

**TOWN OF WILMINGTON****DEPARTMENT OF PLANNING & CONSERVATION****121 GLEN ROAD, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov) (978) 658-8238****CONSERVATION COMMISSION MINUTES****September 7, 2022**

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/82135172625?pwd=ZkdEVWRFc3BiSzNNN2d3bINpeW1odz09>

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: 821 3517 2625 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.

Donald Pearson, Theron Bradley, Vincent Licciardi, Alex Rittershaus, Melissa Gavegnano, and William Wierzbicki were present. Valerie Gingrich, Director of Planning & Conservation, Cameron Lynch, Conservation Agent, and Erika Speight, Conservation Senior Clerk were also present.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 2 Woodland Road – Map 57 Parcel 48Q**

Documents: RDA Application & Materials, received August 5, 2022  
"Plot Plan," dated April 4, 2022  
Letter from Seekamp Environmental Consulting, Inc. dated June 17, 2022

Present in Interest: Stephen Meier, Owner & Applicant  
Judy Meier, Owner & Applicant

J. Meier stated that there is an existing structure on her home that needs to be redone, so herself and her husband are looking to obtain a permit to redo that structure and make it roughly 2' larger than what it is currently. She continued by saying it is a 10' x 11' room and they're looking to make it an 11' x 13' room.

C. Lynch stated that the only comment is to add erosion control between the work and the BVWs prior to the start of construction to set the limit of work.

D. Pearson asked J. Meier if the erosion control condition is clear.

J. Meier stated she believes so and will speak with the construction team to make sure that it is taken care of.

No comments were made from the Commission.

TOWN OF WILMINGTON, MA

2022 OCT -6 AM 11:01

RECEIVED  
TOWN CLERK

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 2 Woodland Road – Map 57 Parcel 48Q

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 3 Sudbury Avenue – Map 69 Parcel 35**

Documents: RDA Application & Materials, received August 12, 2022  
“Plot Plan,” dated August 9, 2022  
“Proposed Site Plan,” dated August 12, 2022  
“Partial Copy of Assessors Sheet,” dated August 12, 2022

Present in Interest: James McNally, Owner & Applicant  
Rich O’Connell, RJ O’Connell Associates, Inc., Representative

R. O’Connell introduced himself and stated his clients are in the process of removing an above ground pool that was permitted through the Conservation Commission in 2005. After removal of the pool, they would like to replace it with a 14’ x 16’ deck in a similar location. He continued by saying if you look at the site plan, most of the information is on there. When the homeowners worked with Winifred back in 2005, the buffer of the hedgerow was suggested to be put in place and maintained, which will remain as the buffer and is in good shape. He continued by saying the pool is considered impervious and is being replaced by a deck that is pervious, so there will be a reduction in impervious area. R. O’Connell explained that the work is within the buffer zone and according to the Act (310 CMR 10.02(2)(B) E&F it’s a conversion of lawns to accessory use and the conversion of impervious to vegetated.

C. Lynch explained that as you can see on the plan, the deck is going to be inside the 25’ no build buffer, but it’s going to be in the general location of the pool that was permitted a while back by the Commission. He continued by saying it is going to be roughly 1’ further away from BVWs than the originally approved pool. The hedgerow is a thick buffer from the yard, but that is the only comment at this time. He explained that the Commission can talk through it since it is in that 25’ no build buffer zone.

V. Licciardi stated since the pool was permitted a while back, and proposing that the deck will be roughly in the same area, he has no problem with it, but if they go beyond the pool area, he will have a problem with it being inside the 25’ no build buffer zone.

W. Wierzbicki, M. Gavegnano, T. Bradley, and A. Rittershaus stated they are all okay with it.

D. Pearson stated he agreed. He noticed there is a shed tucked away in the back behind the pool and asked if it has been there for a while.

R. O’Connell stated that the shed has always been in that location.

D. Pearson explained that the shed is a structure that is within the 25’ no build, so he imagines the Commission has seen it before and said it was okay even though it exceeds the policy of no structures within 25’ of the no build zone.

R. O’Connell stated that in the information he found when he researched the project, he noticed the shed has always been there since the beginning.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 3 Sudbury Avenue – Map 69 Parcel 35

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 80 Industrial Way – Map 56 Parcel 104**

Documents: RDA Application & Materials, received August 15, 2022  
“Exterior Egress Plan,” dated August 16, 2022

Present in Interest: Gene Sullivan, ETS, Inc., Representative

G. Sullivan introduced himself and explained that he filed the RDA application on behalf of his client Atlantic Oliver, 80 Industrial Way LLC, who recently purchased quite a few properties on Industrial Way. This application is regarding 80 Industrial rear, where back in 2004, he designed a 90,000 square foot warehouse building that has been occupied for some time. He continued by saying they put new tenants in there this year, and it came to the attention of Deputy Chief Pozzi that the egress along the back hasn't been maintained very well as far as some doors along the north side of the building and one (1) door on the west side of the building. Deputy Chief Pozzi asked them to come up with a solution to make sure that if there was an emergency, the people have a safe way to exit from those areas and out to the main parking areas. Being proposed is reshaping some of the grading, making a flatter surface, 5' wide gravel walkway, and incorporate a few new stairs to get the people out of the building as its not at grade back there and it requires a little bit of grading within the existing detention basin, which is very minor. There will not be a lot of volume being dug up, however they are proposing to excavate a small area of the existing basin to make up for the volume loss. He continued by saying he is very familiar with this property and the infiltration basin hardly ever has water in it, however they thought it was appropriate to ensure the volume is what it was intended to be. There will be no work preformed within roughly 40' of the wetland at the closest point, most of the work is not in the buffer zone, which is well defined by the slope on the back stairs of the basin, so there are no concerns when it comes to interrupting the BVWs behind the building. Overall, they are requesting approval to do minor regrading on the egress pass as required by the Deputy Chief.

C. Lynch explained that there are no comments from the Conservation staff. However, he received a short comment letter from the Engineering Division recommending some conditions to be added to the RDA. He continued by saying, “the Engineering Division has no issue with the regrading proposed within the existing stormwater basin to accommodate the sidewalk extension. We do recommend to the Commission that a condition be included that the stormwater basin be inspected by the Engineer and any maintenance/repairs, or vegetation removal/cutting (within the basin) be added to the scope of the project. The Commission may also wish to have the Applicant's Engineer provide an operation and maintenance plan (for the basin) to the property owner to ensure the basin will operate as originally intended.”

