



# TOWN OF WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887

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## CONSERVATION COMMISSION MINUTES

January 4, 2023

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/84497530908?pwd=VnBzMkdDS0xYSFJ3VXd0TUlqR0E4Zz09> 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: 844 9753 0908 and then enter the following passcode: 566224 if asked. 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, Michael McInnis, Melissa Gavegnano, and William Wierzbicki were present. Cameron Lynch, Conservation Agent, and Erika Speight, Conservation Senior Clerk were also present.

### **PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 700 Main Street – Map 48 Parcel 73A**

Documents: RDA application & materials, received December 16, 2022  
"Main Street Sign Figure," dated December 28, 2022

Present in Interest: Eric Olson, Vanasse Hangen Brustlin Inc., Representative  
Brian Doherty, Textron Owner & Applicant

E. Olson introduced himself and shared his screen. He explained the Commission may recall the initial Notice of Intent (NOI) that was submitted last year, and at that time 201 Lowell Street was split into two (2) parcels with Textron now being located at 700 Main Street. As a result, Textron needed to relocate their sign, which would be moved from the Lowell Street entrance to the Main Street entrance. He stated as mentioned, this project was started by Textron back in the fall without realization that when they were doing the work, it was within resource areas on all three (3) sides. The project is within the 100' buffer zone to Bordering Vegetated Wetlands (BVWs) and within the 200' Riverfront Area based on mean annual high water. He stated the proposed work is for the replacement of the Textron company sign at the Main Street driveway entrance; installation of a 36 square foot concrete base sign approximately 18' in length by 2' in width. The new sign will be located approximately 36' from BVWs and 53' from the mean annual high water line. The work began in fall of 2022 when a silt fence was installed, and they have since paused work to go through the RDA process.

C. Lynch stated the Wetlands Protection Act (WPA) only allows new disturbance within the 100' to 200' riverfront area, not within the 0' to 100'. He continued to say this would be creating new disturbance closer to the river and staff is not sure that an RDA is appropriate. He's not sure that this is something

that would be approved under the Act because WPA doesn't allow new disturbance like this. He explained the minor activity for installation of signs and replacement of signs is geared towards road signs.

E. Olson stated he would argue that it is a roadway sign because the purpose of this sign is to direct traffic from the roadway, so he would say it qualifies as a roadway sign since it's meant to direct traffic from Main Street into the driveway.

C. Lynch stated he's not exactly sure that's what it's geared towards and when reading through it more thoroughly, it seems geared towards stop signs and actual roadway signs that are made to impact the town. He continued saying staff believes an NOI may be more appropriate because DEP would have a better look at it. According to the Act, the Commission wouldn't be able to approve this because it's new disturbance, it's closer to the river, and it's considerably larger than what was there before. He stated that when going through the negative determinations for an RDA, if the Commission were to approve this, any of the determinations chosen would basically be saying that by the Commission approving this, the work doesn't impact the wetlands or the resource areas at all, which wouldn't necessarily be true.

E. Olson stated that when looking at the riverfront area and what interests are being protected, this project doesn't impact any of those interests. He continued saying there is no interest of the riverfront WPA that they are impacting, and it's not bound by the WPA. He agreed that it is within the 0' to 100' riverfront area, and explained that it's not where it is, but it's what is being protected within the 0' to 100' and the 100' to 200' area. He explained the interests within that 0' to 100' area are not being impacted.

M. McInnis asked if work had already begun.

C. Lynch confirmed and explained that a Notice of Violation (NOV) should've been sent out right away. He continued saying they should've come in prior asking for approval and at that point the Commission would've been able to give advice saying an NOI or an RDA would be appropriate.

T. Bradley explained he would like to see an alternatives analysis, prior to the Commission granting approval.

V. Licciardi asked why the current sign needs to be replaced.

E. Olson answered saying this is Textron's official company sign which used to be located on Lowell Street, but 700 Main Street is now the official entrance to Textron, and they would like the sign placed at the appropriate entrance.

D. Pearson stated that by granting a negative determination, it doesn't provide the Commission with an alternatives analysis, which would lead them to believe there are other places the sign could go. He continued saying if they were to not do any construction at all, it would probably be a different matter, but if they're pouring concrete and doing something to that extent, he would be in favor of having an NOI filed for that.

