



TOWN OF WILMINGTON
DEPARTMENT OF PLANNING & CONSERVATION
 121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

CONSERVATION COMMISSION MINUTES
 May 3, 2023

Donald Pearson called the meeting to order at 7:04 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/85863881760?pwd=RGthVWJ6T3ZYR1FJUUN9nUG1aL2dhUT09> 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: 858 6388 1760 and then enter the following passcode: 872053 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, Vincent Licciardi, 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. M. McInnis was absent.

DISCUSSION

Silver Lake Invasives Management Update

J. Magaldi introduced himself and explained that the Order of Conditions (OOC) for this project requires them to provide an annual update to the Commission about the plans for lake treatment and what they found on the weed survey which is conducted each spring. He explained that Silver Lake has been treated chemically seven (7) times over the last fourteen (14) years, which they treat every other year except for the past few years where they've treated every third year.

E. Valdemar explained that she surveyed last week and is happy to report that only two (2) invasives were found. The first being a sparse patch of phragmites and the second being two (2) patches of moderate, but sparse in density of curly leaf weed. She explained that the rest were native species and when speaking with J. Magaldi, they discussed that treatment this year is not necessarily strongly warranted. It is something that would help in getting ahead of the curve for managing invasive species, and down the road this will be an issue but at the moment it is not an issue. She reiterated that the density is sparse to moderate, everything else looked clear, and the natives were healthy and abundant.

J. Magaldi stated they've moved to an every third-year treatment, the last being in 2021. He explained if they were to continue that tradition, they would not treat this year. He explained one thing they consider when dealing with pesticides is a fundamental concept in pest management which is called action threshold, that is when the number of pesticides damage beyond when management action should be taken. If they believe they can tolerate the amount of weeds that are in there now and still get the recreational use of the lake, they would lean towards not treating it. Right now, that is conservatively

what they plan to do and in the fall resurvey and make a recommendation to monitor that and likely treat next year.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 30 Kilmarnock Street – Map 74 Parcel 6

Documents: RDA application & materials, received April 18, 2023
“Plan for RDA,” dated March 24, 2023

Present in Interest: Stacey Allard, Owner & Applicant

S. Allard introduced herself and explained she is before the Commission to request after the fact approval for an above ground pool. She explained she came before the Commission back in March, and there was an issue wondering if the property was within the flood zone. She spoke with her wetland scientist at Norse Environmental Services and confirmed that the property is not inside of the flood plain, which they’ve updated the plans with the engineer to show that. The pool is located 22’ away from the wetland and there will be no backwashing as it is a cartridge filter system.

C. Lynch explained with the letter of Map Amendment, they were able to show the pool is outside of the flood plain. He explained the only question is regarding the drainage of the pool and if the Commission is okay with the pool being within the 25’ no build.

S. Allard confirmed the pool doesn’t need to be drained and will be treated each year.

D. Pearson asked for clarification on the letter of Map Amendment.

V. Gingrich explained it was issued for the property a while back. She explained there was an elevation of 76.7, with the pool being at 77.8, and they had their surveyor go out and get spot grades of where the pool elevation was located and showed that the pool is above that elevation. The letter of Map Amendment specifies the elevation that the flood plain exists at and everything that is above that elevation would be considered outside the flood plain.

V. Licciardi asked if it would be possible to move the pool 3’ to the left, to maintain the 25’ no build.

S. Allard stated, if necessary, they could do that, but it isn’t a pool that is drained so it would then have to be drained to be moved.

