



TOWN OF WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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2023 SEP - 7 AM 10:37

CONSERVATION COMMISSION MINUTES

August 2, 2023

Donald Pearson called the meeting to order at 7:03 p.m. Theron Bradley, William Wierzbicki, Frank Silveira, and Jean Marie Cole were also present. Vincent Licciardi and Michael McInnis were absent. 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 – Woburn Street Water Main (Kajin Way to Lowell Street)

Documents: RDA application & materials, received July 19, 2023
Water Main Replacement Plan, dated June 2023

Present in Interest: Joe Lobao, Public Works, Town of Wilmington
Matthew Spur, Assistant Engineer, Town of Wilmington
Oxana Fartushnaya, Green International Affiliates, Representative
Shahin Shahin, Green International Affiliates, Representative

J. Lobao introduced himself and his team and explained they are requesting approval for the replacement of the water main on Woburn Street, from the Lowell Street intersection to approximately Kajin Way. He explained the existing main that is in place currently is a 10-inch cast iron pipe that was installed roughly 100 years ago. They will be replacing it with a 12-inch pipe, which will increase the water quality and flow.

O. Fartushnaya displayed the plan to the Commission and explained that the water main starts from the Lowell Street and Woburn Street intersection and goes along Woburn Street until it reaches just about Kajin Way. She explained they submitted a wetland delineation memo for the Commission's review, and she explained there are a few Wetland Resource Areas that have been delineated along Woburn Street between Lowell Street and Kajin Way. She explained the majority of them were just wetland areas within the 100' Buffer Zone, as well as the Ipswich River crossing with Riverfront Area, and an intermittent stream. She explained that the work will be limited to Buffer Zone only and Riverfront Area only. Because the work will be within the existing paved right of way, and the work will be under the existing utilities, they believe it will be minor in nature and have a low impact, which falls under exemption within the Wetlands Protection Act (WPA).

C. Lynch stated the project does appear to be exempt, so the only comment would be to install erosion control along the roadway where there are resource areas.

W. Wierzbicki asked if they would be crossing the river and if there would be a protective sleeve.

S. Shahin confirmed.

D. Pearson asked if the road would need to be raised over the culverts.

S. Shahin stated they will not be raising the road; they have enough cover to cross over.

D. Pearson asked roughly how long the project would take.

S. Shahin explained it will take approximately six (6) to seven (7) months. He stated they will be starting in April of 2024, and ending around October/November of 2024.

Upon motion duly made by J. Cole and seconded by T. Bradley, it was unanimously

VOTED: To issue a Negative Three (3) Determination of Applicability for Woburn Street Water Main (Kajin Way to Lowell Street)

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 4 Sgt. Veloza Way – Map R2 Parcel 43

Documents: RDA application & materials, received July 13, 2023

Present in Interest: Jeffrey Minerva, Owner & Applicant

J. Minerva introduced himself and explained he is requesting approval to install a vinyl fence along the perimeter of his backyard. He stated most of the fencing will be within the 100' Buffer Zone, with a small portion that will be within the 50' Buffer Zone. In the application packet, he submitted a sketch of what the fence will look like in the backyard and is happy to answer any questions the Commission has.

C. Lynch explained there are no comments.

T. Bradley asked if he would need to remove any trees.

J. Minerva stated he will not need to remove any trees.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 4 Sgt. Veloza Way – Map R2 Parcel 43

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 63 Washington Avenue – Map 43 Parcel 18

Documents: RDA application & materials, received July 19, 2023

Present in Interest: James Verrill, Owner & Applicant

J. Verrill introduced himself and explained he is requesting approval to remove sixteen (16) trees along the west and north of his property. He explained that the trees are a safety risk and hazard that are about to fall.

C. Lynch stated the only comment would be to plant six (6) replacement trees. He asked the homeowner to describe the embankment.

