



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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CONSERVATION COMMISSION MINUTES

June 6, 2018

Julie Flynn, Chair, called the meeting to order at 7:03 p.m. Theron Bradley, Donald Pearson, Laurie Finne, Vincent Licciardi, and Michael McInnis were present. Sharon Parrella-Kelley was absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

CONTINUED PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 58 Jonspin Road – Map R1 Parcel 306A

Documents: Plan, Proposed Building Addition, 11 pages, dated March 7, 2018
Letter, Request to Continue, dated April 18, 2018
Plan, Proposed Building Addition, 11 pages, revised May 21, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated June 6, 2018

Present in Interest: Andrew Pojasek, Dana F. Perkins, Inc.

A. Pojasek presented the proposed project to construct a 30,000 square foot 2-story addition to the existing building. The meeting was previously continued to allow time for newly discovered wetlands to the northeast corner of the property to be delineated. A small portion of the parking area is about 98' from a drainage ditch. The applicant proposes to add curbing to the existing parking lot, and install a catch basin and an outlet pipe from the infiltration system within the parking lot. This will be an improvement as the stormwater currently runs off the parking lot into the wetlands.

R. Hale advised that the Engineering Division wants silt sacks in the catch basins. A. Pojasek agreed and asked that the silt sacks be added as a condition.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 58 Jonspin Road – Map R1 Parcel 306A with the added conditions that erosion controls be installed and maintained and silt sacks placed in catch basins

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 350 Fordham Road – Map 99 Parcel 142

Documents: Proposed Access Ramps & Parking Lot Layout, 3 pages, dated May 9, 2018

Present in Interest: Andrew Pojasek, Dana F. Perkins, Inc.
David Leonard, New England Carpenters

A. Pojasek presented the proposed project to install two (2) access ramps on existing pavement and re-stripping of the parking lot. Silt sacks will be used in the catch basins and erosion controls will be installed before the catch basins. The northwest section of the parking lot is floodplain, but the new ramp is located out of the floodplain. The wetlands run along the north side the existing parking lot.

R. Hale asked if the ramp would be poured concrete and confirmed that there is curbing running along the parking lot to divert stormwater. R. Hale asked if A. Pojasek would like to continue pending Planning Board approval. A. Pojasek would like approval tonight and will come in front of the Conservation Commission if the Planning Board changes anything.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 350 Fordham Road – Map 99 Parcel 142 with the added conditions that erosion controls be installed and maintained and that the applicant comes in front of the Conservation Commission again if Planning Board makes any changes

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY –
Lawrence Street – Map 80 ROW between Parcels 89, 43, & 44**

Documents: Site Plan for Culvert Replacement & Sidewalk Extension Project, dated May 21, 2018

Present in Interest: Paul Alunni, Town of Wilmington Engineering Division

P. Alunni presented the proposed project to extend the sidewalk, replace the culvert, and make drainage improvements on Lawrence Street. This is a small portion of a larger project that falls in the 100' buffer zone. About 300' of the sidewalk extension is within the buffer zone. Porous pavement will be used for the entire sidewalk as it benefits water quality, and stormwater recharge. The culvert will be replaced with corrugated pipe and the two (2) curb inlets on either side of the culvert will be replaced with catch basins as preventative maintenance measures.

R. Hale confirmed that it is a positive improvement for both public safety and stormwater quality and asked if all work would be done in uplands. P. Alunni advised that all equipment will be on Lawrence Street side of the project and there would be no wetland impacts. R. Hale asked if a by-pass system would be set up on site in the event of a flow event. P. Alunni confirmed that they would have a by-pass system.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for Lawrence Street – Map 80 ROW between Parcels 89, 43, & 44 with the condition that erosion controls be installed and maintained and that a by-pass system be on site

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY –
Sarafinas Way Lubbers Brook Riverfront – Map 10 Parcel 5A**

Documents: Plan of Land, 2 pages, revised April 24, 2018

Present in Interest: Steve Ericksen, Norse Environmental Services, Inc.