J. Cole asked how old the pool is and how long has it been in place.

S. Allard explained the pool was put up last year.

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 30 Kilmarnock Street – Map 74 Parcel 6

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 15 Seneca Lane – Map 68 Parcel 9

Documents: RDA application & materials, received April 19, 2023
“As Built Grading Plan,” dated April 18, 2023

Present in Interest: Keith Libitz, Owner & Applicant
Mike Gomez, Our House design + build, Representative

M. Gomez introduced himself and explained they are proposing to construct a wood framed covered porch in the rear and a wood framed covered entry in the front, both within the 100' buffer zone to Bordering Vegetated Wetlands (BVWs). He explained they intend to use two (2) existing concrete footings on the plan to construct the rear covered porch and an additional footing would be required in the form of helical piers, as well as two (2) helical piers in the front covered entry. He continued saying the reconstruction of the wood framed steps up to a landing, which serves that rear covered porch will be required. There is crushed stone perimeter drainage currently around a level lawn on all sides of the home and slopes downward toward the wetland. He explained their proposal would suggest a mulch sock to mitigate any construction related debris finding its way into the resource area. As far as rainwater runoff and its effect on groundwater, there seems to be adequate perimeter drainage currently so it doesn't appear that any additional measures would be needed there.

C. Lynch explained the only comment would be to install erosion control prior to the start of work.

D. Pearson asked if there wouldn't be any reduction in the amount of perimeter drainage as a result of the new work.

M. Gomez confirmed.

D. Pearson asked if they plan to add to it or if it will remain unfinished.

M. Gomez explained they will do what is best for the site and stated it is level lawn that slopes down toward the resource areas and there hasn't been much in the way of standing water. He continued saying with the addition of the new asphalt roof area, the homeowners want to plan for gutters and leaders, so they'd be open to rainwater retention barrels above ground and wouldn't encourage perimeter drainage around the footprint of the deck.

D. Pearson asked what is currently around the steps of the deck.

M. Gomez answered saying a large amount of crushed stone underneath the existing wood framed deck and underneath the wood framed stairs heading towards the driveway. He explained they wouldn't be offsetting that and not adding to it either.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 15 Seneca Lane – Map 68 Parcel 9

PUBLIC HEARING – NOTICE OF INTENT – 100 & 104 West Street – Map 71 Parcels 3 & 5 – DEP File #344-1523

Documents: NOI application & materials, received March 31, 2023
NOI Project Narrative, dated March 28, 2023
"Comprehensive Permit Drawing Set Plan," revised February 24, 2023
Stormwater Report, revised December 27, 2022

Present in Interest: Derek Santini, Owner & Applicant
Anna Jones, Stantec Consulting Inc., Representative

Theo Kindermans, Stantec Consulting Inc.

T. Kindermans introduced himself and shared his screen. He explained they filed a Notice of Intent (NOI) for the construction of a multi-family apartment building right at exit 31 off highway I-93. They recently received a comprehensive permit from the Zoning Board of Appeals (ZBA) and as part of that process, the stormwater management system has been reviewed and they received a clean letter from the Peer Review consultant after three (3) go arounds. The wetland lines shown on the plan are based on an Order of Resource Area Delineation (ORAD) that the Commission issued in September of 2021. Being proposed is a four-story building that sits on a one level parking garage, which was done to minimize the parking footprint. There are two (2) curb cuts on West Street and a small parking lot up front for fire access. The wetlands run in the rear, which is east and south of the property. He explained on the east side, there is drainage coming from the off ramp and except for a tiny bit of grading in the bottom corner, they are staying completely outside of the 15' no disturb zone that the Commission likes to uphold.

A. Jones explained that the black boxes shown on the top left of the plan are rain storage systems that will take the roof runoff of the building and all areas above deck and then all the front pavement areas which will help infiltrate stormwater to exceed the Commission's standards. They are also proposing proprietary water quality units to remove phosphorus and total sediment. South of the property where the parking garage entrance will be, that parking area will drain to a surface basin, and they are proposing a focal point system there as well to treat phosphorus and total sediment. In the back of the site near I-93, they will have a third smaller basin that will only collect landscape areas from the sides and rear of the building. She explained all the stormwater will drain to the existing wetland, which is generally how it drains today.