C. Lynch mentioned that a similar project was presented to the Commission last year and it was a considerably larger sign, but they kept the same concrete pad that was already there, which meant they didn't have to file and seek any approvals since they weren't making any new disturbances. He continued saying when using the same footprint, maintaining the same level of disturbance, and increasing the overall sign size, it is possible.

D. Pearson asked about the fact that there's already been disturbance.

C. Lynch explained that is something the Commission can talk about and decide what they would like to do.

D. Pearson suggested an NOI filing.

B. Doherty introduced himself and explained that the proposed area is the only area they can put a new entrance sign. He stated he has been trying to get a sign installed for roughly four (4) months now, and he's trying to understand what he has to do to get there. He continued saying if it'll get them there faster, they can do away with the concrete pad and he can take the sign that lived on Lowell Street for decades and place it in this new location.

D. Pearson asked why the sign can't be attached to the pad that is in place currently.

B. Doherty explained that the sign is significantly larger than the one that is there now. He explained that the positioning of the sign is set back a bit because if it were closer to the roadway, it would create a traffic obstruction.

D. Pearson stated he understands where B. Doherty is coming from, however he doesn't believe it would be good policy for the Commission to be taking up the amendment without having drawings. He asked how they plan to justify doing new work in the riverfront area.

E. Olson explained planting some bushes or trees according to WPA.

B. Doherty asked if they were to utilize the spot where the concrete pad is currently, and restore the earth to what it was before, could he proceed.

D. Pearson stated he believes that would be the simplest thing, as it wouldn't be disturbing any ground by mounting the sign on the platform that already exists.

C. Lynch explained that with the amount of work that's already been started on site, a filing is inevitable at this point. He stated a filing is necessary for both restoration and for the new sign because the work has already been started.

M. McInnis stated the Commission wants to ensure that the sign is placed very visible for people turning in and out, however they don't want to approve something that impacts another area, like traffic.

C. Lynch confirmed that is something they would have to coordinate with the planning side and satisfy all parties.

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

VOTED: To issue a Positive One (1) Determination of Applicability for 700 Main Street – Map 48 Parcel 73A

**PUBLIC HEARING – NOTICE OF INTENT – 364R Middlesex Avenue – Map 89 Parcel 7A – DEP File #344-1519**

Documents: NOI application & materials, received December 14, 2022  
"North Wilmington Station Platform Improvements," dated December 14, 2022

“Post Construction Stormwater Management Report,” dated December 14, 2022

Present in Interest: William Doyle, C1.0 Engineering & Development, LLC., Representative  
Jeremy Fontaine, MBTA Environmental  
Ana Pascoal, Keolis Commuter Services

W. Doyle introduced himself and shared his screen. He explained that the proposed work is for the commuter rail train track right of way off Middlesex Avenue. He continued saying there are wetlands on both sides of the train tracks, and although Lubber's Brook is approximately 400' away from the proposed project, there is a rivulet that comes onto the property as well as a culvert that goes underneath the bridge. He stated they previously believed the stream was a perennial stream, but after meeting with V. Gingrich and C. Lynch, they confirmed that it is in fact an intermittent stream based off other work going on in the area. W. Doyle explained they addressed the stream as if it were perennial and they are in the process of correcting that in their filing. The proposed project consists of a walkway from Middlesex Avenue to a new elevated platform south of Lubber's Brook. He explained that the purpose of this project is to move the train car so it isn't stopping on Middlesex Ave, making that intersection safer and providing an ADA accessible platform so that people can access the train more efficiently. He stated there are wetlands on both sides and they are within jurisdictional area. There will be an accessible ramp that'll go from grade level up to the platform level, approximately 3-4', which will be a covered ramp. The work proposed is within the right of way and the ballast area of the existing train tracks and portions that aren't within that ballast area are in disturbed areas used for laydown and various other access to the train tracks by maintenance. He explained all in all, it will be an 8' wide paved walkway from Middlesex Avenue to a platform just northwest of the tributary to Lubber's Brook with an elevated platform and canopy with an ADA accessible ramp to get up to the 3-4' platform.

C. Lynch explained the only comment staff had was regarding the stream that they showed as perennial, and from the Princeton Abbreviated Notice of Resource Area Delineation (ANRAD) filing next door, it showed the stream to be intermittent. He continued saying once the revisions are submitted, the Commission can review for the next meeting.

T. Bradley asked if the Engineering Division had a chance to review the proposed project and wondered if they had any comments.