S. Eriksen distributed 11"x 17" drawings for the Conservation Commission explaining that this filing was to determine the Riverfront Area of Lubbers Brook. A kayak was used to access and flag the area.

R. Hale asked if confirmation is only requested up to flag #RF 7 and S. Eriksen confirmed that they are just looking for confirmation of the area that was flagged. R. Hale questioned if the line at the culvert outlet should be a semicircle instead of a straight perpendicular line as it appears to be the beginning of the perennial stream. S. Eriksen will research it and correct the plan if needed. R. Hale and S. Eriksen agreed to add that as a condition. R. Hale recommends a Positive 2A confirming the Riverfront boundary with the condition that the beginning of the Riverfront be shown as a semicircle if necessary.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Positive 2A Determination of Applicability for Sarafinas Way Lubbers Brook Riverfront – Map 10 Parcel 5A with the added condition that the beginning of the perennial stream be shown as a semicircle if necessary

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 12
Barbara Avenue – Map 90 Parcel 22**

Documents: As-Built Plan, dated April 28, 2018

Present in Interest: Michael Curley, owner

M. Curley presented the proposed removal of an existing deck and building a new 12' x 20' deck that is within 50' of the wetlands and about 8' beyond the 25' no structure setback.

R. Hale advised that a recently installed fence is 6" above the ground and therefore exempt, and recommends a Negative 3 Determination with the added condition that erosion controls be installed and maintained.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative 3 Determination of Applicability for 12 Barbara Avenue – Map 90 Parcel 22 with the added conditions that erosion controls be installed and maintained

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 4
Bradford Road – Map 35 Parcel 56C**

Documents: Plot Plan, dated May 15, 2018

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

L. Roy presented the proposed project to remove an existing deck, construct an 18' x 18' addition in the same footprint, and a 12' x 20' deck with a set of stairs to the side of the addition. The proposed addition and deck are about 63' from offsite wetlands. They will install an infiltration system for the addition, which will improve the infiltration.

R. Hale asked what prompted installation of an infiltration system since it's not required. L. Roy did so as an improvement as there is no existing stormwater management. R. Hale recommends a Negative 3 Determination, with the added conditions that erosion controls be installed and maintained, that the yard waste be removed from the wetlands and the no-disturb area prior to construction and that a compost bin be installed.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative 3 Determination of Applicability for 4 Bradford Road Map 35 Parcel 56C with the added conditions that erosion controls be installed and maintained, that the yard waste be removed from the wetlands and the no-disturb area prior to construction, and the installation of a compost bin

CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 58 Chestnut Street – Map 29 Parcel 19C – DEP File #344-1391

Documents: Topographic Plan of Land, dated March 19, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018
Summary Letter for Notice of Intent & Simple Stormwater Permit, dated April 23, 2018
Site Plan, 2 pages, revised April 20, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018
Email Request to Continue, dated May 30, 2018

Richard Kirby, LEC Environmental, emailed a request to continue to the July 11, 2018 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing 58 Chestnut Street – Map 29 Parcel 19C – DEP File #344-1391 until the July 11, 2018 Conservation Commission Meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393

Document: Existing & Proposed Conditions Plan, 2 pages, dated January 2018
Conceptual Design for Wetlands & Buffer Infringement Corrective Actions Stockpile Area Along Northern Quarry Face, dated February 2018

Memorandum from William Hold & Paul Alunni, Town of Wilmington
Engineering Division, dated March 6, 2018
Technical Memorandum from EA Engineering, Science, & Technology,
Inc., dated August 24, 2011
E-mail Request to Continue, dated April 26, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering
Division, dated May 1, 2018

Present in Interest: Frank Postma, EA Engineering Science & Technology, Inc.
William Schneider, Benevento Sand & Stone, Inc.

F. Postma gave a progress update on the project. The erosions controls are installed at the base of the slope, vegetation has begun to grow in the impacted wetland and has been augmented with New England wetland seed mix. Approximately 500 cubic yards of material may be cut back on the slope. Boulders were used at the toe of the slope to stabilize the slope, aid in the filtration of any stormwater runoff, and aid the drill rig's access to the area to obtain data that the Engineering Division has requested. Twenty-two trees (mostly red maples and American Elms) will be replaced. F. Postma will add the necessary drawings to the Notice of Intent in time for the July 11, 2018 Conservation Commission Meeting.

