



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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2021 SEP 16 AM 8:54

CONSERVATION COMMISSION MINUTES

August 4, 2021

Donald Pearson called the meeting to order at 7:02 p.m. Alexander Rittershaus, Theron Bradley, Laura deWahl, Nestor John Salazar, Michael McInnis, and Vincent Licciardi were also present. Valerie Gingrich, Director of Planning & Conservation, Cameron Lynch, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 14 Kansas Road – Map 36 Parcel 186

Documents: Request for Determination of Applicability application, received July 20, 2021
“Existing Conditions Plan”, dated June 15, 2018

Present in Interest: Dennis Turri, owner

D. Turri presented the proposed installation of a saline plunge pool that will be about 56’ from Bordering Vegetated Wetlands (BVW).

N. Salazar asked where the excavated dirt would go. D. Turri advised that it would be hauled away.

C. Lynch advised the applicant to install and maintain erosion controls.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 14 Kansas Road Map 36 Parcel 186 with the added condition that erosion controls be installed and inspected prior to the start of work.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 5 Oxbow Drive – Map 47 Parcel 38

Documents: Request for Determination of Applicability application, received July 21, 2021
“Wetland Delineation Plan MassGIS”, dated May 19, 2021

Present in Interest: Joseph Lavorato, owner

J. Lavorato is seeking after the fact approval for four (4) trees that were removed without proper permitting and the removal of an additional diseased oak tree in the future.

C. Lynch advised the applicant to plant replacement trees or shrubs according to our Tree and Shrub Removal Policy. He will send the applicant a list of approved plantings.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) Determination of Applicability for 5 Oxbow Drive Map 47 Parcel 38

**CONTINUED PUBLIC HEARING – APPREVIATED NOTICE OF RESOURCE AREA DELINEATION
100-104 West Street – Map 71 Parcels 3 & 5 – DEP File #344-1482**

Documents: Department of Environmental Protection Comments, July 2021
Email from Theo Kindermans, Stantec Planning and Landscape Architecture, dated August 3, 2021
Report from Mary Rimmer, Rimmer Environmental Consulting, LLC, dated August 2, 2021

C. Lynch advised that Theo Kindermans of Stantec Planning and Landscape Architecture, submitted a request to continue to the September 1, 2021 Conservation Commission meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 100-104 West Street – Map 71 Parcels 3 & 5 – DEP File #344-1482 to the September 1, 2021 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
– Cross Street – Map 40 Parcels 11 & 13 - DEP File #344-1483**

Documents: Report from Mary Rimmer, Rimmer Environmental Consulting, LLC, dated August 2, 2021
“Town of Wilmington Map 40 Lots 11 & 13 A.N.R.A.D. Plan of Land”, dated August 4, 2021

Present in Interest: Mary Rimmer, Rimmer Environmental Consulting, LLC
Maureen Herald, Norse Environmental Services, Inc.
Jonathan Main, One Cross LLC
Attorney Robert Peterson

M. Herald reviewed the proposed resource area delineation and the peer review report submitted by M. Rimmer. M. Herald noted that M. Rimmer suggested moving wetland flag 14A upgradient 14 feet and to show the existing 48” culvert on the plan. M. Herald advised that the revised plan shows the new location of flag 14A and the 48” culvert. M. Rimmer’s report noted that only the easterly edge of the property was delineated and Norse added a note on the plan stating that only the east side of the wetlands is delineated. M. Herald stated that the revised plan connects flag 28A to the 48” culvert and now shows the 100’ buffer zone. M. Herald noted that M. Rimmer’s report also reviews the stream that discharges onto the property and states that the watershed .05 square miles which is well below the threshold for it to be considered a river or a perennial stream. M. Herald further explained that the property is not located in the 100-year floodplain or the National Heritage Estimated or Priority Resource area.

V. Gingrich introduced M. Rimmer. M. Rimmer reviewed the one (1) flag change she suggested and recommended that the Order of Resource Area Delineation (ORAD) state there may be other areas on the property that were not in this delineation. M. Rimmer then explained that per the regulations, the stream is intermittent and the 200’ Riverfront for a river or stream does not pertain to this delineation.

M. McInnis asked how important it is to identify the other potential uplands on the property. M. Rimmer advised that the applicant has delineated a certain area and is not concerned with any wetlands on the remainder of the property.