G. Sullivan stated that those conditions are fine.

T. Bradley asked if he understood correctly that all the regrading will be within the basin so there will be no increase in the disturbed area.

G. Sullivan stated that is correct.

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 80 Industrial Way – Map 56 Parcel 104

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 114 Marion Street – Map 16 Parcel 30**

Documents: RDA Application & Materials, received August 17, 2022  
“Plot Plan of Land,” dated August 23, 2021

Present in Interest: John & Linda Derboghossian, Owners & Applicants  
David Newhouse Jr., Newhouse & Sun Construction Inc., Representative

D. Newhouse was having trouble with his audio. C. Lynch explained the project by stating they are proposing a 14' x 14' three-season porch and a 12' x 14' deck with stairs and a 2' x 4' concrete landing pad at the bottom of the stairs. He explained that they came in a couple months ago with a very similar proposal, except the three-season porch was 2' shorter, so they are wishing to expand it another 2'. He continued by saying it is the same exact project just 2' longer from 14' x 12' three-season porch to a 14' x 14'.

No comments were made from the Commission.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 114 Marion Street – Map 16 Parcel 30

**PUBLIC HEARING – NOTICE OF INTENT – 3 Darby Lane – Map 10 Parcel 50 – DEP File #344-1511**

Documents: NOI Application & Materials, received August 17, 2022  
“Septic System Plan,” dated April 3, 2022

Present in Interest: James Castellano MM, Owner & Applicant  
Maureen Herald, Norse Environmental Services, Inc., Representative

M. Herald shared her screen and presented the plan. She explained that they filed a Notice of Intent (NOI) with the Commission for the individual housing lots of Highland Estates. The Commission had looked at the subdivision a year or two ago and permitted the roadway and the drainage for this site as well as set the resource areas. She stated they come before the Commission to start permitting the lots that are within the 100' buffer zone. Building lot #16 is 3 Darby Lane, proposing to install a septic system, foundation, drain, grading, and associated utilities within the 100' buffer zone. She continued by saying they comply with the 15' no disturb as well as the 25' no build. The closest proposed work is approximately 50' away.

C. Lynch explained that minor work is within the 100' buffer zone and most of the work associated with the construction of the home is outside the buffer zone. The Engineering Division provided comments earlier today.

V. Gingrich shared her screen to display Engineering's comments.

D. Pearson stated he noticed in the vicinity map that Lubbers Brook is along the back, and he questioned how far away the riverfront is from these lots on Darby Lane.

M. Herald explained that this lot is near the entrance of the subdivision, so if you were to drive in, on the right-hand side is a drainage basin and it's the first lot. The perennial stream is located at the very end of the cul-de-sac, so it is thousands of feet away from this particular lot.

The Commission reviewed the Town Engineer's comments.

V. Gingrich stated that the Town Engineer is asking them to show the setback from the septic system and the infiltration basins. She believes the septic system location may have changed a bit from when the Commission looked at the subdivision plan and now that they have it designed, if they could show that setback just to confirm it is located 50' from the infiltration basin to clarify. The second comment is that the subdivision plans show that the stormwater from that lot was to drain into that infiltration basin and as graded currently its unclear whether that would be the case, so if they could look at that grading to make sure that is going into pond one (1).

T. Bradley pointed out that in the NOI under the narrative, the very first paragraph states that the site will be serviced by municipal water and septic. He doesn't believe it is being serviced by municipal septic and asked for clarification.

M. Herald stated he is correct. The lots themselves will be on septic systems and they are providing town water. She stated that they will correct it.

D. Pearson stated that it appears they are going to be continuing this to address the Engineering comments to the October 5<sup>th</sup> meeting.

There were no comments made by the public.

V. Gingrich added that for all the Darby Lane items discussed tonight, they were great in getting the staff revised plans that zoomed out and showed the wetland line and if they're looking at some plan revisions, the title block on the plans doesn't say the lot number that the subject parcel is and asked if they can add the builder lot number to make that clear, since we are seeing a few lots on each page.

M. Herald stated that's not a problem.

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

VOTED: To continue the Public Hearing for 3 Darby Lane – Map 10 Parcel 5O – DEP File #344-1511 to the October 5, 2022, Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – 5 Darby Lane – Map 10 Parcel 5N – DEP File #344-1509**

Documents: NOI Application & Materials, received August 17, 2022  
"Septic System Plan," dated April 3, 2022

Present in Interest: James Castellano MM, Owner & Applicant  
Maureen Herald, Norse Environmental Services, Inc., Representative

M. Herald shared her screen and presented the plan. She explained that they filed a Notice of Intent (NOI) with the Commission to install a septic system and grading within the 100' buffer zone. This is building lot #15 which is below the lot previously reviewed on the plans. She explained that they meet the 15' no disturb as well as the 25' no build setback. The closest proposed work to the silt fence is approximately 40' and she opened it up to the Commission for any questions or concerns.

C. Lynch stated it is the same idea as the last discussion for 3 Darby Lane. The Engineering Division provided comments and C. Lynch read through them. "The proposed subsurface infiltration chambers are in a different location than the approved definitive subdivision plan and do not meet minimum setback requirements to the property line and Right of Way boundary as prescribed by the Massachusetts Stormwater Policy. The invert of the overflow pipe (for the underground chambers) should be labeled, and static storage capacity of the system verified to ensure recharge requirements of the Massachusetts Stormwater Policy are met. The garage floor slab elevation is raised from the approved definitive subdivision plan. We note for the Applicant that it appears the proposed driveway grade may not be in compliance with Subdivision Regulation Section. We strongly recommend that the applicant or their Engineer review the driveway grade and make any adjustments to the garage floor slab if necessary to ensure compliance with this regulation."

M. Herald explained that all these items noted by the Engineer are located outside of the 100' buffer zone. The single-family dwelling itself is outside the 100' buffer zone, and they're certainly more than happy to address the comments.

T. Bradley stated the same correction needs to be made in the narrative, private versus municipal septic.

M. Herald stated she will update that change. She asked if it would be possible to close the hearing tonight given the fact that all the comments noted by the Engineer are outside of the 100' buffer zone.

D. Pearson asked what would be gained in doing so.

M. Herald explained it would gain them time.

D. Pearson stated typically we close and issue the conditions in the same night.

M. Herald stated that her client is anxious to start work, and she is asking the Commission to consider that option if they are comfortable with it.