V. Gingrich explained this project was reviewed by TEC for traffic, stormwater, and civil design. The town engineer reviewed it as well and it did meet all stormwater requirements and was approved by the ZBA earlier this year. She explained this is a 40B comprehensive permit project which is a little different. It doesn't have to meet local zoning requirements and local regulations because the town was under 10% affordable housing. This development was proposed to add to affordable housing, so it is allowed to bypass the local requirements. She explained through the ZBA process, they did comment on having them look at a form of physical demarcation for the 15' no disturb and she wanted to mention that to the Commission to see if it is something they'd like to see as well as signage along the 15' no disturb.

T. Bradley stated he would like to see demarcation at the 15' no disturb and asked what prevents them from moving the building slightly to the left to avoid that 50' buffer zone.

T. Kindermans stated the curb cut would not work with the traffic movements. He explained that they knew this would be a concern, so they took part of the building out in the back already. He stated they can certainly add signage at the 15' no disturb.

V. Gingrich mentioned that as part of the ZBA process, they required the applicant to do some metering of the pump stations and gather enough information that everyone was comfortable with for the development, and they didn't want to have them proceed without confirming the right capacity. She explained that was looked at very closely and they did provide a lot of information.

V. Licciardi stated with all the pipes pumping into the same station, down the road there could be a serious problem, and asked how it'll be handled. He also asked if there will be a generator on the property.

T. Kindermans stated there is a generator proposed for light safety purposes with an alarm system.

V. Licciardi questioned sewer capacity.

V. Gingrich stated the town engineer and the sewer consultants have a spreadsheet that catalogs all the flows going into the system and the future flows that are allowed on the parcels that are along the line. They have looked at what is allowed for the future and added that in the capacity for this development. She stated the future is being looked at as well as the present.

W. Wierzbicki asked if the garage is underneath the whole complex or is it at ground level.

T. Kindermans answered saying the garage is almost the entire building footprint except for the front portion. He stated the site slopes towards the rear, so in the front, you would not see the garage, but going around to the side and back, you would see the garage. He explained from the front, you would see four (4) stories, but from the rear you would see five (5) stories.

A. Jones stated anything that falls on the roof or the courtyard deck will be pumped to the infiltration system and any flows inside of the garage will go to an oil gas separator per code.

W. Wierzbicki mentioned the fire lane in the rear of the building and asked about snow storage and if all the snow will be moved to the front of the property.

T. Kindermans confirmed saying the snow will have to be moved to the front snow storage areas and will be removed with a snowblower rather than snowplowed.

D. Pearson asked if there are any outstanding comments from the Engineering Division.

V. Gingrich confirmed there are no outstanding comments.

D. MacDonald expressed her concerns about the traffic since that street currently gets backed up and asked if there are plans to widen the road and asked where the sidewalk will be located.

T. Kindermans stated there is currently a sidewalk that ends, and they will be connecting it to the sidewalk that enters their property and are offering the town an easement along the property line in anticipation that they will build a sidewalk.

V. Gingrich answered saying the traffic study was peer reviewed as part of the comprehensive permit, and the developer is responsible for paying mitigation funds for the traffic they are adding to that area. She explained they are also providing an easement for future widening and adding a right turn lane with sidewalks and bike lanes as well. She stated it would be the town's responsibility because they do look at West Street and the intersection comprehensively to improve them with the mitigation funding for the design plans.