R. DuPont, an abutter, would like clarification on how the wetlands were determined as he has a great deal of water on his property and as well as turtles and frogs.

M. Herald agrees that there is a stream on the property that will be documented on the decision. She clarified that this process is just to confirm the wetland boundary and the resource area. If there is a project in the future, the abutters will be notified of that application and meeting. D. Pearson asked M. Herald to clarify how wetlands are determined. M. Herald advised that wetlands are determined using three (3) parameters; soils, plants, and hydrology.

N. Salazar asked if animals are part of the determination and M. Herald advised that animals are not part of the determination.

Attorney R. Peterson offered to arrange for R. DuPont and the applicant to meet and review the potential next step after the wetlands delineation is approved. He advised that the applicant has to obtain several additional permits before any project is approved for the area that is delineated. Those future permits would better address R. DuPont's concern about runoff.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for Cross Street – Map 40 Parcels 11 & 13 – DEP File #344-1483 to the September 1, 2021 Conservation Commission meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Resource Area Delineation for Cross Street – Map 40 Parcels 11 & 13 – DEP File #344-1483

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Middlesex Avenue – Near Maps 88 & 89
Parcels 12, 13, & 13B – DEP File #344-1478**

Documents: "Transportation Improvement Project Plan and Profile of Middlesex Avenue (Route 62)
Lubbers Brook Culvert Replacement (W-38-019 805) Plan Set", 32 pages, dated June 23, 2021
Notice of Intent revised application, received June 23, 2021
Letter from Peter Ellison, The Engineering Corp, dated June 23, 2021
Letter from Paul Alunni, Town of Wilmington, Engineering Division, dated June 23, 2021
Letter from Paul Alunni, Town of Wilmington, Engineering Division, dated July 29, 2021

C. Lynch advised that Paul Alunni, Town of Wilmington, Engineering Division requested to continue to the September 1, 2021 Conservation Commission meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for Middlesex Avenue – Near Maps 88 & 89 Parcels 12, 13, & 13B – DEP File#344-1478 to the September 1, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1480

Documents: Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated July 23, 2021
Letter from David Fenstermacher, VHB, dated July 29, 2021

C. Lynch advised that Dave Fenstermacher of VHB submitted a request to continue to the September 1, 2021 Conservation Commission meeting on behalf of the applicant.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1480 to the September 1, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1479

Documents: Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated July 23, 2021

C. Lynch advised that Dave Fenstermacher of VHB submitted a request to continue to the September 1, 2021 Conservation Commission meeting on behalf of the applicant.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1480 to the September 1, 2021 Conservation Commission meeting

PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 11 Sprucewood Road – Map 80 Parcel 7 – DEP File #344-????

Documents: Abbreviated Notice of Resource Area Delineation application, received July 21, 2021
“Existing Conditions Plan”, dated July 21, 2021

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.

M. Herald presented the proposed wetland delineation at 11 Sprucewood Road. Most of the 7.93 acres is BVW. The USGS topographic map does not show any streams, nor is it Bordering Land Subject to Flooding (BLSF) or in the 100-year floodplain. The parcel does not have any certified vernal pools and is not listed on the National Heritage and Endangered Species mapping. The wetland flags are labeled 1A – 31A and B1 – B40.

C. Lynch recommended that a peer review be performed on the site to confirm the wetland line.

D. Pearson asked why a peer review. V. Gingrich advised that neither she nor C. Lynch are wetland scientists and it is important to determine the wetland lines. All Commission members agreed to a peer review.

M. Herald requested to continue the Public Hearing for 11 Sprucewood Road to the September 1, 2021 Conservation Commission meeting.

Frank West, an abutter at 14 Birchwood Road, asked what the applicant is proposing to do with the property. M. Herald stated that she does not know the applicant's plans. M. Herald advised that the applicant has to apply for and receive several permits if they wish to develop the property. The abutters will then be notified of those public hearings and meetings.

Karen West, an abutter at 14 Sprucewood Road, voiced concern about potential flooding, especially for two (2) homes that are on slab foundations.

John Keeley, an abutter at 60 Lawrence Street, asked permission to review the wetland delineation on 11 Sprucewood Road. M. Herald will ask the property owners if they are agreeable to that and will advise J. Keeley and the Commission of the owner's decision.