J. Verrill explained the previous owners built up an embankment around the north and west sides of the property so that it could be elevated. He stated with the removal of some of the trees, there is concern

for some erosion and what he would like to do is clean it up with fill and some additional crushed stone. The embankment is away from the wetlands, but is within 100' of the wetlands. He believes with the removal of some of the trees, it'll help with the runoff of water. He explained that one (1) tree towards the eastern most side of the property, he was unsure if it was on Town Land, so he met with DPW at the property, and they clarified it isn't on Town Land and gave him the green light to take it down.

D. Pearson asked him to clarify why he isn't requesting approval for the tree that DPW gave him the okay for.

J. Verrill explained originally, he was requesting that DPW take that tree down. To clarify, he is still removing that tree, but he will be taking responsibility for the removal.

F. Silveira asked what the plan is for the remaining stumps.

J. Verrill stated he will be leaving a number of the stumps in place. There is a perimeter fence along the backyard that faces the east and a chain link perimeter fence that comes a little closer. He explained the trees that are within the fence line, which is only two (2), he plans to have those stumps ground.

D. Pearson asked if tree number fifteen (15) is below the embankment or on the embankment.

C. Lynch stated to clarify, the trees closest to the road are farthest from the Buffer Zone and may be located outside the buffer. He explained that the trees in the back of the house are the ones closest to the Buffer Zone.

J. Verrill stated tree number fifteen (15) is in a dry elevated area that is significantly far away from his property, and the reason for taking it down is because it is rotten, and limbs are falling off. Tree number twelve (12) is the tree closest to it that is already falling and hanging over the right of way.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 63 Washington Avenue
– Map 43 Parcel 18

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 44 Towpath Drive –
Map 29 Parcel 43**

Documents: RDA application & materials, received July 19, 2023
"Site Plan," dated July 17, 2023

Present in Interest: Sean Burns, Owner & Applicant
Katie Burns, Owner & Applicant

K. Burns introduced herself and explained they are requesting approval to take an existing enclosed structure down and replace it with a four-season porch with a foundation, which would result in a 353 square foot addition to the back of the property.

C. Lynch stated there are no comments.

Upon motion duly made by W. Wierzbicki and seconded by J. Cole, it was unanimously

VOTED: To issue a Negative Three (3) Determination of Applicability for 44 Towpath Drive – Map
29 Parcel 43

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 299 Ballardvale Street – Map R3 Parcel 26

Documents: RDA application & materials, received July 19, 2023
“Plan to Accompany RDA application,” dated July 17, 2023

Present in Interest: Steven Morganelli, Camber Development, Representative

S. Morganelli stated they submitted an RDA for mill and overlay on the existing paved area. He explained it will be a two (2) day job, US pavement will be the vendor. They will mill the first day and overlay the next day. He stated the appropriate erosion control will be installed.

C. Lynch stated the only comment would be to install erosion control along the wetland boundary side.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 299 Ballardvale Street – Map R3 Parcel 26

PUBLIC HEARING – NOTICE OF INTENT – 911 Main Street – Map 25 Parcel 4 – DEP File #344-1530

Documents: NOI application & materials, revised July 11, 2023
ASB Design Group Summary Letter, dated July 27, 2023
“NOI Enforcement Order Plan,” dated July 27, 2023
“Post Development Drainage,” dated July 27, 2023
“Existing Conditions,” dated July 27, 2023

Present in Interest: Jill Mann, Mann & Mann P.C., Representative

J. Mann introduced herself and gave a brief overview. She stated based on the last hearing, they had to submit a revised stormwater report and allow for final comments from various departments. She stated they delivered the revised materials and performed revisions at C. Lynch’s request. They began doing remediation measures that didn’t involve impacts but minimized some of the violations. To date, they have begun removing all the materials and bins in the area that resulted in violation. The pea stone is being hauled out of the site, the regular stone has been hauled out of the site, the wooden pallets have been moved to another part of the site, and some metals that had to be sorted have been and put into the appropriate dumpsters. One (1) of the major changes to the plan that had to be made was the removal of a retaining wall that was along a basin, which was completed, and grading has been done so the basin is open and they removed the structure that was in the 50’ Buffer Zone. She explained they are continuing to make improvements and can ensure the Commission that there will be completion and closeout to the Order.