D. Pearson asked if they will be using a wetland seed mix in the area where they will be grading.

T. Kindermans confirmed they will have three (3) different types of wetland seed mix to use for that area.

D. Pearson asked if they would have boulders to place along the 15' wetland line.

T. Kindermans stated they would be happy to place boulders along the wetland line.

L. Randall asked how many units there would be and how many would be 40B.

T. Kindermans answered saying there will be 132 units and 75% will be at market rate with the rest being affordable.

Upon motion duly made by J. Cole and seconded by F. Silveira, it was unanimously

VOTED: To continue the Public Hearing for 100 & 104 West Street – Map 71 Parcels 3 & 5 – DEP File #344-1523 to the June 7, 2023, Conservation Commission meeting

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: ANRAD application & materials, received April 19, 2023
“Existing Conditions Plan Birch Street Subdivision,” revised January 20, 2023

Present in Interest: Maureen Herald, Norse Environmental Services, Inc., Representative
Haralambos Katsikis, Owner & Applicant

M. Herald introduced herself and shared her screen. She explained these properties are located off Lowell Street and the resource areas on the properties include Bordering Vegetated Wetlands (BVWs) as well as the 100-year flood plain. The Mean Annual High-water (MAHW) line of Maple Meadow Brook, which is a perennial stream, was highlighted and shown on the plan. The bank was flagged in the field as RF flags, and they are in front of the Commission to verify these resource areas. She explained C. Lynch sent her a proposal for LEC to Peer Review, which she received and forwarded onto her client.

C. Lynch stated once the funds are received, the Peer Review can begin.

W. Wierzbicki asked if there are any species as far as animals or plants that need to be referenced.

M. Herald stated at the time of flagging no, but as part of the ANRAD, they do look at Natural Heritage and Endangered Species maps and none of these lots or this area are located within estimated or priority habitat and there are no certified vernal pools or potential vernal pools on the property, so that was reviewed and looked at.

D. MacDonald stated she lives on the other side of Bay Street and said she was walking down Birch Street and could see the water and stated where the 100-year flood plain is shown on the plan, it is currently under water on the site. She continued saying there are coyotes, deer, turkeys, and animals of that nature that run through there often as well.

S. Sullivan stated that the Headwaters Stream Team (HWST) strongly disagrees with this delineation. She explained earlier in the week, they had sent video and footage of where the MAHW line is located, which is closer to the tree line than shown. She stated there is a lot of aquatic plants and they shared drone footage with the Commission for their review. She would like to play at least one (1) of the drone footage videos for the Commission to see because it gives an overall view and shows significant flow in areas that are MAHW. She stated the delineation isn't as close as it should be.

V. Gingrich shared her screen and played the drone footage for the Commission's review.

S. Sullivan stated the HWST is very concerned, and Maple Meadow Brook deserves to have protection under the Wetlands Protection Act (WPA) just like every other river. She stated just because it's a wetland stream doesn't mean that it shouldn't get that protection. They have a significant amount of evidence and will continue to gather more.

M. Herald stated she doesn't have permission to allow the HWST onto the property. She explained it becomes a legal issue if someone on the property falls or injures themselves and it becomes a potential lawsuit for her client. She explained the Town staff, the Commission members, the Peer Reviewer, as well as herself are the only ones allowed onto the property.

D. Pearson stated in other cases they've had a little more leeway and asked if this is on a case-by-case basis with different property owners.

M. Herald stated she can find out, but she is going to advise her client, other than the Town staff, herself, Commission members, and the Peer Reviewer, she doesn't think it's a wise decision to let the public or anyone else onto the property. If they decide otherwise, that is their decision.

F. Silveira stated he understands the concern, but if there is some sort of release of liability, is that something they'd be open to.

M. Herald stated that is something she can ask her client, but at this meeting she can't make that decision for her client.

D. Pearson stated he thinks that having more voices at the table will result in a more representative resolution. He asked V. Gingrich or C. Lynch to explain how the Peer Review worked for the property located at 800 Salem Street.

V. Gingrich stated the applicant was willing to reach out to the parties that were interested in the project and they had conversations with the HWST, the Ipswich River Watershed Association (IRWA), and the town and looked at addressing everyone's concerns and came up with a project that did that. She explained they took the approach of gathering input at the start of the project and worked that into the design plans.

D. Pearson stated M. Herald may want to relay to her client that there has been history that suggests having more voices involved may be beneficial.