Maryann Hannigan, an abutter at 9 Hamlin Lane, is also concerned with the potential of water if the property is developed. D. Pearson advised that her concern will be better addressed if and when future permits are submitted.

Karen Hannigan, an abutter at 9 Hamlin Lane, asked why flags were placed on her family's land. M. Herald advised that the wetland scientist flags the wetlands and unless there is a barrier, it is hard to determine where the properties lines are. M. Herald offered to remove the flags on Ms. Hannigan's land, but K. Hannigan declined the offer.

Frank West, Jr, an abutter at 14 Sprucewood Road, voiced concern for the wildlife that are currently living in the woods and what might happen if they are displaced. F. West asked if the Commission looks at wildlife during the permitting process. M. Herald advised that wetlands are determined through hydrology, plants, and soils. She also advised that only endangered species would be noted as it would be under the National Heritage pervue. She further explained, that if this can be developed, all abutters will be notified and able to attend any future meetings.

V. Gingrich suggested that the abutters call the Planning & Conservation Department just before the September 1, 2021 Conservation Commission meeting to see if it will be on the September 1st meeting agenda or possibly continued to the October 6, 2021 Conservation Commission meeting.

N. Salazar clarified to the attending abutters that the peer review is done by an unbiased wetland scientist who will confirm or change the wetland delineation.

Janice Sawyer, an abutter at 58 Lawrence Street, asked if the peer reviewer would get a copy of the current delineation and accompanying reports or if the peer reviewer would go out and put in their own flags. V. Gingrich advised that the peer reviewer is given a copy of the application and the plan. The peer reviewer goes out to the field, reviews the flags and vegetation, takes soil samples, and reviews everything to confirm the delineation. The peer reviewer will also look for additional areas to be marked. J. Sawyer objects to the peer review being done that way.

M. Herald advised that a wetland is an area determined by plants, soils, and hydrology. The peer reviewer will review what has been done and examine the site for additional areas to be flagged according to the methodology used for delineation.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 11 Sprucewood Road – Map 80 Parcel 7 – DEP File #344-???? To the September 1, 2021 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 50 Lawrence Street – Map 80 Parcel 44 – DEP File #344-1350

Documents: Request for Certificate of Compliance application, received July 21, 2021
“As-Built Plan”, dated July 21, 2021

C. Lynch advised that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 50 Lawrence Street Map 80 Parcel 44 DEP File #344-1350

Election of Chair and Vice-Chair – The Commission nominated D. Pearson to remain Chair and T. Bradley to remain Vice-Chair through the April 2022 Conservation meeting. The Commission agreed to start the nomination process a few months prior to the April 2022 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: to elect Donald Pearson as Chair and Theron Bradley as Vice-Chair of the Wilmington Conservation Commission through the April 2022 Conservation Commission meeting

MINUTES – June 2, 2021

Upon motion duly made and seconded,

VOTED: four (4) voted to approve the meeting minutes for the June 2, 2021 Conservation Commission meeting and three (3) abstained

Minutes – July 7, 2021

Upon motion duly made and seconded,

VOTED: four (4) voted to approve the meeting minutes for the July 7, 2021 Conservation Commission meeting and three (3) abstained

Discussion

Middlesex Avenue sewer line - D. Pearson asked if there is any work that can be done on Middlesex Avenue that does not involve the culvert. V. Gingrich advised that the Town plans

to move forward with the sewer line that will go from Salem Street to the intersection of Middlesex Avenue and High Street as that is outside the Commission's jurisdiction.

New Commission member – D. Pearson introduced Nestor John Salazar, the newest member of the Conservation Commission.

The Commissioners thanked C. Pepe for her service to the town.

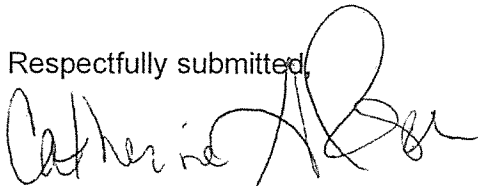
NEXT MEETING – September 1, 2021

ADJOURN

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

VOTED: To adjourn the meeting at 8:14 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe", written over the typed name.

Catherine A. Pepe
Senior Clerk