C. Lynch stated the Engineering Division is still reviewing and he is hopeful to have something for the next meeting.

J. Mann stated they wouldn’t mind if it was conditioned on the Town Engineer’s review. She stated they would be okay continuing as well.

D. Pearson asked how much more work there is to be done.

J. Mann stated the work that they proposed to do will be done in two and a half weeks at most. They wanted to wait until all the work was done to loam and seed the area, which would have to be driven over to finish the other work, so there is no point in doing that now as it would disturb the area twice instead of once.

D. Pearson explained as he remembers, the Commission stated restoration would be okay and new work would have to wait to be approved.

C. Lynch stated any new work that was submitted would have to wait; the removal of materials, the removal of the concrete bins, the metal within there can be removed, but everything else in regard to the stormwater system and the surrounding area would have to wait.

J. Mann stated she believes they have enough work to do and are looking forward to an Order at the next meeting.

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

VOTED: To continue the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1530 to the September 6, 2023, Conservation Commission meeting

PUBLIC HEARING – NOTICE OF INTENT – 190 Main Street – Map 44 Parcel 178 – DEP File #344-1531

Documents: Planning & Conservation review letter, dated July 5, 2023
"Site Plan," revised July 18, 2023
Response to comments, dated July 18, 2023

Present in Interest: None.

The applicant requested to continue to the September 6, 2023, Conservation Commission meeting.

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

VOTED: To continue the Public Hearing for 190 Main Street – Map 44 Parcel 178 – DEP File #344-1531 to the September 6, 2023, Conservation Commission meeting

PUBLIC HEARING – NOTICE OF INTENT – 30 Linda Road – Map 88 Parcel 32B – DEP File #344-1529

Documents: None.

Present in Interest: Luke Roy, LJR Engineering, Representative

L. Roy introduced himself and explained that the project was discussed at last month's meeting and the Commission continued it to see if there were any comments from the Engineering Division, and from his understanding there were no comments. He explained that the Commission mentioned the fence that is currently in the backyard and how a portion of it is within the 15' no disturb. He spoke to the applicants, and they would like to keep the fence in place since it has been there since they purchased the home. There is a new section of demarcation that they're proposing as part of the plan that will follow the 15' no disturb from the existing wood fence towards the front. He handed out plans to the

Commission and referenced the drawing. His clients are open to plantings towards the front where the 15' no disturb will be established. He stated that he reviewed the draft Order of Conditions (OOC).

C. Lynch asked if the Commission is okay with the current fence staying in place with a portion of it being within the 15' no disturb, and the new fence being bumped out to the 15' no disturb. The approval for this would be approving the new proposed location as well as the fence location that has been on the property.

D. Pearson asked if the applicant would generously be willing to plant some shrubs.

L. Roy stated they didn't discuss the density regarding the plantings, and he mentioned to them that there are some things he can talk to the Commission about regarding the plantings. He stated he is sure if there is a middle ground, they'd be willing, but they would rather do plantings.

J. Cole asked for clarification on the plan, and asked if they could bring the fence further away from the wetlands.

L. Roy stated he believes it is just to maintain the yard that they had when they purchased the property and since it's been that way for a long time, they rather not alter it if there was another way.

D. Pearson suggested high bush blueberries to establish that boundary line and asked if the homeowners would be willing to do that.

L. Roy stated he believes that would be a compromise that the homeowners would be willing to work with.

C. Lynch asked how far apart the Commission would like to see the plantings.

D. Pearson suggested 3' apart to make a distinct barrier.

C. Lynch stated he can add into the OOC that the location of the plantings be approved by the Conservation Agent prior to planting.