W. Doyle stated the Town Engineer was on the call earlier and mentioned the idea of obtaining test pits and soils data. They're confident that there are a lot of ballasts and that's what they'll be infiltrating in. He stated the Town Engineer was satisfied with the approach and wanted them to look at stone diaphragm as a possibility, but the system as it was would work too. He mentioned the Town Engineer will be providing his comments soon and once received, they will be able to address those comments prior to the next meeting.

V. Licciardi asked why the set of stairs are in the rear rather than in the front and why isn't there a handicapped ramp.

W. Doyle shared his screen to show the plans and explained that there is a covered ramp that goes from ground level up to platform level that will be for all access as well as handicapped access. He explained the stairs will be on the other side and that'll be gated off and only for MBTA access.

V. Licciardi asked what the snow removal process will be.

W. Doyle explained snow removal will be by hand and by snowblowers. He explained they aren't intending to drive a truck down for plowing but may use bobcats for the heavy storm events which would result in being trucked off site.

W. Wierzbicki asked if they looked at putting the platform on the other side of Middlesex Ave.

J. Fontaine stated he doesn't believe the right of way was as big on that side.

W. Wierzbicki asked if snow removal would be blocked from going into the wetlands or would there be a fence.

J. Fontaine stated they can hang signage in certain areas for their crews to know no stockpiling of snow, which is what they've done for other projects in the past.

C. Lynch stated that's something that can be added in the Order of Conditions as well, like signage to be placed along the fence area stating no snow dumping or something along those lines.

M. McInnis stated he would like the applicant to look at the other side to see if the platform would be possible on that side, and he asked if the MBTA has no future plans for a double track.

J. Fontaine answered saying there is always plans, but as of right now there is nothing concrete for adding double track.

M. McInnis asked if there is something that can be done with the amount of salt that the MBTA puts down in the proximity to wetlands.

J. Fontaine stated that is something they can work with railroad operations on to ensure the crews use light or no salt if the Commission feels that is necessary. He mentioned to C. Lynch maybe that is something to be put in the Order or Conditions as well.

C. Lynch confirmed.

No comments were made by the public.

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

VOTED: To continue the Public Hearing for 364R Middlesex Avenue – Map 89 Parcel 7A – DEP File #344-1519 to the February 1, 2023, 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**

Request to continue to the February 1, 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 Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494 to the February 1, 2023, Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 800 Salem Street – Map R1 Parcel 24 – DEP File #344-1516**

Documents: Stormwater Management Report, revised December 2022  
Operation & Maintenance Control Plan, revised December 20, 2022  
Plans to Accompany Permit Documents, revised December 20, 2022  
LEC Peer Review Letter, dated December 12, 2022  
Response to Traffic Engineering Peer Review, dated December 20, 2022  
Response to Planning & Conservation Letter, dated December 20, 2022  
Response to LEC Peer Review Letter, dated December 20, 2022  
Response to Engineering Division Letter, dated December 20, 2022

Present in Interest: David Wilkinson, Camber Development, Owner & Applicant  
Matthew Costa, Beals Associates, Inc., Representative  
Larry Beals, Beals Associates, Inc., Representative  
Brandon Nelson, Camber Development  
Rich Kirby, LEC Environmental Consultants, LLC

M. Costa gave an overview of the project and stated they received comments from the Planning and Conservation department, the Engineering Division, TEC regarding traffic, and LEC's peer review of the Notice of Intent (NOI) conducted by R. Kirby. He continued saying they have done a lot of work addressing those comments and conducted a site walk in December with R. Kirby and V. Gingrich in which they walked the previously disturbed boundary, looked at the existing vegetation and the condition of that vegetation, and the overall site as a whole, being a degraded site. They are expecting to get the comments resolved within the coming weeks and submit a resubmittal package to the Town and are expecting that they will be able to address and close out the open comments and respectfully ask that a draft Order of Conditions be provided to be voted on at the February meeting.

R. Kirby explained that he originally reviewed the NOI application that was filed in the fall and provided a list of peer review comments. He explained a few things that have been addressed to the extent of river front area on the site based on the location of the mean annual high water line and given the complex nature of how the river flows through this marsh. He continued saying the most conservative way of interpreting it would basically be to have the high water mark near the wetland boundary at the base of the slope and that's what they've done. The other thing he wanted to make sure of was that the entire footprint of proposed work was indeed within degraded riverfront area in which they had a site visit to confirm that and surely there wasn't any topsoil anywhere within the footprint of work. He explained at this point they are tying up loose ends and are fine tuning some of the language in the Operation & Maintenance (O&M) plan and on the site plans. He believes Beals Associates will be in good shape from his prospective for the February 1<sup>st</sup> hearing.