D. Pearson asked C. Lynch and V. Gingrich if there is any reason to part with the path taken in the past where we close the meeting and issue the draft Order of Conditions in the same night.

C. Lynch stated that we don't have a draft Order of Conditions ready for these properties.

V. Gingrich explained that staff would want to reference their edited plans in the Order of Conditions, so we doesn't have anything prepared for tonight. She continued by saying if they close the hearing tonight, the Commission would have to hold a special meeting to issue the approval as the meetings are only held once a month, so that's why we typically close and approve in the same meeting because we don't have two meetings per month, and you have to issue within 21 days.

D. Pearson stated typically the Commission does close and issue at the same time, so if they address the Engineering comments, its often likely that the Order of Conditions will be issued next month.

J. Castellano stated the only reason they ask if they can close the hearing tonight is because it is approaching wintertime and seeing that the Commission only meets once a month, they could make these changes much quicker than a month from now. He continued by saying they made the changes that were requested just days ago and turned the plans back to the department very quickly with some of the changes that were asked on Friday at 1:30 in the afternoon of a holiday weekend. Asking the Commission to close the hearing on these lots tonight saves an entire month and it doesn't sound like a lot of time, but its huge when it's approaching winter. He continued by saying they would love to get these permits in process so they can hopefully get frames up and closed in for the winter months where they could do a lot of the inside construction on these homes, seeing that they all have purchase and sale agreements. These lots have been committed to buyers and he's not sure they'll want to continue or start requesting their deposits back. They haven't said much, but he would be impatient himself if purchase and sales agreements have been signed for a few months with no action. He explained he understands that the Commission only meets once a month and he can understand that it makes sense, but he can't justify sitting for a month when they can make these changes much quicker than that.

D. Pearson asked if closing the meeting and not having the Order of Conditions for each of the properties will allow work to proceed.

J. Castellano stated he guesses that would be up to the Planning Board and Conservation Commission on if they would sign the foundation permits seeing that the work is outside the 100' buffer zone. He continued by saying they could change the infiltration locations outside the buffer zone along the sides of the house, they could change the language on the lots regarding calling it a private septic system instead of what it says about being a municipal septic system. Some of these changes are so minor, the elevation of the garage floor, that's just some simple calculations that the Engineer and the Surveyor can make on the plan and resubmit it in days. J. Castellano said he would hate to wait a month just to get back to where they are today. A month during this time of year is a struggle especially with signed purchase and sales. If they could get these houses under construction, the buyers would feel a little more comfortable as they would see progress. He stated right now, it is difficult to keep them pleased.

D. Pearson asked if the work he would be doing would be outside of the buffer zone.

J. Castellano stated that is correct. The septic systems that are inside of the buffer zone, that work gets done last when the house is completely constructed because they can't drive machines back there and destroy the septic pipe, so they usually put the septic systems in after the home is built. He continued by saying the frame, the roof, the windows, and the interior work from the front entry, the electrical, the plumbing, the rough electrical, HVAC insulation, plaster, and blue board, all that gets done just entering the front doors or through the garage. The only work in the buffer zone is the septic system.

D. Pearson stated correct me if I misunderstood, it appears as if you could do the work that would be visible to the buyers just to say the foundation and the rest of the stuff mentioned, and the septic system would be done later.

J. Castellano stated that is correct, it would be done later in the spring.

D. Pearson stated doesn't that really say that you could wait for the Order of Conditions.

M. Herald stated she's not sure if the town would sign off on the building permit until the Order of Conditions is issued. If the town would sign off on the building permit, then they can continue with the

house construction, they can continue the hearing until October, and then resolve the Engineering matters.

J. Castellano stated that the reality of holding the occupancy permits is that they're investing all this money in building these homes, the work is being done outside the 100' buffer zone, so the Commission could really hold them hostage for lack of a better term to get everything done properly at the same time they can start construction. So, if they could put their foundation in, backfill it, get the frames started, that would really help protect them from the winter.

D. Pearson questioned if they have made that argument to the Building Department.

J. Castellano stated that the Building Department really has nothing to say until Planning and Conservation sign off. He continued by saying they wouldn't even look at the permit.

V. Gingrich stated if they have any questions about the process, we are happy to answer them. The staff doesn't have an Order prepared tonight because of the comments and they'd like to reference the revised plan, so if the Commission would like to close the hearing, they will have to hold a special meeting between now and the next meeting to issue that Order of Conditions.

D. Pearson stated he is not in favor of a special meeting in his own case as he will be away during the middle of the month, so he would like to proceed as they usually do.

D. Pearson polled the Commission, and all are in favor of continuing the hearing until the October 5, 2022, Conservation Commission.

No comments were made by the public.

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

VOTED: To continue the Public Hearing for 5 Darby Lane – Map 10 Parcel 5N – DEP File #344-1509 to the October 5, 2022, Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – 7 Darby Lane – Map 10 Parcel 5M – DEP File #344-1508**

Documents: NOI Application & Materials, received August 17, 2022  
"Septic System Plan," dated April 3, 2022

Present in Interest: James Castellano MM, Owner & Applicant  
Maureen Herald, Norse Environmental Services, Inc., Representative

M. Herald presented the proposal and stated this is the last lot (#14) on Highland Estates. They are proposing grading within the 100' buffer zone. Essentially, the grading is for the septic system at the rear of the dwelling. She continued by saying they comply with the 15' no disturb and the 25' no build, and the closest proposed work is 66' away.

C. Lynch explained that the Engineering Division provided comments and he read them to the Commission. "The proposed subsurface infiltration chambers are in a different location than the approved definitive subdivision plan and do not meet minimum setback requirements to the property line and Right of Way boundary as prescribed by the Massachusetts Stormwater Policy. The invert of the overflow pipe (for the underground chambers) should be labeled, and static storage capacity of



the system verified to ensure recharge requirements of the Massachusetts Stormwater Policy are met.”

No comments were made from the Commission.

No comments were made by the public.

J. Castellano stated seeing that all the work is outside the buffer zone, would Planning and Conservation consider signing the building permit so they could get the foundation permits and frame permits.

V. Gingrich stated she can comment and say that for this last one where it is just grading, they can talk about moving ahead with it since it doesn't have any real infrastructure within the buffer zone. She continued by saying the others with the septic system inside, she's not sure that they can do that.