All Commissioners agreed.

No comments were made by the public.

Upon motion duly made by W. Wierzbicki and seconded by J. Cole, it was unanimously

VOTED: To close the Public Hearing for 30 Linda Road – Map 88 Parcel 32B – DEP File #344-1529

Upon motion duly made by W. Wierzbicki and seconded by F. Silveira, it was unanimously

VOTED: To issue the Order of Conditions for 30 Linda Road – Map 88 Parcel 32B – DEP File #344-1529 as amended.

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

Documents: None.

The applicant requested to continue to the September 6, 2023, Conservation Commission meeting.

Upon motion duly made by F. Silveira and seconded by T. Bradley, it was four (4) in favor (D. Pearson, T. Bradley, W. Wierzbicki, F. Silveira) and one (1) opposed (J. Cole),

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 September 6, 2023,
Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 79 Nichols Street – Map 35 Parcel 29 –
DEP File #344-1527**

Documents: None.

The applicant requested to continue to the September 6, 2023, Conservation Commission meeting.

Upon motion duly made by J. Cole and seconded by T. Bradley, it was unanimously

VOTED: To continue the Public Hearing for 79 Nichols Street – Map 35 Parcel 29 – DEP File
#344-1527 to the September 6, 2023, Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREV. NOTICE OF RESOURCE AREA DELINEATION –
Birch Street, Fir Street, Alder Street, Hall Street, March Road – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9,
11 – DEP File #344-1524**

Documents: None.

The applicant requested to continue to the September 6, 2023, Conservation Commission meeting.

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

VOTED: To continue the Public Hearing for Birch Street, Fir Street, Alder Street, Hall Street,
March Road – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, 11 – DEP File #344-1524 to the
September 6, 2023, Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREV. NOTICE OF RESOURCE AREA DELINEATION – 50
Fordham Road – Map 91 Parcel 131A – DEP File #344-1526**

Documents: NOILSF Summary Sheet, dated July 27, 2023
Annotated ILSF Watershed Plan, received July 28, 2023
ILSF Watershed Plan, received July 28, 2023
Annotated ILSF Sub-catch Plan, received July 28, 2023
ILSF Sub-catch Plan, received July 28, 2023
ILSF 1-YR Storm Calculations, received July 28, 2023
ILSF 1-YR Storm Calc. with depression, received July 28, 2023
RJOC Memorandum, dated July 27, 2023

Present in Interest: Rich O'Connell, RJ O'Connell and Associates
Christopher Lucas, Lucas Environmental, Representative
Rich Kirby, LEC Environmental Consultants, Inc.

C. Lucas introduced himself and stated R. Kirby conducted the peer review for the site, and he presented the locations of the Wetland Resource Areas on the plan to the Commission. He explained that there are three (3) Isolated Vegetated Wetlands (IVWs) on the property, which are not jurisdictional.