V. Licciardi asked if the Town Engineer reviewed the proposed driveway entrance and exits and asked if they could be hazardous.

M. Costa stated that was reviewed by the Engineering department, Department of Public Works, and TEC. He continued saying for both intersections, they were just a 30' wide road that had about a 20' wide curb cut in the open with one (1) center line stripe down the middle. They had done their own traffic consultation as well as through TEC's Peer Review which was to come up with a scheme that would allow a left turn lane and a larger radius for vehicles to take the right turn. He explained they are waiting on comments from TEC, which he stated will be minor and fine tuning to provide additional safety measures. Additional signage will be placed all along the site as well as along the roads to prevent anybody from parking or standing on the side of those roads.

No comments were made by the public.

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

VOTED: To continue the Public Hearing for 800 Salem Street – Map R1 Parcel 24 – DEP File #344-1516 to the February 1, 2023, Conservation Commission meeting

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 30 Kilmarnock Street – Map 74 Parcel 6 – DEP File #344-215**

Documents: None.

C. Lynch explained that he spoke with the applicant's representative and stated they will have everything ready to go for the next meeting.

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

VOTED: To table the Certificate of Compliance for 30 Kilmarnock Street – Map 74 Parcel 6 – DEP File #344-215

**REQUEST FOR CERTIFICATE OF COMPLIANCE – Garden of Eden Subdivision – Green Meadow Drive – Maps 2 & 3 Parcels 201-206, 207-222, 223-225 – DEP File #344-1322**

Documents: Email Update, received December 12, 2022  
"As-built Plan," revised December 20, 2022

C. Lynch stated this request was submitted a few months ago, but they needed to add demarcation to the as-builts and the Commission has now received those, and the Certificate of Compliance is ready to issue.

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

VOTED: To issue the Certificate of Compliance for Garden of Eden Subdivision – Green Meadow Drive – Maps 2 & 3 Parcels 201-206, 207-222, 223-225 – DEP File #344-1322

**ENFORCEMENT ORDER**

**4 Wilton Drive – Map 21 Parcel 3M**

T. Broman explained that he will be submitting the restoration plan to the Commission soon and is hoping to start planting once the weather changes in April.

C. Lynch explained that the post and rail fence is already installed and all that's left is to finish up with the plantings once it gets warmer.

D. Pearson asked if he has a restoration plan already and when the plan will be available for review by the Commission.

T. Broman stated he is waiting for the plan and as soon as he receives it, he will submit it to the Commission for review. His hope is to have everything wrapped up by April.

**6 Hanson Road – Map 57 Parcel 47Q**

C. Lynch gave a refresher stating that this parcel had BVW's filled in and was brought to staff's attention since the house was listed for sale. T. Brady, the Conservation Agent for Brookline, is getting everything together to submit the restoration plan to the Commission. He continued saying T. Brady is away and couldn't attend the meeting tonight but explained he will have everything ready for the next meeting.

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

C. Lynch stated this was a Notice of Violation (NOV) that was sent out in 2019 by the previous Conservation Agent. He explained the homeowner filled in some wetlands, filled in a detention basin, and installed a dock on Silver Lake without the proper DEP approval. The Enforcement Order (EO) was sent out after the last meeting, and the deadline for that is January 19<sup>th</sup>, but staff hasn't been in contact with the homeowner as he hasn't responded to any outreach.

D. Pearson asked if C. Lynch would consider giving the homeowner a heads up stating the deadline is January 19<sup>th</sup> and he needs to do something.

C. Lynch stated he can, and he believes the next point would be reaching out to Town Counsel and getting them involved.

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

C. Lynch explained that the deadline to finish the project is March 13<sup>th</sup> and if it's not done by then, the Commission may need to consider reaching out to Town Counsel.

D. Pearson asked B. Autenzio if he would like to add anything to the letter that he submitted. He continued saying there's a lot of work that needs to be done by March, and there's some concern that it may not happen based on past performance.

B. Autenzio stated the plantings certainly won't be in since it's the beginning of winter, however they have been making tremendous headway.

D. Pearson asked if the plantings are the last thing that need to go in and if he is suggesting that they may have everything ready for planting in March.