J. Castellano stated it would just be foundation and frame, no construction of septic systems or infiltrations, strictly the foundation and the frame so they could get it weather tight and then they'll wait the month to get all the other stuff organized and straightened out the way the Commission wants it. There will be no work done on any of the other material, the infiltrators or the septic system field would all be done in the spring, so they'll have plenty of time to correct this. He continued by saying they will probably correct it all within a month anyway, but at least they can start those foundations if they can get Planning and Conservation to sign off, then they can pass it along to AI and he would review the typical building plan and get started on the foundation and frame. He continued saying my fear is to lose these buyers at this stage of the market. It is a very scary teetering position. He reiterated it is just the foundation and frame that they'd be looking for, as it would really give them some continuity with the buyers and momentum for them. He is in fear of losing these buyers, it is a lot of money, over a million dollars a home, and he doesn't want to get himself upside down before he even starts. He doesn't believe there is any risk, or any wrongdoing of any work being done correctly if its just the foundation, backfilling, and framework. J. Castellano stated the infiltration and the septic systems are all involved in what the changes are or in the language on the plan, these are all small changes that can be made in the same timeline that the building inspector could go through the preconstruction permit. He explained that he wishes the Commission would consider that.

V. Gingrich stated to J. Castellano that they can talk offline, but there is an appeal period for the work in the buffer zone and she doesn't have the ability to sign off on certain things and not everything all at once. She continued saying they can talk about that not in this public meeting, but like she said for 7 Darby, it's a little bit easier since its just grading and potentially could be changed to avoid the buffer zone all together, if necessary, but where there's infrastructure in the buffer zone and an appeal period, it's a little bit different. V. Gingrich explained they can discuss later this week.

J. Castellano said that's great. He explained the only infrastructure is the septic systems, but he looks forward to talking this week.

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

VOTED: To continue the Public Hearing for 7 Darby Lane – Map 10 Parcel 5M – DEP File #344-1508 to the October 5, 2022, Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – 19 Beeching Avenue – Map 70 Parcel 8 – DEP File #344-1510**

Documents: NOI Application & Materials, received August 17, 2022  
"Site Plan," dated August 16, 2022

Present in Interest: Vasilios Stephanides Jr., Owner & Applicant  
Maureen Herald, Norse Environmental Services, Inc., Representative

M. Herald explained that she filed an NOI with the Commission on behalf of her client to remove a portion of the driveway and walkway, to construct a garage addition, and extend the driveway itself. She continued by saying they will be providing rooftop infiltration by an infiltration trench for the garage and driveway, grading, and associated utilities. The garage is proposed 69' away from BVWs and the site itself already has a post-and-rail fence, which was installed for the construction of the home, and they maintain the 50' no alteration zone and the 25' no build zone.

C. Lynch stated with the straw waddles in place, the Conservation staff had no comments. He continued by saying a draft Order of Conditions was sent to M. Herald earlier today, which is a standard draft with no special conditions.

C. Lynch shared his screen to show the draft Order of Conditions.

D. Pearson asked if there are any special conditions.

C. Lynch confirmed there is nothing special. When the house was built, they added in post-and-rail for permanent demarcation, which is still up, so they added that at the end as well to stay consistent with the last one.

No comments were made from the Commission.

No comments were made by the public.

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

VOTED: To close the Public Hearing for 19 Beeching Avenue – Map 70 Parcel 8 – DEP File #344-1510

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

VOTED: To issue the Order of Conditions for 19 Beeching Avenue – Map 70 Parcel 8 – DEP File #344-1510

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

Documents: "Proposed Permit Site Plans," revised August 25, 2022

Present in Interest: Benjamin Minnix, Eaglebrook Engineering & Survey, LLC.  
Michael Juliano, Eaglebrook Engineering & Survey, LLC., Representative  
Jonathan Main, Owner & Applicant  
Robert Peterson, Peterson Law, Attorney

## Maureen Herald, Norse Environmental Services, Inc.

R. Peterson introduced himself and explained that the applicant has submitted updated plans on August 25, 2022. Shortly after, an updated stormwater calculation was submitted on August 31, 2022. As of today, he explained no official comments have been received from the Planning and Conservation staff or the Town Engineer. The applicant is before the Commission this evening to present this updated plan set and will be hoping to continue to the October meeting to address the comments, questions, and concerns from the Commission and Town staff. He continued by saying they have also not submitted the updated plan set to DEP as they are waiting for comments from the Commission, Planning Board, and Town Engineer.

B. Minnix shared his screen and explained that previously, the site plan had contained two (2) proposed residential apartment buildings. They have since revised this plan and consolidated to one (1) building with eighteen (18) residential units, previously submitted was sixteen (16) residential units. In doing so, they were able to make some improvements to the layout of the parking lot and the building in relation to the wetlands and the buffer zone. He continued by saying previously they had this retaining wall which extends in the back of the parking lot, which before was 5.7' off the wetland line, now proposed to 14', so they have significantly moved that wall away from the wetland line. The building is 32.6' from the wetland. B. Minnix explained that overall, from the previous layout, they are reducing impervious area about 2,300 sq ft. so existing areas, it is woodland right now, overall it is an increase in pervious area. He continued by saying stormwater is approximately the same, they are increasing the size of the chamber system, four (4) more chambers, and then simplifying some of the drainage elements along the sidewalk, but no significant changes to the stormwater system design and layout. B. Minnix opened it up to the Commission for any questions.

C. Lynch stated like the applicant said, we received these revised plans recently and the Planning and Conservation staff and Engineering Division hasn't had a chance to review them yet. Currently, there are no comments.

V. Licciardi stated no comments at this time.

T. Bradley mentioned a comment similar to the one he made at the last meeting, that the Commission has a 50' no build requirement for multi-family dwellings and this is coming in at 36' or 37'. He hasn't heard why they should make an exception to the guidelines here, that they wouldn't have to be ready to extend to any commercial or multi-story building.