D. Pearson asked R. Kirby to give the highlights of his peer review.

R. Kirby confirmed that he walked the boundary of the delineated wetlands with Town staff and the applicant's team on July 13th. The A-series was the larger Bordering Vegetated Wetlands (BVWs) and the C, B, and D-series in that order are the IVWs. He stated for the most part, it seemed reasonable and much of the wetland boundary occurs along the base of a relatively steep slope, not leaving a whole lot of room for interpretation. The D-series IVWs had an area of wetland swales and vegetation with flags that were revised in the field. He explained he and C. Lucas measured them, triangulated, and took measurements from multiple viewing points so that R. O'Connell could translate those measurements and give the revised plan accuracy. They were trying to figure out if the two (2) berms on the site connected in any way and there were two (2) areas along the berm that separated the C-series and B-series, and he had asked C. Lucas to collect data plots for those two (2) points because if the wetlands were going to connect in any place, they would connect there. C. Lucas provided the data, and it was consistent with what they observed in the field. To note, he stated that in his letter he prepared, he failed to mention that flags A146 through A155 should reflect the fact that those flags were also reviewed and flags E1 through E5 seem reasonable for placing the Buffer Zone on the property. In terms of Isolated Land Subject to Flooding (ILSF), he confirmed that they put the applicant through the ringer to confirm that there is indeed no ILSF on the property no matter how you slice it. He explained they provided the calculations for C with the application, but the question was are those three (3) depressions themselves contained within the larger compression and part of the question was, if you have the pavement adjacent to the roadway at least a part flows into the larger compression. He explained it was unclear as to whether any of the roof runoff also fell into the pavement which would go into the wetland and would significantly increase the size of the watershed. He explained that was all confirmed by R. O'Connell and P. Alunni, the Town Engineer. He cited P. Alunni's email from the other day confirming that they do not meet the threshold, so it is fair to say that there is no ILSF on the property. He explained there were some recommendations for the ORAD, like confirming the IVW and BVW boundaries to make it on the revised plans, confirming that the C-series IVW qualifies as a vernal pool per Natural Heritage requirements, confirming that the Bordering Land Subject to Flooding (BLSF) elevation is 78.1 in the Letter of Map Amendment included in the ANRAD, confirming that there is no ILSF on the site, and concur the applicant to submit the vernal pool certification forms to Natural Heritage.

D. Pearson asked for clarification that flags A146 through A155 and flags E1 through E5 are okay as is.

R. Kirby confirmed.

No comments were made by the public.

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

VOTED: To close the Public Hearing for 50 Fordham Road – Map 91 Parcel 131A – DEP File #344-1526

Upon motion duly made by T. Bradley and seconded by J. Cole, it was unanimously

VOTED: To issue the Order of Resource Area Delineation for 50 Fordham Road – Map 91 Parcel 131A – DEP File #344-1526 to the September 6, 2023, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 48 Aldrich Road – Map 19 Parcel 4 – DEP File #344-1513

Documents: Request for Certificate of Compliance, received June 14, 2023

C. Lynch explained he printed out visuals for the Commission's review and overall, the site looks good, but they have a line of rocks that enter the 15' no disturb in one (1) section, but it is up to the Commission if they are okay with that or not. He explained it is approximately 12' at its closest point to the wetlands.

All Commissioners were okay with the line of rocks as is to serve as demarcation.

Upon motion duly made by W. Wierzbicki and seconded by F. Silveira, it was unanimously

VOTED: To issue the Certificate of Compliance for 48 Aldrich Road – Map 19 Parcel 4 – DEP File #344-1513

REQUEST FOR CERTIFICATE OF COMPLIANCE – 47 Boutwell Street – Map 19 Parcels 32 & 33 – DEP File #344-1518

Documents: Request for Certificate of Compliance, received June 14, 2023

C. Lynch explained they were missing a letter from their PE, the as-built plan was missing a few things, and a section of the post-and-rail fence was within the 15' no disturb and needed to be moved.

All Commissioners agreed to table the request until the next meeting.

Upon motion duly made by W. Wierzbicki and seconded by J. Cole, it was unanimously

VOTED: To table the Certificate of Compliance for 47 Boutwell Street – Map 19 Parcels 32 & 33 – DEP File #344-1518

REQUEST FOR CERTIFICATE OF COMPLIANCE – 5 Foley Farm Road – Map 74 Parcel 2M – DEP File #344-755

Documents: Request for Certificate of Compliance, received June 14, 2023

C. Lynch explained that this subdivision was built a while back. They included all the homes in the roadway construction filing, and now years later, each home needed a Certificate of Compliance (COC) separate from the roadway. The Town accepted the road, and it is now a public way.

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

VOTED: To issue the Certificate of Compliance for 5 Foley Farm Road – Map 74 Parcel 2M – DEP File #344-755

ENFORCEMENT ORDER**4 Wilton Drive – Map 21 Parcel 3M**

M. Seekamp stated he received a call from the homeowner a few days ago and decided to perform a site visit on his way to the meeting this evening.