M. Herald stated she will forward that comment onto her client.

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

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 230, 234, 240 Ballardvale Street – Map R2 Parcels 23E, 23F, 23G – DEP File #344-1520

Documents: Response letter, dated April 18, 2023
"Non-Residential Site Plan," revised April 17, 2023
"Concept 1 Plan," dated March 21, 2023

Present in Interest: Michael Lambert, Granite Engineering, LLC., Representative

Brenton Cole, Granite Engineering, LLC.

M. Lambert stated they've been before the Commission for the past few months discussing the parking lot expansion. He explained they've addressed all Town staff comments and the Engineering Division's comments. At the last meeting, there were concerns about snow storage on the site, and he explained all the snow will be stored on the asphalt and not be pushed towards the wetland slope. They did receive a draft Order of Conditions (OOC) and they are okay with it.

C. Lynch stated the only condition that is a little different is condition #39, stating that the wording for the snow storage sign must be approved prior to installing, and condition #50 reiterating the snow storage.

No comments were made by the public.

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

VOTED: To close the Public Hearing for 230, 234, 240 Ballardvale Street – Map R2 Parcels 23E, 23F, 23G – DEP File #344-1520

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

VOTED: To issue the Order of Conditions for 230, 234, 240 Ballardvale Street – Map R2 Parcels 23E, 23F, 23G – DEP File #344-1520

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.

Request to continue to the June 7, 2023, Conservation Commission meeting.

J. Cole abstained from this agenda item.

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

VOTED: To continue the Public Hearing for Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494 to the June 7, 2023, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 30 Kilmarnock Street – Map 74 Parcel 6 – DEP File #344-215

Documents: None.

C. Lynch stated that since the Request for Determination of Applicability (RDA) was approved earlier in the meeting, the Certificate of Compliance (COC) is ready to be issued.

Upon motion duly made by J. Cole and seconded by V. Licciardi, it was unanimously

VOTED: To issue the Certificate of Compliance for 30 Kilmarnock Street – Map 74 Parcel 6 – DEP File #344-215

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 19 Cedar Street – Map 30 Parcel 67 DEP
File #344-311**

Documents: Request for Certificate of Compliance, received April 27, 2023

C. Lynch stated the only thing to mention is that there was a deck installed roughly 25 years ago and since then, the property has changed hands a few times, but other than that, the Certificate of Compliance (COC) is ready to be issued.

Upon motion duly made by V. Licciardi and seconded by W. Wierzbicki, it was unanimously

VOTED: To issue the Certificate of Compliance for 19 Cedar Street – Map 30 Parcel 67 – DEP
File #344-311

ENFORCEMENT ORDER

4 Wilton Drive – Map 21 Parcel 3M

C. Lynch explained he spoke with the property owner and the potential engineer for this project prior to the last meeting and it sounded like the homeowner started to work on restoration, but he hasn't heard anything since.

D. Pearson stated it is a good time for planting and it would be great to have him get started.

C. Lynch stated the post-and-rail fence for demarcation is already installed, so now they are just waiting for the restoration plan.

6 Hanson Road – Map 57 Parcel 47Q

C. Lynch stated the wetland scientist sent over a sketch for the Commission to review. He explained they are going to be bringing in fill along the outskirts of the yard and planting a wetland seed mix. Off there will be a 15' no disturb post-and-rail fence that'll go around the whole property.

D. Pearson stated it seems as if no existing lawn will be lost.

C. Lynch explained they'll be losing a small amount of existing lawn.

D. Pearson asked what is on the other side of the property line.

C. Lynch stated that is Lucci's property, but they received approval in a written letter allowing them to restore that area and then they'll need to put up a fence at least 15' away from Bordering Vegetated Wetlands (BVWs) or along the property line.

D. Pearson stated there is no fence on the plan, and that is something the Commission would like to see. He asked if it is just a wetland seed mix and if there are no shrubs involved.

