1492

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

VOTED: To approve the Order of Conditions as amended for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1492

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

Documents: Comment Letter from the Department of Environmental Protection, dated February 9, 2022
Email from Craig Newhouse, Newhouse Builders, Inc., requesting to continue, received February 26, 2022

D. Pearson asked if the applicant asked to continue. C. Lynch stated that they did.

Upon motion duly made by T. Bradley and seconded by A. Rittershaus, 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 April 6, 2022 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 47 Hopkins Street – Map 10 Parcel 6 – DEP File #344-1496

Documents: Letter from Maureen Herald, Norse Environmental Services, Inc., requesting to continue, dated February 24, 2022

D. Pearson asked if the project is a continuation. C. Lynch stated that it is.

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

VOTED: To continue the Public Hearing for 47 Hopkins Street – Map 10 Parcel 6 – DEP File #344-1496 to the April 6, 2022, Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 116 Burlington Avenue – Map 17 Parcel 13 – DEP File #344-1497

Documents: Response Letter from Luke Roy, LJR Engineering, Inc., dated February 10, 2022
“Subsurface Septic Disposal System Replacement” last revised February 9, 2022

Present in Interest: Christopher Cormier, Owner/Applicant
Luke Roy, LJR Engineering, Inc.

L. Roy stated that there were comments from Conservation and Engineering. A revision letter was submitted, a stone construction entrance was put on the plan, a letter was provided from Norse Environmental Services, Inc. describing the methods of delineating the mean annual high water of Mill Brook. They also went through the riverfront performance standards, describing how the project met the standards, intending to elaborate further. One of the questions regarding the proximity of the impervious areas in the regulation for it to be 100' or further than existing, whichever was closer, the proposed driveway, closest point to the river was at least the same or further than the existing dwelling. They revised the plan to eliminate any impact to bordering land subject to flooding, removed the grading that was proposed in that area, making it clear on the plan that there is no fill allowed, the existing grade is to remain as it is currently. Stated that he did not see evidence of any prior filling, the applicant had no information on that. Some detail was provided about the riverfront area that the area that is currently proposed to be reclaimed to revegetate, any manmade materials be removed from that area. Expanded the stone infiltration trench to address one of the comments from Engineering Division so that it was sufficiently sized for the contributing driveway area.

C. Lynch stated that he was in contact with LEC Environmental Consultants, Inc. for peer review to go over the NOI (Notice of Intent) and the performance standards.

V. Gingrich stated that when the revised materials were viewed, there needed to be more information on if the performance standards have been met. Reached out to L. Roy to let him know that a recommendation will be sent to the Commission of peer reviewer involvement. LEC is typically the peer reviewer for riverfront area, reached out for a proposal, Rich Kirby, LEC, was going to be getting it back to the department today, he still could. A lot of the yard is located in the 100' which is supposed to be a naturally vegetated area that remains untouched. There is impervious area in the 100' previously, they are proposing a similar location for impervious area in the proposed plan, but there is grading and other things that go into that 100' area, they are not showing that the 100' area would remain as a natural area, the post and rail demarcation is within that 100' area. There is disturbance within the 200' riverfront area, which is limited by the regulations on how much disturbance is allowed. T. Bradley agrees with the peer review.

D. Pearson asked about the plan itself; just beyond the 100' riverfront line, there is a crosshatched area, asked what that is. L. Roy stated that is an area of exposed bedrock/ledge. D. Pearson asked if it was manmade or natural. L. Roy stated that there are landscaped stone walls circling that area as well as a deck that is supported on the edge of that. D. Pearson asked to clarify that there are some manmade structures between that 100' buffer and demarcation fence. L. Roy stated that there is a house, partly, a septic system, maintained lawn and landscaped areas. The way the property was used, the tree line and maintained areas were very close up to the brook itself, looking to reclaim some of that area to a natural buffer. D. Pearson agrees with the peer review.

D. Pearson asked if there were any public comments, there were none.

D. Pearson asked if the peer review could be set before the April 6 meeting. V. Gingrich stated that the department is aiming for that.

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

VOTED: To continue the Public Hearing for 116 Burlington Avenue – Map 17 Parcel 13 – DEP File #344-1497 To the April 6, 2022, Conservation Commission meeting

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

Documents: Continuance request from Devin Howe, Beals Associates, Inc., received March 2, 2022

D. Pearson asked if the applicant wishes to continue. C. Lynch stated that is correct.

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

VOTED: To continue the Public Hearing for 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1500 to the April 6, 2022, Conservation Commission meeting

CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 708R Woburn Street – Map 57 Parcel 54E – DEP File #344-1499

Documents: Letter from Maureen Herald, Norse Environmental Services, Inc., requesting to continue, dated February 23, 2022

D. Pearson stated that there was a request to continue. C. Lynch stated that is correct, Mary Rimmer of Rimmer Environmental Consulting, LLC, has been contracted for the peer review, but is waiting for the snow to clear and will be at the next meeting.

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

VOTED: To continue the Public Hearing for 708R Woburn Street – Map 57 Parcel 54E – DEP File #344-1499 to the April 6, 2022, Conservation Commission meeting

NOTICE OF VIOLATION

34 Birchwood Road – Map 81 Parcel 28

C. Lynch stated that the owner is still in the process of finding a wetland scientist, but he was given till the April 6, 2022 meeting to submit any new information.