B. Autenzio stated if the weather holds up and once everything onsite is removed to make more room, the site Engineer will be back out, and they can start the excavation portion of the Best Management Practices (BMP) pond.

D. Pearson asked with conditions being the way they are currently, is he able to remove stuff.

B. Autenzio stated the last few days they have been moving a lot of material. He stated if it snows, that'll stop them in their tracks and is hoping a mild winter will continue.

C. Lynch stated with the deadline being March 13<sup>th</sup>, they can regroup and see what's going on by then.

V. Licciardi asked what they can accomplish within this month.

B. Autenzio stated his goal is to keep pushing forward and hopefully get everything moved and be able to start the excavation of the pond which is the biggest portion of the project.

V. Licciardi stated he hopes they continue to do the work, and even with snowfall he believes they will be able to remove the snow in order to continue.

B. Autenzio stated if the mild winter continues, they will be in good shape.

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

J. McKenna stated he spoke with C. Lynch earlier and stated this is a long going matter of an Order of Conditions. He stated everything was recorded in July and a preconstruction meeting was held at that time as well. Erosion controls were placed and the contractor was delayed getting out there. He stated they have the beds for the infiltration system down by the railroad tracks in the back, which is where the project currently is at. The Engineer is away but he believes all the approvals are in place, and everything is recorded. They are building big infiltration areas that are being constructed currently. The next step would be to schedule the Engineers to review and give an update as to where the beds are and make sure it's all listed in the approval, followed by the plantings in the spring after the main construction is completed. He stated this process has taken quite some time, but this is a delicate parcel with the Conservation area right up next to the project. He explained the advantage that is happening with the contractor is he's doing it diligently with new material being stored there and taken off the site. The Engineer will be giving an update as to where the construction part of it is and they'll be able to move forward with the review by the Engineer's and the plantings will be in the spring.

D. Pearson asked if the Engineer will be delivering that update between now and the February meeting.

J. McKenna stated he would hope so and doesn't see any reason why there wouldn't be an update.

D. Pearson asked if they are building some of the structures he described off site.

J. McKenna stated it is not huge structures going in, but on the site itself there's layers of infiltration that are being put in. He continued saying there are photos of the site that shows what is being constructed which he sent in an email.

D. Pearson stated the work was set to wrap up at the end of the year and he doesn't believe it would be too much to ask the Engineer to come up with an updated schedule.

J. McKenna stated that isn't too much to ask and he thought that was done in November but will ensure a status update be given in the next two weeks about where they're at, how it's going, and a plan on how they're going to get it done.

C. Lynch stated an Enforcement Order (EO) was prepared and the Commission can talk about setting a deadline for that or it can be discussed at the next meeting.

D. Pearson stated if J. McKenna believes he can provide an update and a revised schedule from the Engineer by February, he thinks the Commission can agree to that.

J. McKenna stated he can do that and believes they are in a good place to do so. The large part of the excavation has been completed, and they will get a schedule of when that should be completed and a planting schedule as well.

C. Lynch stated the purpose of the EO was to set a deadline for them to provide a schedule so they can base their work off the timeline that the Commission wants to see the project end. The deadline passed, and leaving it open ended could potentially have this go on for months and months whereas the Commission could issue a hard deadline and if that's not met, it'll go to Town Counsel.

J. McKenna stated having said that, he believes what they are doing is working towards an end and getting it done. He is unsure how a deadline would help as the plantings can't be done until the spring.

D. Pearson stated if all goes well, they will have a schedule that the Engineers commit to meet in February. He continued saying when the Commission receives the schedule, they'll issue the EO and use the schedule to hold their feet to the fire.

All Commissioners were in agreement to see the schedule that the Engineer prepares and from there, issue the EO with a final date.

D. Pearson stated it is very important that the schedule be submitted a week prior to the next Conservation Commission meeting.

J. McKenna confirmed.

#### **MINUTES – December 7, 2022**

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

D. Pearson, T. Bradley, V. Licciardi, M. McInnis, M. Gavegnano, and W. Wierzbicki voted 6-0 to accept the minutes for the December 7, 2022, Conservation Commission meeting.

#### **NEXT MEETING – February 1, 2023**

#### **ADJOURN**

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

VOTED: By D. Pearson, T. Bradley, V. Licciardi, M. McInnis, A. Rittershaus, M. Gavegnano, and W. Wierzbicki to adjourn the meeting at 9:03 p.m.

Respectfully submitted,



Erika Speight  
Senior Clerk