R. Hale confirmed that the wetland area is doing well and asked if the remaining area has been seeded. F. Postma confirmed that it has been done. R. Hale noted that today was the deadline for work authorized under the Enforcement Order, and noted the boulders were not authorized and resulted in additional tree impacts. He inquired as to whether those trees were included in the original assessment of the damage. F. Postma said they were not included and would be added. F. Postma advised that the stability blanket will be installed next week and hydroseed will go over that. R. Hale asked if the Engineering Division was comfortable with the 2:1 slope. F. Postma advised that P. Alunni, Town Engineer was happy with the 2:1 slope depending on the results of an analysis that requires a drill rig to access the slope which is why the boulders are there. R. Hale asked if the boulders could potentially be removed after the calculations. F. Postma said it is a possibility, but the decision could not be made until the calculations were complete. R. Hale asked about potentially using another type of long term mitigation if the boulders have to remain. R. Hale urged Benevento to submit the calculations as soon as possible and to contact the Conservation Department prior to doing additional work to avoid additional violations.

F. Postma requested to continue the hearing until the July 11, 2018 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 219 Andover Street – Map R1 Parcel
19A – DEP File #344-1393 until the July 11, 2018 Conservation
Commission Meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 1 Hudson Street – Map 70
Parcel 82A –
DEP File #344-1399**

Documents: Existing Conditions Plan, dated April 9, 2018

NOI Plan, dated April 9, 2018
Existing Conditions Plan, 2 pages, dated April 26, 2018
Response to Regulation 10.58, received April 26, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering
Division, dated May 1, 2018
Email Request to Continue, dated June 1, 2018

Richard Rapacki emailed a request to continue to the July 11, 2018 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 1 Hudson Street – Map 70 Parcel 82A
– DEP File #344-1399 until the July 11, 2018 Conservation Commission
Meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 70 Taplin Avenue – Map 44
Parcel 72 – DEP File #344-1398**

Documents: Site Plan, dated April 16, 2018
Pictures, undated
Letter from Collings Co. Tree Service, undated
Memorandum from Paul Alunni & William Holt, Town Engineering
Division, dated May 1, 2018
Site Plan, revised May 11, 2018

Present in Interest: Greg Saab, ESS
Dion DeJesus, Three D Builders, LLC, owner

G. Saab reviewed the proposed tear down-rebuild new home project that was continued pending the results of the test pit the Engineering Division requested and DEP issuing a file number. The test pit results left the limit of work the same, but added some grading and raised the cellar floor by 4/10'. Also, DEP has issued a File number.

R. Hale advised that all setbacks are met and that Engineering confirmed the results of the test pit. D. DeJesus confirmed that ten (10) trees will be replaced with a mix of trees, (with a 1:1 ratio) and shrubs (with a 2:1 ratio). R. Hale suggested putting something visual, like a small fence or other visible markers, along with the trees and shrubs so that future homeowners will know that they must remain. R. Hale suggested he could work with D. DeJesus to determine suitable signage and or demarcation for the trees and the shrubs.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 70 Taplin Avenue – Map 44 Parcel 72 –
DEP File #344-1398

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 70 Taplin Avenue – Map 44 Parcel 72
– DEP File #344-11398 with the added condition that the replacement

shrubs and trees be approved by the Conservation Agent and properly visually identified as replacements that are not to be removed unless approved by the Conservation Commission

PUBLIC HEARING – NOTICE OF INTENT – 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400

Documents: Existing Conditions Plan, 2 pages, dated April 30, 2018
Post-Development Drainage Plan, dated July 22, 2008
As-Built Plan, 4 pages, dated November 6, 2012
Notice of Intent Plans, 5 pages, dated April 30, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated June 6, 2018

Present in Interest: S. Eriksen, Norse Environmental Services, Inc.
Michael Newhouse, Michael J. Newhouse & Associates, PC
Paul Autenzio, M.T. Pokkets Realty Trust
Robert Autenzio, M.T. Pokkets Realty Trust

M. Newhouse presented the proposed project which will correct unapproved work that was done and must be corrected to bring the property back into compliance.