C. Lynch stated the Commission is looking for a restoration plan for the backyard. The post-and-rail fence is close to the wetlands so that would need to be moved back a bit. He stated they are waiting for a plan so restoration can start.

M. Seekamp stated there was a lot of construction debris dumped back there years ago and the homeowner would like to remove the rest of that as part of the restoration plan and revegetation. He believes the fence was installed per the Commission's suggestion, and stated if they take it out, there would be more disturbance. He asked if the Commission would consider leaving the fence in place and the homeowner plant some shrubs on his side of the fence. He stated it's an effective barrier to the wetlands. He explained the homeowner would like to remove the debris, seed the area for restoration, and plant a few ferns or shrubs and asked the Commission if they would be okay with that.

D. Pearson polled the Commissioner's, and all were in agreeance that the post-and-rail fence is okay to leave in place along with the planting of shrubs along the property owners' side of the fence.

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

C. Lynch explained that he and V. Gingrich had a meeting with the homeowner, and he had hired Norse Environmental Services as a Wetland Scientist and an attorney to help him with the process. He explained they are currently working on a restoration plan and an application. Some of the work done may be able to be approved, but they are going to come up with a restoration plan for the parts that aren't able to be approved. He is hopeful there will be something to review for the next meeting.

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

C. Lynch gave a brief overview. He stated that the Town Manager sent a letter which the homeowners responded to, and the reason for sending that letter was because majority of the work is on Town-owned land and he appeared to fill in wetlands on Town-owned land to expand his yard. C. Lynch was able to get in contact with the homeowner and stated he was going to start the process of hiring an Engineer and Wetland Scientist to begin restoration. He explained that he reached out to the homeowner a few times following that conversation and hadn't gotten a response. An email was sent to the homeowner stating that staff will be recommending to the Commission that either fines be issued or have Town Counsel get involved and send a letter to the homeowner about potentially filing a request for injunctive relief in superior court.

D. Pearson asked if fines have been issued in the past for any other projects.

V. Gingrich stated that the Commission has issued fines in the past, and Town Counsel can agree that it is an administrative nightmare. They can be done, but it takes a lot of the staff's time and effort to issue them, collect them, and follow up after them. She explained it is easier to go with a complaint. Earlier today she emailed the Town Manager for approval to get in touch with Town Counsel to get something going.

All Commissioners agreed to have Town Counsel send the homeowner a letter.

773 Salem Street – Map R1 Parcel 23

M. Seekamp gave a brief overview of what has been happening at the site. He explained that Shea Concrete had been using Town-owned land as well as a section of State-owned land for over 50 years to store their materials. He went on site and delineated the Bordering Vegetated Wetlands (BVWs) and he initially thought the channel of Martin's Brook was appropriate as the beginning of where the 200' Riverfront Area began. He stated Mean Annual High-water line (MAHW) is somewhere between the Brook and the upland, which he delineated the edge of that as BVWs. He went out in his kayak and thought the best way would be to base it on changes in vegetation so he went through the channel as far as he could and hung his flags on a tree or a shrub. However, the issue of MAHW it is still controversial after 27 years, Martin's Brook being a prime example as to why it's so difficult to determine. Shea Concrete has loam and seeded all the Town-owned land. He handed out revised plans to the Commission and explained that the areas shaded in blue are the areas that have been restored.

C. Lynch explained he went out to visit the site and they have restored the big portion of Town-owned land. He didn't see the side closest to the roadway but explained they did that today. The only question for the Commission is if they're okay with the Riverfront line as presented.

M. Seekamp explained that he advised his client to loam and seed that area since it's a Resource Area and within the 200' Riverfront.

D. Pearson stated that the MAHW delineation was inconsistent with a recent determination of MAHW nearby.

C. Lynch explained that usually a little more is shown in the report like pictures or detailed reasoning, but the Commission can request to see more if they feel it lacks specific details.