Lord's Tree Service – Update

C. Lynch stated that the department has been in contact with DEP, talked about issuing an Enforcement Order with the company. There is no specific address, so the department will have to work with them and hope to get the enforcement order issued before next meeting.

D. Pearson asked if DEP has a history of issuing enforcement orders against commercial enterprises.

C. Lynch stated that it has done before, but the difficult part is that they do not have a specific address, would need to work on wording. Stated that the Commission can work together to come up with it, it does not need to be issued beforehand for the next meeting and the Commission could see it before it would be issued.

D. Pearson asked if it would refer to some of the sites that his company has done work at. C. Lynch stated that the thought would be no buffer zone work in the future with the company, which would be the extent of what the enforcement order would be able to do.

55 Andover Street – Map 103 Parcel 15 – Update

C. Lynch stated that the owner cut down 19 trees without approval, they were supposed to file for this meeting, but the RDA (Request for Determination of Applicability) was submitted yesterday for the April 6, 2022 meeting.

ENFORCEMENT ORDER**702 Sandy Lane – Map 106 Parcel 124**

C. Lynch stated that the homeowner has a deadline of March 23 to submit materials, but the department has not heard anything. They are encroaching on town land, brought in fill, and had an addition of a deck. D. Pearson asked if C. Lynch has heard anything from the homeowner. C. Lynch stated that he has not.

ADMINISTRATIVE TREE or SHRUB REMOVAL**7 Congress Street – Map 7 Parcel 26A**

C. Lynch stated that it was one (1) tree, this goes with 15 Congress Street, at 7 Congress the applicant chose to take down a tree that was hanging over a neighbor's house, it was in a wooded area, so he only cut off the top of it about 10' from the base, leaving the stump for wildlife.

15 Congress Street – Map 7 Parcel 24

C. Lynch stated the owner is the one who requested to get the tree taken down on 7 Congress Street, but it was on the neighbor's property, so they needed the neighbor's permission. There were five (5) trees in the back that were in bad condition, two (2) were leaning on the neighboring property.

16 Wirth Avenue – Map 7 Parcel 28

C. Lynch stated that it is in the same neighborhood as the other two, they cut the top off and left about 10' for wildlife since it was in a wooded area. D. Pearson stated that the section "Areas Subject to Jurisdiction" there was missing information, make sure that applicants fill in all of the information on the application.

DISCUSSION**Upcoming election of new Chair and Vice Chair at the April 6, 2022, meeting**

V. Gingrich stated that there has been no progress. M. McInnis stated that the beginning of the meeting, T. Bradley did a great job acting as Chair during the Public Meeting for Church Street (Rotary Park). T. Bradley stated that he would have been glad to assume the Chair, but at this point, it is not possible.

D. Pearson asked M. McInnis if he was moving further away, as soon as remote meetings stop, it may be more difficult. M. McInnis agreed. D. Pearson stated that some people have been missing lately, V. Gingrich stated that Laura deWahl is the only one who is missing tonight. V. Gingrich asked D. Pearson to clarify that he will not be the Chairman anymore and is asking someone else to do so. D. Pearson agreed and stated that it is time for someone else to be Chair. Stated that he is willing to be the Vice Chair.

V. Gingrich asked if the next meeting should be remote or in person. D. Pearson asked about the extension by the Governor for remote meetings. V. Gingrich stated that there has been an extension for remote meetings into July, it is up to the Commission. D. Pearson stated that if the meeting were to be held in town hall, the mask mandate has been lifted, asked the comfort level of the Planning Board during last night's meeting in the Auditorium. V. Gingrich stated that most people had worn a mask, but

it was not a large crowd. It is up to the Commission what they would like to do, every Commission and Board are different.

M. McInnis suggested advertising to schools about the Commission and maybe D. Pearson could be a possible mentor for a couple of months. D. Pearson stated that could be a possibility and asked if anyone was reaching out or being contacted about the Commission. V. Gingrich stated that at this time, there is a full Commission. D. Pearson asked who needs to be renewed. V. Gingrich stated that she will need to go through the list and reach out to the Commission members about their term and if they would like it renewed.

D. Pearson asked the Commission their opinion on the meeting on April 6 being remote. The Commission agreed to a remote meeting for April 6, 2022.

687 Main Street – Map 37 Parcel 11A – DEP File #344-1487 – Progress Report

C. Lynch stated that he has a preconstruction meeting on Monday, March 7.

MINUTES – January 5, 2022 & February 2, 2022

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

D. Pearson, T. Bradley, V. Licciardi, N. Salazar, and A. Rittershaus voted 5-0 to accept the minutes for the January 4, 2022, Conservation Commission meeting, M. McInnis abstained.

The meeting minutes for the February 2, 2022 Conservation Commission meeting were discussed and then voted.

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

D. Pearson, T. Bradley, V. Licciardi, and M. McInnis voted 4-0 to accept the minutes, as Amended, for the February 2, 2022, Conservation Commission meeting, N. Salazar and A. Rittershaus abstained.

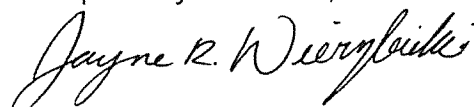
NEXT MEETING – April 6, 2022

ADJOURN

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

VOTED: By D. Pearson, T. Bradley, N. Salazar, V. Licciardi, M. McInnis, and A. Rittershaus to adjourn the meeting at 9:22 pm.

Respectfully submitted,



Jayne Wierzbicki
Senior Clerk