S. Eriksen distributed colored plans for the proposed work. The unpermitted work was done in the Riverfront and the buffer zone, and part of the detention pond was filled. S. Eriksen is working with the Engineering Division on the size calculations for the detention pond. They propose placing boulders along on the property line to act as a deterrent for ATV's that tend to go through the property. S. Eriksen summarized what was approved in the previous approved Order of Conditions and what is proposed with the current Notice of Intent. R. Hale noted that the gravel area is not delineated as part of the after the fact approval, that the Riverfront alteration calculations need to be confirmed, and the 100' of undisturbed vegetation and unapproved removal of vegetation must be reviewed.

D. Pearson asked when the site was developed. M. Newhouse advised it was developed around 2002 and that the unapproved changes were made in 2013.

M. Newhouse requested to continue the Public Hearing until the August 1, 2018 Conservation Commission meeting pending Site Plan Review with the Planning Board and obtaining a Special Permit with the Board of Appeals.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400 until the August 1, 2018 Conservation Commission Meeting

PUBLIC HEARING – NOTICE OF INTENT – 21 Beech Street – Map 6 Parcel 72 – DEP File #344-1401

Documents: Proposed Subsurface Sewage Disposal System Repair Plan, dated May 7, 2018

Memorandum from Paul Alunni & William Holt, Town Engineering
Division, dated June 6, 2018

Present in Interest: Greg Saab, ESS

G. Saab presented the proposed project that consists of removal of the existing dwelling and construction a new single family dwelling, septic system, infiltration system, and a driveway with a stone trench. The rear deck will be about 26' from Bordering Vegetated Wetlands, the septic system will be 4' above the water table, and the driveway stone trench will be 9" deep x 3' wide trench with a 30" water table. The Engineering Division noted that the stone trench does not meet the 2' foot separation from groundwater, but G. Saab believes that can be resolved through the stormwater permit and possibly make the trench 1' wider.

R. Hale noted that the isolated wetland on the east side, is non-jurisdictional, but would like to see it noted on future plans. R. Hale would like to see any Riverfront documentation in future plans as well to avoid future questions. R. Hale recommends approval with the standard new house conditions and the added condition that if the stone trench needs to be modified than the applicant will come back in front of the Conservation Commission.

J. Flynn asked if the applicant would like the Order of Conditions to reflect the 4' wide trench and G. Saab stated yes.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 21 Beech Street – Map 6 Parcel 72 – DEP
File #344-1401

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 21 Beech Street – Map 6 Parcel 72 –
DEP File #344-1401 with typical new house conditions and the added
condition for the stormwater trench

**PUBLIC HEARING – NOTICE OF INTENT – 24 Washington Avenue – Map 43 Parcel
127 – DEP File #344-1402**

Documents: Plot Plan, dated April 9, 2018

Present in Interest: Susan McArthur, McArthur Environmental Consulting, LLC
Shawn Sousa, owner

S. McArthur presented the proposed project to remove an existing deck, construct a 15' x 23' addition, a 6' x 12' deck, a 6' x 9.4' mud room addition, and add a 2nd floor to part of the existing house that will not increase the footprint of the house.

R. Hale asked that the wetland flag labeling be corrected on the plan and asked for that to be conditioned in the Order of Conditions as well as placing the erosion controls in front of the shed. He also questioned a portion of the wetland line near the proposed work, and asked to review it in the field. R. Hale recommends issuing an Order of

Conditions with these conditions, and the condition that any changes to the wetlands that will result in any structure being within the 25' structure setback, will require the applicant to come in front of the Conservation Commission for an amendment.