R. Peterson stated that the applicant is aware of the policy that the town has relative to the 50' buffer setback, and it was discussed at the last meeting by the Planning Director that when they take into account these developments, which are multi-family residential developments, he believes they haven't held the other applicants or other developments to that exact 50'. He continued saying there were further discussions relative to the applicant giving something in order to get something. They've been at this for well over a year, this was not something that was put forth in haste. They had a meeting with the Town Engineer and the Planning Director last September as to what the ideal development for this site would be in ways that they could reduce, minimize, control and confine development on this site. He continued saying per the discussions over the course of the last year, which the topography is undoubtedly very challenging, how do they develop the site into something that is benefiting the wetlands to the best of its abilities. To that affect, there was a discussion or questioning at the last meeting when the two (2) buildings was presented, it was what they thought would be minimized as to what the applicant is putting forth to benefit the site, what otherwise wouldn't be required. R. Peterson explained some of the things that they discussed last hearing was capturing the runoff from Main Street onto Cross Street, that is not a requirement of the Town's stormwater management bylaws, they aren't

required to capture runoff coming onto the site from other sites, to be an existing condition from Main Street onto Cross Street. He continued saying again that is going to aid in the existing conditions as to what they currently have on the site. They have accounted for the stormwater calculations and the stormwater runoff from Main Street being pulled onto the site, recharged, but that is something per their discussions with the Town Engineer, they have been willing to address. The second thing that was discussed at the last meeting as well, they're creating a physical barrier between the wetlands and the developed site, so the physical barrier between the wetlands and the site will be the retaining wall which separates the wetlands from the developed site and the Cross Street roadway. At its closest point, the retaining wall is going to be 14' off to that wetland as delineated. As they recall from the last meeting and the site walk, there was some questioning as to how close that wall was before, so they believe this plan will address those concerns of pulling that wall much farther away from the wetlands as delineated. R. Peterson explained they're going from about 7,800 sq ft. of two (2) buildings to about 6,075 sq ft. of one (1) building. They're also planting eight (8) new trees which are going to be five-and-a-half-inch red maple and five-and-a-half-inch red oak that are going to run the length of the building, which per the wildlife study that they conducted and provided to the Commission, will enhance the buffer zone above and beyond the existing conditions and will further seek to minimize any light and noise into the wetlands. Overall, these are discussions they've been having with the town for the better part of a year. He continued saying it is the applicant's opinion that this property will be developed at some point, and they believe what they're putting forth is a responsible way of site development and allowing the site to be preserved in its current state and to reduce, minimize, and control and confine what they're proposing for development purposes here.

D. Pearson explained that the big two seemed to have been the handling of stormwater coming from Main Street down Cross Street, and the enhancement of the uplands and planting trees. He continued saying in all the proposals before, the retaining wall acted as a barrier between the developed area and the wetlands, so he doesn't know that they can count that as sort of a special change.

R. Peterson stated the only thing he can say relative to the retaining wall is they know the Commission has the policy of keeping the 15' continuance undisturbed vegetated cover and with pulling that wall in, while they might encroach at some point, he thinks there is a 14' portion there and the portions of the retaining wall are going to be behind the building and are much further than that 15', so there will be further undisturbed areas where the building is going to be. He continued saying most importantly what was brought up at last meeting which should be continuously stressed is once that retaining wall is up, there will be no further action or no further activities beyond that retaining wall in the future, so they would be getting all that area behind the retaining wall as wetland protection.

A. Rittershaus stated no comments at this time.

W. Wierzbicki stated no comments at this time.

M. Gavegnano stated she shares T. Bradley's concerns, but no comments at this time.

D. Pearson stated he remembers discussing the pipe at previous meetings and wondered if there had been anything new discovered on that.

R. Peterson stated they have no further information relative to the pipe other than that is the existing condition of the site runoff which would only be improved by this development due to the requirements for the recalculation action recharge on site.

No comments were made by the public.

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

VOTED: To continue the Public Hearing for Cross Street – Map 40 Parcel 11 – DEP File #344-1504 to the October 5, 2022, Conservation Commission meeting

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

C. Lynch stated that the applicant has requested to continue to the October 5, 2022, Conservation Commission meeting.

D. Pearson asked for a quick rundown on what is going on there.

C. Lynch explained they want to extend the subdivision road in the Marion Street Subdivision. Last time staff talked to them, they were looking for a new Environmental Scientist to help them and hopefully be able to submit revised plans for the October 5<sup>th</sup> meeting.

D. Pearson stated that the Commission asked for a peer review if he remembers correctly and basically the peer review would be a review of whatever sort of plans they come up with in October, or would the peer review not have been performed yet.

C. Lynch stated there is a peer review on the wetland line and they received an ORAD for that.

V. Gingrich stated that when they submitted the first set of plans, the Commission had asked the staff to coordinate a peer review and there was a review done by Mary Rimmer and she had a comment letter that was a few pages long of items they had to address and since then they haven't revised their plans. She believes that they are finalizing those revisions now and submitting those, but the staff hasn't seen their response yet to that peer review. She continued by saying they'll have Mary Rimmer look at the revised plans and responses as part of the peer review.

Upon motion duly made by T. Bradley and seconded by W. Wierzbicki, 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 October 5, 2022, Conservation Commission meeting

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

C. Lynch stated the applicants requested to continue to the October 5, 2022, Conservation Commission meeting.

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

VOTED: To continue the Public Hearing for 800 Salem Street – Map R1 Parcel 24 – DEP File #344-???? to the October 5, 2022, Conservation Commission meeting

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

Documents: Email update from Elizabeth Wallis, received August 4, 2022

Present: Elizabeth Wallis, Hayes Engineering Inc., Representative

C. Lynch stated that the property showed a compost area in the rear of the yard on the approved plan, it wasn't in the Order of Conditions, and he didn't see it out there when he went out for the site visit. He stated that is the only comment.

D. Pearson explained he saw from the notes that they may have thought a compost area implied a bin and asked if that is true.

C. Lynch stated a compost area can be a bunch of different things, but the applicant's representative is here if she would like to speak on it.

E. Wallis stated she filled out the Certificate of Compliance requests on behalf of the applicant. The compost areas shown on the plan are just designated areas where leaf and other yard composting should be placed by the lot owner. She continued saying she looked through all the subdivision documents and couldn't find anything referencing actually bins as a requirement, but she believes they are just designated areas that were approved during the subdivision approval process.

D. Pearson asked how the homeowners are encouraged to use those areas.

E. Wallis stated that is a good question. She is unsure as to what the buyers are told, but they just took those from the subdivision plans. She continued saying they had agreed to provide those as part of the Conservation subdivision process. She doesn't know whether the owners are aware that those areas have been designated as compost areas, as you would not necessarily see them on the ground, and it depends on the property owner.