D. Pearson asked if they are close to finishing.

M. Seekamp stated all materials have been removed from Town-owned land and removed from the section of State-owned land.

C. Lynch asked the Commission if they would want the permanent structures that prevent vehicles from getting in to stay in place or be removed. He explained that plantings are an option as well.

W. Wierzbicki stated if the barriers stay in place, it would be a good idea. All Commissioner's agreed.

D. Pearson asked if it is more of a hiking spot or a kayaking spot.

C. Lynch stated there isn't really any recreation happening there, you'd have to go deep into BVWs before reaching open water.

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

C. Lynch shared the photos he had taken earlier with the Commission. He stated they installed the plantings along the side of the property which is good, but the infiltration basins haven't been touched and there are plants starting to grow through them which shows how long they actually haven't been touched. The Riverfront side of the site is planted and growing, but the infrastructure of the property is in place, but not at a state that is useful.

D. Pearson recommended that Town Counsel get involved.

V. Gingrich confirmed that they will talk to the Town Manager about getting Town Counsel involved. She stated Town Counsel was helpful with drafting the Order, so since they are aware, it should be rather easy.

Upon motion duly made by T. Bradley and seconded by J. Cole, it was unanimously

VOTED: To Ratify the Enforcement Order for 687 Main Street – Map 39 Parcel 11A – DEP File #344-1473

CONSERVATION RESTRICTION

Darby Lane Subdivision

V. Gingrich explained Highland Estates is a seventeen (17) lot subdivision that has a perimeter of Open Space and a large area of Open Space along Lubber's Brook in the back protecting a lot of the Buffer Zone and a lot of the Riverfront Area. As part of the zoning requirements for the Conservation subdivision, they have to restrict the Open Space. Sometimes the town takes it on as Town Open Space, other times it stays private in the homeowner's association and there is a Conservation Restriction put on it to keep it Open Space and protected. In this case, there is a Conservation Restriction proposed, it's been reviewed by the state and approved by them, signed by the Select Board, and is before the Commission tonight for signature. Once signed, they'll get it back to the state for signature and then it'll be recorded at the registry.

Upon motion duly made by F. Silveira and seconded by W. Wierzbicki, it was unanimously

VOTED: To Accept the Conservation Restriction for Darby Lane Subdivision

EMERGENCY CERTIFICATION

Brattle Street Culvert Repair

C. Lynch explained that there was a metal pipe culvert that collapsed, and part of roadway gave in. He explained even if that didn't happen, it probably should have been replaced since the pipe over the years had turned into an arch with no bottom, which was rusting into the stream. He explained that DPW installed a plastic corrugated pipe as a temporary measure, and they have plans for a permanent replacement consisting of a concrete box culvert with an open bottom. They are planning to file with the Commission in the fall for approval and replace the culvert sometime next spring.

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

VOTED: To Ratify the Emergency Certification for Brattle Street Culvert Repair

DISCUSSION

6 Hanson Road – Map 57 Parcel 47Q

C. Lynch provided an update to close out the Enforcement Order (EO). They filled in a decent amount of wetlands on their property, partially from the previous owner, and some from the current owner. A post-and-rail fence was installed, they pulled out all material used to fill the yard and seeded with

wetland seed mix and installed plantings. He explained that it is growing in well and a letter was sent to the homeowner to close out the EO.

MINUTES – July 5, 2023

Upon motion duly made by J. Cole and seconded by W. Wierzbicki,

D. Pearson, T. Bradley, W. Wierzbicki, F. Silveira, and J. Cole voted 5-0 to accept the minutes for the July 5, 2023, Conservation Commission meeting.

NEXT MEETING – September 6, 2023

ADJOURN

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

VOTED: By D. Pearson, T. Bradley, W. Wierzbicki, F. Silveira, and J. Cole to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erika Speight", written over a horizontal line.

Erika Speight
Senior Clerk

