Members Present: Chair Larry L. Cohen, Vice Chair William Boivin, Indra Deb, Ed LoTurco, John Ramsdell, and Gail Lima

Members Absent: Jennifer O’Riorden

Also Present: Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman

1. **Call to Order**

   Mr. Cohen called the meeting to order at 7:00 PM.

2. **Citizens’ Time**

   No one came forward to speak.

3. **Approval of Minutes – September 12, 2019**

   **MOTION** - Mr. Boivin made a motion to approve the Conservation Commission minutes of September 12, 2019 with edits. The motion was seconded by Ms. Lima and voted 6-0-0.

4. **Request for Certificate of Compliance**

4a. **34 Sunset Drive – Hiren Patel – DEP #122-620**

   Hiran Patel appeared for the request for a Certificate of Compliance at 34 Sunset Drive. Mr. Patel stated that he had torn down an old house and built a new one.

   Mr. Cohen stated that a site walk was done yesterday with the Commission.

   Ms. Coleman stated that work was done in the river front. The shrubs have been planted, large stones have been placed to demarcate the 20’ no-disturb line. The driveway is larger than approved but the run off goes to a stone trench. The applicant provided the office with pictures and reports as the project was ongoing so she has no issue with issuing the Certificate of Compliance. Ms. Coleman stated that she would recommend holding some of the bond until the plants have been established for 2 growing seasons.

   **MOTION** - Ms. Lima made a motion to issue the Certificate of Compliance for DEP #122-620. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.

   **MOTION** - Mr. Boivin made a motion to release $1,500 of the bond and retain $1,000 until next fall for DEP #122-620. The motion was seconded by Mr. LoTurco and unanimously voted 6-0-0.

5. **Request for Determination of Applicability**

5a. **82 Wilmington Road – Adam Lapon – Construct a Residential Addition and Deck**

   Adam Lapon appeared for a Request for Determination of Applicability for 82 Wilmington Road. Mr. Lapon stated that he is requesting permission to construct an addition and deck.
The applicant offered:

- Only 2 trees were in the way of the addition but he wanted a yard for his kids so he took the rest of the trees down.
- The property was surveyed and the land surveyor told him it was an intermittent stream and as long as he stayed 20’ back he would be fine.
- The tree company told him as long as he stayed 20’ from the wetlands he was ok.

Mr. Keeley discussed the following points:

- This project is in within the 100’ outer riparian (riverfront) of the Ipswich River and this will fall under both the Wetlands Protection Action and local bylaw. This is a regulatory stream.
- A site walk was conducted yesterday and the area was clear cut within the inner riparian. It appears that approximately 22 mature trees were cut all the way to the fence which is about 5’ from the river. This changes the filing. This project would normally be issued a negative determination in the outer riparian but in this case all the clear cutting and removal of trees across the property all the way down to the brook constitutes a severe impact. There are only about 5-6 trees left.
- The riverfront protects water quality and wildlife habitat, water recharge, flood protection to name a few. The first 100’ is to be left undisturbed and then the next 100’- 200’ the Conservation Commission can allow some disturbance/alterations.

The Conservation Commission discussed/questioned:

- When were the trees cut? Mr. Lapon replied about a month ago.
- The tree shade protects the natural habitat.
- The trees also reduce bacteria, slows down runoff.
- The Ipswich River is a water source downstream.
- The complexity of this project has changed. They could require a Notice of Intent or issue a Negative Determination and then issue an Enforcement Order for restoration. Mr. Keeley recommended a Positive Determination be issued and that a Notice of Intent be filed.
- Are the stumps going to be taken out? Mr. Lapon replied yes, they will be ground up and then the area hydro-seeded.
- There is concern with the amount of dirt that will be needed to fill the holes left if stumps are removed; the means of stabilizing the soil will need to be part of the Notice of Intent.
- 20 large trees were cut in the resource area; we should send an Enforcement Order to the Greater Boston Tree Service and the land surveyor or at the very least notification of the requirements of the bylaw.

There were no questions from the audience.
MOTION - Mr. Boivin made a motion to issue a Positive Determination at 82 Wilmington Road and require filing a Notice of Intent due to the work that has been done. The motion was seconded by Ms. Lima and unanimously voted 6-0-0.