J. Flynn asked that the plans be changed to make the 2nd story addition hatched differently to help differentiate from the existing building.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 24 Washington Avenue – Map 43 Parcel 127 – DEP File #344-1402

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 24 Washington Avenue – Map 43 Parcel 127 – DEP File #344-1402 with the added condition that the wetland line be confirmed and that the applicant will file an amendment if the 25' structure is not met.

PUBLIC HEARING – NOTICE OF INTENT – 36 Shady Lane Drive – Map 81 Parcel 9 – DEP File #344-1403

Documents: Plot Plan, dated May 15, 2018
Proposed Basement/Foundation Plan, 2 pages, dated May 23, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated June 6, 2018

Present in Interest: Kara Pereira, owner

K. Pereira presented the proposed project to remove the existing addition that sustained tree damage and construct a 502 square foot addition. The project is in the floodplain and the applicant proposes to fill 320 cubic feet in the floodplain and remove 324 cubic feet in the floodplain within the existing lawn. The Engineering Division noted that the floodplain compensation was not proposed at the same elevation as the floodplain fill.

R. Hale noted that the Bordering Land Subject to Flooding (BLSF) compensation would not technically occur at the same exact elevation of the fill, but because the yard is so flat there appears to be little opportunity to achieve that requirement. In addition, approximately 162 square feet of Bordering Vegetated Wetlands would be created as a result of the BLSF compensation. R. Hale recommends allowing the compensation as proposed.

J. Flynn suggested excavating 1' deep instead of 2' deep and doubling the width to equal the same volume. The homeowner agreed and it was stated that could be added as a condition.

R. Hale recommends adding the following to the Order of Conditions: The BLSF compensation should take place before construction, require silt fence at the BLSF compensation area and straw wattles elsewhere, and the BLSF compensation area should be seeded with a native wetland seed mix.

R. Hale advised that the plan will need to be amended prior to construction to show all changes referenced.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 36 Shady Lane Drive – Map 81 Parcel 9 – DEP File #344-1403

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 36 Shady Lane Drive – Map 81 Parcel 9 – DEP File #344-1403 with the standard new house conditions and the added conditions that the corrected plan depicting the alternative BLSF compensation be received prior to construction starting and the four (4) conditions as recommended by R. Hale

PUBLIC HEARING – NOTICE OF INTENT – 33 Industrial Way – Map 46 Parcel 109 – DEP File #

Documents: Notice of Intent Plan, dated May 14, 2018

Present in Interest: Ian Ainsley, Meisner Brem Corporation

I. Ainsley presented the proposed project to replace the last 13' of drain pipe to the rear of the property as requested by the Town of Wilmington's Engineering Division during the site plan review process last year.

R. Hale mentioned that there is a small area of temporary wetland impact, the 75% native wetland vegetation coverage will be difficult to meet in that area and suggests that Chemgenes or its representative communicate with the Conservation Department regarding possible alternative mitigation, if needed.

I. Ainsley requested to continue to the July 11, 2018 Conservation Commission meeting pending DEP issuing a file number.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 33 Industrial Way – Map 46 Parcel 109 until the July 11, 2018 Conservation Commission Meeting

REQUEST FOR EXTENSION PERMIT – ORDER OF CONDITIONS – 14, 16 Bond Street - Map 21 Parcels 5-31A, 5-31 – DEP File #344-1293

Present in Interest: Liviu Rozin, owner

L. Rozin requested that the Order of Conditions be extended for three (3) years to allow for the mitigation to be done this year followed by two (2) years of monitoring.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Extension Permit for Orders of Conditions for 14, 16 Bond Street – Map 21 – Parcels 5-31 & 5-31A – DEP File #344-1293 for three (3) years

REQUEST FOR CERTIFICATE OF COMPLIANCE – 16 Beacon Street – Map 41 Parcel 10A – DEP File #344-1366

Documents: As-Built Plan, dated May 9, 2018

R. Hale confirmed that all conditions have been met and that the demarcation fence was actually placed closer to the house than required.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 16 Beacon Street – Map 41 Parcel 10A – DEP File #344-1366

REQUEST FOR CERTIFICATE OF COMPLIANCE – 31 Dadant Drive – Map 78 Parcel 20 – DEP File #344-1196