D. Pearson said he doesn't believe they've ever asked themselves if snow storage, compost, or if garden waste areas are identified. He continued saying they are in the conditions and the conditions are filed with the deed, so how is it that homeowners and homebuyers make the connection with that requirement.

C. Lynch stated these compost areas weren't mentioned in the Order of Conditions, just shown on the approved plans.

D. Pearson asked if there is anything in the Order of Conditions that refers to garden waste or things like that.

V. Gingrich explained that sometimes there are references in the Orders to compost areas and that they have to be provided. They aren't always so it is something they may want to talk about as a Commission if that is something they want to see going forward. She stated she thinks the question is how they are designed out in the field. For instance, at Green Meadow Drive, another Conservation subdivision in town, they installed actual bins, the ones that you can turn. Sometimes folks go for more of a homemade style where they'll do a wire fenced in area or sometimes, they'll do the big black plastic bin with the lid, so there is various things that folks can do, but when it's specified in the Order or when it's shown on the plan, they typically like to see an area at least placed in the yard and that's why it is flagged for the Commission. V. Gingrich explained what the homeowner actually does with that area is up to them and whether they use it or not, they haven't really collected data on that. It would be

interesting to know, she thinks sometimes they just get removed, but the idea was to provide the opportunity so that folks are less likely to dump their clippings and things into an undisturbed area.

D. Pearson asked if they issue a Certificate of Compliance for these properties, is there a way to accompany that with a statement that says the plans contain an area for placing yard waste and this should be something the homeowner implements in whatever way they choose as opposed to dumping it in the wetlands obviously. He asked if there can be an accompanying piece of paper that goes along with the Certificate of Compliance, not an official thing but something along those lines.

E. Wallis said perhaps a statement that states yard waste shall be placed in the compost area designated on the Certificate of Compliance, something like that. She asked if it should be just a general statement referring to the Certificate of Compliance.

V. Gingrich asked what would they be trying to achieve with this letter. The plan that was approved shows the area where it needs to be located.

D. Pearson stated what we would be asked to do is issue a Certificate of Compliance (COC) and what they are being shown is that in some cases patios were there that weren't on the plans and compost areas that were on the plans are not designated in the field and the question is, does the Commission just go ahead and say okay we're going to issue a COC in spite of the fact that these two things are flagged or are we going to issue one and clarify that there is something that they still need to do. He continued saying if they issue a COC, it's up to the homeowner to figure out what to do with the yard waste. It's in the plan, they have some choices, as opposed to not issuing the COC because there isn't anything there.

V. Gingrich asked if they should have them install something after the COC is already issued.

D. Pearson stated yes, just as a reminder that there's something that they still have to do. The Commission isn't holding up the COC, they're saying that yard waste needs to be put somewhere if it's kept on the property, rather than going into the wetlands, that's why there is a space identified.

V. Gingrich stated she believes that is the idea of it. Whether they are actually used she's not so sure, but the idea is to encourage the use of it. She continued saying she thinks that a lot of these folks have people coming in taking care of their lawns, so I she doesn't know if it comes into play or not.

D. Pearson stated it sounds like it's not a showstopper for issuing a certificate, but neither does it completely address the idea that there is something on the plans that the property owner could do to basically keep unwanted materials out of the wetlands.

V. Gingrich stated she thinks what sort of happens in practice is that once the certificate is issued, if they don't want that compost area there, they could remove the bin. They wouldn't have to use it, this is sort of the time where the Commission would determine whether it's important if they install it or if it isn't important to be installed and what happens after the certificate is issued, we don't monitor that unless something comes up.

D. Pearson stated nor was he suggesting that it needed to be monitored, he's at a place where he doesn't know whether not issuing a COC for this reason is a showstopper.

V. Licciardi stated if it's in the Order of Conditions, then they have to comply.

D. Pearson asked if it was stated in the conditions.

C. Lynch stated its not in the Order, just on the approved plan.

W. Wierzbicki stated if you put it in a letter, at least it notifies the owner that you have an area, and it would also notify someone buying the property at a later date that its on the plan.

M. Gavegnano stated a letter is a good idea, so the homeowner and new homeowner know that there is an area that's designated, because a lot of times you'll buy a home and you are not familiar with any of that, and it could be helpful especially with trying to resell a house at a later date so the next homeowner should know as well.

T. Bradley stated where they show the area on the plan, I'm tempted to say either put in a bin or suggest some other way of identifying that area for the homeowner stating this is where the compost is to go as opposed to in the wetlands. I don't feel it has to be a bin, if they want to put a small fenced in area similar to a bin but not quite a bin, that's fine with him.

A. Rittershaus says he thinks it is fine. A small letter would be helpful.

V. Gingrich stated if she can add, they typically have the developer install that for the new homeowner, and if the homeowner is actually using it or not, we don't know, but its something that is there for them to use and encourage. It provides that ability to use it.

D. Pearson asked if the developer has left the scene.

V. Gingrich stated no, E. Wallis is representing the developer. His intention was to apply for the certificate.

D. Pearson stated most of the Commissioners are looking for some indication since something has been identified on the plan as a yard waste area and needs to be identified on the ground as a yard waste area as well. So, if that hasn't happened, what they've done in the past is issued a COC and held it until something shows up on the ground, and then they hand it over.

E. Wallis would like to go back to the idea of inserting a letter of some sort notifying the developer or homeowners that this area exists. She explained she doesn't see any value in the developer going around to houses and installing a bin that probably won't be used. She would like to point out that the Commission did issue a COC for 6 Sgt. Veloza Way that did not require any physical marking of a compost area and the Commission has issued a COC without that requirement.

D. Pearson said they can look at that as sort of an oversight on their part, but he thinks he would look at the \$75 it would cost to install a bin in the place where it is on the plan, in order to get the certificate seems like the way he would like to go and a nice way to hear everyone else saying yeah, if its on the plans, make sure the homeowner knows to put the stuff there. He continued saying if they choose not to use it and put it on craigslist or melt it down or something like that its fine, they aren't going to be chasing them. It looks as if they're going to either issue this with the idea that the developer supplies a bin or some sort of marking, or they're going to deny it and it'll have to come before the Commission again.

E. Wallis stated she can certainly advise the developer that this needs to be done. She explained she personally would hate to have the Certificate of Compliances held up for this minor idea, but she sympathizes, and she understands where they're coming from, so she will put it before her client and see what they have to say.