C. Lynch stated there was no mention of shrubs and the homeowner stated they were going to let nature take over on the other side of the demarcation fence.

D. Pearson asked if the number of trees or shrubs lost is known.

C. Lynch explained the expansion started by the previous owner a long time ago, so the number is unknown.

D. Pearson asked the Commissioners if they think this plan includes enough detail, or if they think it should be more detailed.

All Commissioner's confirmed the plan should be more detailed to include the proposed fence and shrubs.

V. Gingrich explained the Commission can ask the homeowner to overlay the ariel photo onto the plan so that they can see if the lines match up with what is seen from the ariel photos.

D. Pearson stated the Commission is looking for more specifics in terms of where they are going to remove fill, consider the planting of shrubs, and a fence installed at the 15' no disturb line.

C. Lynch asked how many trees the Commission is looking to have them plant.

D. Pearson stated since there is approximately 180' of loss, planting nine (9) to ten (10) trees or shrubs should be sufficient, figuring one (1) planting for every 20'.

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

C. Lynch explained Town Counsel sent a letter to the homeowner. A few days later the homeowner came into the Town Hall and stated he would have his engineer get in contact with staff to come up with a schedule of completion. He explained a few weeks went by with no contact from them, so he called the engineer and still hasn't heard back. The Town Manager has now allowed Town Counsel to prepare a superior court enforcement complaint.

D. Pearson asked what would be expected from the homeowner in that case.

C. Lynch explained a court date would be set to discuss the issue with a judge.

D. Pearson asked if the setting of a court date ever accelerated a settlement out of court.

C. Lynch explained there was never an instance where they've ever gone to court and in a similar case like this, the homeowners would always do a little bit of work each time, in order to push out the court date, so staff has never actually had to go to court.

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

C. Lynch stated the Town Manager authorized Town Counsel to prepare a superior court enforcement complaint, similar to the situation at 10 Pond Street.

55 Adams Street – Map 50 Parcel 1A

C. Lynch stated M. Herald sent over the revised plan showing infiltration along the shed.

M. Herald shared her screen to show the plan and explained it incorporates 15 trees and 30 shrubs, a post-and-rail fence that the Commission likes to see, a proposed infiltration trench around the shed, as well as an infiltration trench along the driveway.

No comments were made from the Commission.

Upon motion duly made by J. Cole and seconded by F. Silveira, it was unanimously

VOTED: To approve the Restoration Plan for 55 Adams Street – Map 50 Parcel 1A

773 Salem Street – Map R1 Parcel 23

V. Gingrich explained that the property owner has taken great initial steps in addressing the Enforcement Order (EO) and the encroachment issues. She shared her screen to give an update to the Commission. The EO was for both removing materials from the Town Owned land and the jurisdictional areas. Some of that has been completed, there were materials moved from the access road along side of it, and the Department of Public Works (DPW) put boulders across the front, so it wouldn't be encroached on anymore. There are still materials on the Town's property, concrete products that would need to be removed in addition to what has been removed. She stated there has been progress, but not all materials were removed by the April deadline. Staff received the survey plan that showed the wetland flags and a riverfront line. She explained it looks like the riverfront line was based on the brook's center, or the edge of the channel. It doesn't appear that the Mean Annual High-water (MAHW) was delineated for the riverfront, and she recommended to the Commission that they ask the property owner to delineate the MAHW and reflect the 200' riverfront area from there. She explained they spoke with the Town Manager and Town Counsel, and they thought that perhaps a 30-day deadline of removing the materials and providing an updated plan with the delineation might be appropriate.

D. Pearson asked if the delineation was something that they included in the Enforcement Order (EO).

V. Gingrich confirmed.

M. Seekamp explained he delineated the wetlands and to his knowledge, the materials were removed from Town Owned land, but he didn't have a survey plan at the time. Additionally, erosion control had been installed, particularly in the area closest to Salem Street. He explained that area had been previously restored and seeded, and his restoration plan includes reseeding that area. He stated he didn't see any impacts to wetlands on either Town Owned land or Shea Concrete's property.