Documents: Plot Plan of Land, dated April 26, 2018

R. Hale confirmed that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 31 Dadant Drive – Map 78 Parcel 20 - DEP File #344-1196

REQUEST FOR CERTIFICATE OF COMPLIANCE – 7 Green Meadow Drive – Map 2 Parcel 203 – DEP File #344-1357

Documents: As-Built Plan, dated December 27, 2017

R. Hale confirmed that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 7 Green Meadow Drive – Map 2 Parcel 203 – DEP File #344-357

REQUEST FOR CERTIFICATE OF COMPLIANCE – 44 Shawsheen Avenue – Map 32 Parcel 3A – DEP File #344-1382

Documents: As-Built Plan, dated May 29, 2018

R. Hale confirmed that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 44 Shawsheen Avenue – Map 32 Parcel 3A – DEP File #344-1382

ENFORCEMENT ORDER – Kinder Morgan Right-of-Way – Maps 59 & 58 – Parcels 30 & 315

R. Hale advised that while conducting vegetation maintenance, Kinder Morgan had spread wood chips in the wetlands in the right-of-way which is a violation. The wood chips were raked out by hand in vegetated areas and equipment was brought in to slowly remove the wood chips in non-vegetated areas. The area will be seeded and will require two (2) years of monitoring.

R. Hale advised Kinder Morgan that the wetlands were not delineated and that all future vegetation maintenance should have the wetlands mapped prior to commencing work.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Enforcement Order for Kinder Morgan Right-of-Way – Maps 59 & 58 Parcels 30 & 315

**NOTICE OF VIOLATION UPDATES
131 Salem Street – Map 82 Parcel 7-107**

R. Hale advised that three (3) large trees were removed in the wetlands without proper permitting and that a Notice of Violation was issued. Upon further investigation, the 2-year statute of limitation expired last month, but he will still try to work with the owner to replant the trees.

18 Biggar Avenue – Map 82 Parcel 29-129

A shed was constructed partially in Riverfront Area, the 100' buffer zone, and possibly BLSF. The homeowner plans to build a garage that will be outside the floodplain, in 2-3 years and would like to leave the shed up until then. R. Hale advised the homeowner that the shed could not remain for that long. He is waiting for the homeowner's response and anticipates a resolution by the July 11, 2018 meeting. The Commission agreed to wait for an update at the July 11, 2018 meeting.

67 North Washington Avenue – Map 53 Parcel 13

DEP forwarded an anonymous complaint to R. Hale that several large trees were cut down on land adjacent to 67 North Washington Avenue that is mapped wetlands and Conservation Land owned by the Town of Wilmington. R. Hale contacted the homeowner and the tree company that removed the trees and both are hesitant to accept responsibility. R. Hale and Jamie Magaldi, Town of Wilmington DPW and Tree Warden, completed a site visit to assess the damage. J. Magaldi forwarded an example where in a similar situation, the tree company was found at fault and had to fulfill a number of requirements to correct the situation they created. R. Hale would like to issue an Enforcement Order, but needs to discuss internally to determine who it should be issued to; the homeowner and/or the tree company? A discussion followed regarding who should be responsible and that the tree company should have recognized there are wetlands, and known not to do work in them.

MINUTES – April 4, 2018

Upon motion duly made and seconded, it was

VOTED: To approve the minutes for April 4, 2018 with the two (2) abstentions and two (2) corrections on Page 11

MINUTES – May 2, 2018

Upon motion duly made and seconded, it was

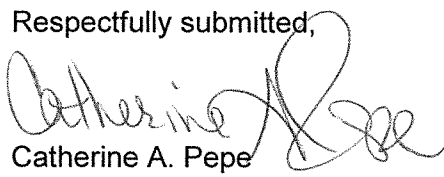
VOTED: To approve the minutes for May 2, 2018 with two (2) abstentions

ADJOURN

There being no additional business to come before the Conservation Commission, it was

VOTED: To adjourn the meeting at 9:39 pm.

Respectfully submitted,



Catherine A. Pepe
Senior Clerk