D. Pearson asked if they are still okay with issuing and holding pending the identification of the yard waste area.

V. Gingrich stated they can do that if they think that the developer might do this.

D. Pearson asked E. Wallis if this is something she thinks the developer would do.

E. Wallis stated she couldn't say, he hasn't been asked to do this before and she couldn't say whether he would or not. He probably would, but she just doesn't know.

D. Pearson stated let's table it for now and deal with it next time.

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

VOTED: To table the Certificate of Compliance for 1 Sgt. Veloza Way – Map R2 Parcel 40 – DEP File #344-1454 to the October 5, 2022, Conservation Commission meeting

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

Documents: Request for Certificate of Compliance, received June 9, 2022  
"Plans to Accompany," dated February 3, 2022  
Email update from Elizabeth Wallis, received August 4, 2022

D. Pearson stated this one has the same issue as the previous one, but also has the patio that was addressed in the email.

E. Wallis confirmed that.

No comments were made from the Commission.

D. Pearson asked about the patios saying that he sees they stated it is a minor change, but if a patio is something that seems like a good idea, then he doesn't know why it doesn't appear on the plans in the first place, as opposed to something they end up squabbling over later. He continued by saying in his mind he would think it would be great if they said hey, I want to put patios in and here they are.

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

VOTED: To table the Certificate of Compliance for 4 Sgt. Veloza Way – Map R2 Parcel 43 DEP File #344-1381 to the October 5, 2022, Conservation Commission meeting

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 5 Sgt. Veloza Way – Map R2 Parcel 41 – DEP File #344-1455**

Documents: Request for Certificate of Compliance, received June 9, 2022  
"Plan to Accompany," dated January 18, 2022  
Email update from Elizabeth Wallis, received August 4, 2022

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

Upon motion duly made by A. Rittershaus and seconded by W. Wierzbicki, it was unanimously

VOTED: To table the Certificate of Compliance for 5 Sgt. Veloza Way – Map R2 Parcel 41 DEP File #344-1455 to the October 5, 2022, Conservation Commission meeting

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

Documents: Request for Certificate of Compliance, received June 9, 2022  
“Plan to Accompany,” dated February 3, 2022  
Email update from Elizabeth Wallis, received August 4, 2022

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

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

VOTED: To table the Certificate of Compliance for 101 McDonald Road – Map R2 Parcel 45 DEP File #344-1388 to the October 5, 2022, Conservation Commission meeting

**ENFORCEMENT ORDER**

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

C. Lynch stated that the homeowner hasn't been very proactive in trying to get the work done. He continued by saying he's been in contact with the homeowners Engineer who's doing the site plan, but in the last week, the Engineer has been contracted to create the restoration plan in collaboration with the wetland scientist. C. Lynch stated he didn't give an expectation of when they'll get that in. The next court hearing is October 6<sup>th</sup>, the day after the next meeting, so he would hope that they would probably get that plan in before the next meeting, but they may need to request to continue again as they've been doing a few times.

D. Pearson said they're going to run out of time to plant for the restoration.

C. Lynch said yes, it's cutting it close.

D. Pearson questioned why they are going to court. He asked if it's because the Town took it to court for trespassing on Town land.

C. Lynch stated he hasn't gotten a response for a very long time, so that is how it eventually evolved to that instead of just being resolved with an Enforcement Order.

D. Pearson said he would imagine that they would want to try to go into court with some evidence that they're satisfying the Town, that they have a restoration plan and that they're moving forward.

C. Lynch stated they haven't gone to court yet because they've slowly shown progress and have continued to, but in the last month and a half they've stalled and have not been very responsive until the last week.

D. Pearson asked if the next court hearing is something that'll take place for sure.

C. Lynch stated it depends on the Commission and if they want to continue since nothing has been

presented to us.

V. Gingrich explained that it's a bit of a complicated situation. The two owners of the house also have litigation towards each other, so it's a little complicated and staff has been trying to be understanding about the situation and give them time. One of the parties is now having to address this Enforcement when the other party did the violation. It is a little complicated and they've been trying to be very understanding in the expense of it so when progress is seen, they agree to put off the court date.

D. Pearson said if they receive something prior to the next meeting, it looks as if the homeowners don't have to go to the court hearing because they've given us something.

V. Gingrich stated yes, that's how the town has been approaching it.

D. Pearson clarified if the Commission doesn't get something the week before, then they have to go to court.

V. Gingrich said that's the idea.

No comments were made from the Commission.

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

C. Lynch explained that the homeowner's Engineer and Surveyor went onsite, and they had a site plan created for the property. M. Herald is working with them to make up an actual restoration plan of the disturbed areas on both properties. M. Herald said that she expects that to be completed before the next meeting in order to be presented and approved by the Commission. Once that gets approved, they can start planting and seeding the area for restoration.

D. Pearson stated with luck, it may start this year.

C. Lynch said he hopes so. He doesn't believe it'll be too cold that planting wouldn't be able to happen; he is hopeful they will be able to start.

#### **4 Wilton Drive – Map 21 Parcel 3M**

C. Lynch stated he went for a site visit to the property and saw that Mr. Broman had the wetlands delineated and the flags were placed on the property. He continued by saying the homeowner has a fencing company coming out to plot out where the fence is going to be. When Mr. Broman was last at the meeting, they didn't know positioning of the fence, but he believes its going to be about 15' at that 15' buffer zone. C. Lynch stated they are still expecting a plan from Mr. Broman showing that. He is unsure if the homeowner will be able to get it to them by the next meeting, but it appears he's making progress and chipping away at the restoration.

Mr. Broman stated he is following the plans and making sure everything is going according to what the Commission wants to see and is doing the best he can.

D. Pearson stated they are hopeful in other cases where other people are doing restoration that they can start in early October when it's not too cold and get some growth underway.

Mr. Broman stated that was his intent in the beginning to get that area to grow, so they're both are on

the same page there. He stated he is going to hustle as much as he can.

### **151 Federal Street – Map 61 Parcel 7D**

C. Lynch stated that the Enforcement Order was sent out after the last meeting for some trees that were removed. He continued by saying the Enforcement Order is for the replanting of the trees.