Kenneth Jong, Chris Jong, business owners, and Bree Sullivan, Bayside Engineering appeared for the continued Notice of Intent at 175 Bedford Street, DEP #122-632. Ms. Sullivan stated that since the last meeting the following changes have been made:

- The pavement has been regraded near the loading dock.
- The roof top and pavement around the building will now be going through a treatment BMP.
- Granite curbing has been added to direct the run off to the treatment BMP.
- The pea stone trench has been removed and a mini-rain garden will be installed.
- The stormwater will flow through a landscaped area into the sediment forebay w/check dam and then to the BMP.
- The storm water calculations have been updated and now about 1/3 of the site will treated vs. 100% of the current site not being treated.
- The construction dumpster has been emptied and will be moved to the side of the building.

Mr. Keeley discussed the following points:

- The site has been addressed as best they can.
- They will be going before the Planning Board and there may be an issue with parking.
- Suggested the meeting not be closed until it is heard by the Planning Board.
- The O&M Plan with the revised BMPs must be submitted.
- Limit the reveal on the granite curbing. Submit a detail of it.

The Conservation Commission discussed/questioned:

- What is the status of the snow storage? – Mr. Jong replied that they are still investigating it. If they can’t store it they will remove it. They are also investigating turning the dumpster at the front right of the building and having snow storage in that location.
- Will the soil in the rain garden provide infiltration? Ms. Sullivan stated that it will provide some but it is 6” basin with a high compost planting mix. The sub-soil may have contamination but there will be a benefit over the existing condition.

There were no questions from the audience.
Mr. Cohen stated that a letter should be sent to the Planning Board indicating that they are in agreement with the plan.

Mr. Cohen stated that this will be continued to the October 10, 2019 Conservation Commission meeting.

7. Public Hearing – Notice of Intent – 3 Murphy Court (Lot #2) – Lexington Trust, Robert W. Murray (Trustee) – Construct a New Single Family Dwelling – DEP #122-633

David Romero and Phyllis Etsell appeared for a Notice of Intent for DEP #122-633. Mr. Romero stated that this NOI is for Lot #2 of the subdivision. There are two Orders of Conditions already issued, one for Lot #3 and one for the roadway. They are proposing a single family home with 2,300 SF of roof area. It will be in the buffer zone and there will be grading, lawn and landscaping. There is an existing pool, patio, a portion of a garage and driveway that will be removed. These in total are more impervious surface than the proposed house. There will be onsite dry wells for the roof run off. The ground water is deep on site and there will be no work in the no-disturb zone or the 40’ no-build zone. There is a fence in the no-disturb zone that they would like to remove.

Ms. Coleman discussed the following points:

- In 2017, the subdivision was approved.
- In September 2018, the first single family home was approved and has now been largely built.
- There is less than 3,000 SF of wetlands on the 24,000 SF site.
- They are in the 100’ buffer but outside of the 40’ no-build zone.
- There is concern with the infiltration in the roadway and how it will be protected. Mr. Romero stated that they are not working in that area, which is already graded, and the structures are concrete with H20 loading design.

The Conservation Commission discussed/questioned:

- Does the driveway pitch to the street? Mr. Romero replied yes, it was in the design for the roadway.
- Are the current erosion filter socks enough on the steep slope in the back? Mr. Romero stated that they can add hay bales in the middle if needed. Ms. Coleman added that they will do a site visit and determine if additional erosion controls are needed.
- Can the foundation be installed without disturbing the grade? Mr. Romero replied yes.

There were no questions from the audience.

Mr. Keeley stated that there is no draft decision yet, so this will be continued but there are no outstanding issues.

Mr. Cohen stated that this will be continued to the October 10, 2019 Conservation Commission meeting.
8. Administration

8a Planning Board Comments
Mr. Cohen stated that they will send comments to the Planning Board regarding the 175 Bedford Street project.

8b Subcommittee & Staff Reports and Updates
There were no subcommittee reports.

8c Upcoming Meetings –October 10, 2019 and October 24, 2019

8d Other Business
Mr. Cohen stated that the zoning article for Nordblom passed and asked if there are term limits for the affordable units. Mr. Keeley replied that he doesn’t believe there is a term limit. This is not a 40B project.

Mr. Deb stated that there will be a Diwali Festival on the Town Common on September 30th from 1:00 PM to 6:30 PM.

9. Adjournment

MOTION - Ms. Lima made a motion to adjourn the September 26, 2019 Conservation Commission meeting at 7:55 PM. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.

Respectfully Submitted by Dawn Cathcart,
Recording Clerk