D. Pearson asked if he heard the request for the MAHW delineation.

M. Seekamp confirmed.

D. Pearson polled the Commissioner's and confirmed 30 days to remove the materials that haven't been removed from Town Owned land. He asked if the photo from the drone footage is what they will be working with.

V. Gingrich stated no, they would want to have the surveyor determine where their property is, to be more exact.

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

V. Gingrich explained there were changes made to this site prior to 2017, and those changes made the site out of compliance with resource area regulations. The Commission issued an Enforcement Order (EO) in 2017, and then again in 2018. Following that, the owner filed a Notice of Intent (NOI) to bring the site back into compliance. An Order of Conditions (OOC) was issued on December 6, 2018, but the work was not completed, and that OOC expired on March 13, 2023. She explained they are once again

out of compliance with the Wetlands Protection Act (WPA) and this EO would be to have them submit a restoration plan showing the resource areas and showing how they're going to be restoring their site to get back into compliance. She explained the big question would be what kind of deadline should be given to them to file that restoration plan. May 24, 2023, was the deadline penciled into the draft EO, however can be changed per the Commission's recommendation.

B. Autenzio explained that right after the last meeting, he tried to reach out several times to both V. Gingrich and C. Lynch and stated he never received a call back. He explained he doesn't believe it would be possible to have the engineer turn something around in two (2) weeks. He stated they can certainly try to submit something for the June 7th meeting; however, it is out of his control.

D. Pearson asked if he could guarantee that it would be submitted for the July meeting, if not the June meeting. He stated since this has gone on for so long, they need to set a firm date, July being the firm date, but June being the desired date. He stated if it goes past July, the Commission will have to look at other ways to accelerate things.

B. Autenzio stated they can set the firm date to July, and he will reach out to the site engineer, Thad Berry, and connect with C. Lynch and find out what they need to do.

D. Pearson stated the Commission hopes to see him in June, but if not then definitely July.

B. Autenzio confirmed, and stated he will reach out to V. Gingrich and C. Lynch.

DISCUSSION

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

C. Lynch stated they are getting work done, but very slowly. He explained the next step would be to talk with Town Counsel to see what the options are since this is in response to a Notice of Violation (NOV), with the deadline to finish work being December 31, 2022. He mentioned they have started work and are currently doing work, but doesn't seem like the end is anywhere in sight.

D. Pearson recalled asking for a scheduled timeline from them, but remembers no schedule provided when asked. He is curious to hear what Town Counsel recommends the next step to be.

MINUTES – April 5, 2023

D. Pearson pointed out a few corrections. On page three (3), the third paragraph starting with "T. Bradley asked about the pollinator mix", D. Pearson asked for clarification and recommended rewording the sentence to make it more clear. On page six (6), the fifth paragraph starting with "W. Doyle stated", D. Pearson explained there may be a missing word and asked to add wording to make it more clear. On page ten (10), the sixth paragraph down where it read, "D. Pearson stated removing things sounds safe", he recommended rewording to make it more clear.

J. Cole asked that her abstention for the 700 Main Street Notice of Intent (NOI) and the Marion Street-Eagleview Subdivision NOI be noted in the minutes.

All corrections were made.

Upon motion duly made by F. Silveira and seconded by J. Cole,

D. Pearson, T. Bradley, V. Licciardi, W. Wierzbicki, F. Silveira, and J. Cole voted 6-0 to accept the minutes for the April 5, 2023, Conservation Commission meeting as amended.

NEXT MEETING – June 7, 2023

ADJOURN

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

VOTED: By D. Pearson, T. Bradley, V. Licciardi, W. Wierzbicki, F. Silveira, and J. Cole to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erika Speight", written over the printed name.

Erika Speight
Senior Clerk