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

VOTED: To ratify the Enforcement Order for 151 Federal Street – Map 61 Parcel 7D

### **DISCUSSION**

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

V. Gingrich stated that the staff put 911 Main Street on the agenda as a discussion to see how the Commission would like to go about it. She continued by saying this was a while back and probably predates a bunch of the Commissioners. There were some changes done at the site and there was Enforcement approved to put the stormwater basin back to what it needed to be and removing of the items on site. V. Gingrich continued by saying they wanted to put it on the agenda to get an update from the owner. Staff didn't see that there was a lot of progress, and the Order would've expired last year, except there was the automatic extension due to Covid, so that Order does expire in March and they want to get an update on where things stand and whether that work can be completed this fall and if so, what the schedule for that looks like.

D. Pearson stated he would like to hear from the owner.

B. Autenzio stated that they have made some progress by installing the stormwater separator, the catch basin, the framing grid, and it was all inspected by the site Engineer. He continued by saying it was backfilled and that they are waiting to pave; they are slowly but surely working on it.

D. Pearson asked if B. Autenzio had a real sense of the Town's punch list on this particular project. He continued by saying when they say they're working on it, it seems as if there's things that still need to be done. He asked if he is clear on what they are and asked if they'll be done before March for instance.

B. Autenzio stated he would like it to be done by then so that they can get it taken care of.

C. Lynch asked where on the property was the catch basin replaced.

B. Autenzio stated it wasn't replaced. There was a new one that was added before the tri-chamber stormwater separator, the 36' round catch basin, and that was attached to the infiltration system, the one with the three (3) chambers. He continued by saying the Engineer requested it to go in the rear of the property on the plans.

V. Gingrich said that part of the stormwater basin was filled in previously and it needs to be dug out. She continued by saying some slopes from the retaining wall need to be reconstructed to make that larger again so that it has the capacity that it once had. That work is going to need to consist of some grading and some seeding and stabilization during the period where the Order is valid, so that's why they wanted to put this on here because they're running out of time to do that work and get stabilized with seeding and vegetation if they need to finish up before March. She stated if that work isn't

completed by the expiration of the Order again, just for the Commissions background, this Order was because of Enforcement and unauthorized activities, so the fixes were intended to happen quickly. They haven't happened quickly, so the staff wanted to flag this as an area of concern.

D. Pearson stated that he remembers this, but he doesn't remember the things that are likely to be outstanding, and asked if there is a clear understanding as to what things still need to be done.

B. Autenzio said there's a construction retaining wall, which unfortunately is extremely expensive, and trying to operate a business at the same time after when Covid hit, did a number on them as well as a bunch of others, but they are working on it. He continued by saying they did get the catch basin installed, that was the hardest portion of the project. Where the retention pond is, they're going to use the concrete washout blocks as a wall on the side so that unfortunately is very time consuming and not a quick thing, but they are planning on working on it. He said he would like to get it done by the end of the year.

D. Pearson asked if the Commission could get a one-page progress report each month, just to see that things are moving along.

B. Autenzio stated absolutely.

D. Pearson asked C. Lynch to mention the dates that the progress report would need to be submitted by, so that it could be distributed to the Commission.

C. Lynch explained that it would need to be submitted two (2) weeks before the meeting of each month. So, the next deadline would be September 21<sup>st</sup> for the October 5<sup>th</sup> meeting.

D. Pearson stated they are asking him to come up with something that says here is what they've done, and it can be partial too, as here is what they've started so far for this month.

B. Autenzio stated sure, that is understandable.

D. Pearson confirmed that it is two (2) weeks before the first Wednesday of every month that they'd be repeating this. He continued by saying they'll see how it goes and if everyone thinks that is a step in the right direction.

V. Gingrich stated she thinks that is a great plan.

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

V. Gingrich explained that this was an Enforcement that turned into an Order of Conditions. She continued by saying they were expecting an update from Attorney McKenna tonight, but he said he would get it to them for the next meeting. V. Gingrich stated she just wanted to point this out and let the Commission know that they did have a meeting on site, and they did install erosion controls, but they haven't seen any progress beyond that. She just wanted to make the Commission aware of that so that they can keep the projects that are violations moving forward.

D. Pearson asked what is at that location.

V. Gingrich stated it is U-Haul.

D. Pearson asked if the Commission could give them a dose of the same that they did for 911 Main

Street and request monthly progress reports.

V. Gingrich said sure.

C. Lynch stated he thinks that is required in their Order of Conditions anyways.

D. Pearson said they'll really have to pay attention to them now and if we don't get the monthly progress reports, then they can drop a hammer on them.

V. Gingrich stated she is afraid that is what has to happen with some of these.

### **39 Jacquith Road – Map 20 Parcel 25C**

C. Lynch explained that this was sent out to the homeowners as a Notice of Violation (NOV), but wasn't in the same format that we usually send out NOVs. He continued by saying it was a situation similar to Chestnut Street, when two properties are right next to each other. The homeowners at 39 Jacquith Road removed a good amount of soil from their property and put it onto 37 Jacquith Road's property next door, right next to the wetlands. The NOV was basically to say please remove it from there and get it back to your property, outside of the buffer zone, or have it removed off site and they won't need to attend the next Conservation Commission meeting. C. Lynch stated thankfully they removed it the day after the letter was sent out, so they got on it quickly.

### **Fall Town Clean Up Day**

C. Lynch explained that the staff was thinking October 15<sup>th</sup> for the Fall Town Clean Up Day.

V. Gingrich stated they were also thinking as has been the style since covid, they would advertise it not so much as an organized event, but as an encouragement to get out to places in the neighborhood to pick up trash, get outside, and do some cleanup, choose their own adventure style. She continued by saying if people want to organize a team that's great or if they want to go out themselves, that is great too. Benevento's, a local business in town, would like to volunteer and do some areas as well, so they'll get the word out and they thought middle of October since it'll be nice weather, so it should be a good time to be outside.

D. Pearson stated he likes the idea.

### **MINUTES – August 3, 2022**

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

D. Pearson, T. Bradley, V. Licciardi, M. Gavegnano, A. Rittershaus, and W. Wierzbicki voted 6-0 to accept the minutes for the August 3, 2022, Conservation Commission meeting.

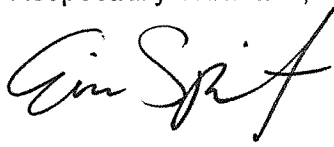
### **NEXT MEETING – October 5, 2022**

### **ADJOURN**

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

VOTED: By D. Pearson, V. Licciardi, T. Bradley, A. Rittershaus, M. Gavegnano, and W. Wierzbicki to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

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

Erika Speight  
Senior Clerk