



## 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

January 3, 2018

Julie Flynn, Chair, called the meeting to order at 7:01 p.m. Vincent Licciardi, Theron Bradley, Donald Pearson, Sharon Kelley-Parrella, and Michael McInnis were present. Laurie Finne was absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

#### **PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 80 Main Street – Map 45 Parcel 137**

Documents: Site Plan, 6 pages, dated December 11, 2017

Present in Interest: Michael Newhouse, owner

M. Newhouse stated that the paperwork and project are self-explanatory. R. Hale stated that the Town Engineer did not have additional comments. R. Hale mentioned the Applicant has proposed to prohibit sodium chloride for snow treatment on pavement in the 100' buffer zone, and asked the Applicant if the snow storage proposed in the 100' buffer will be used for snow treated with sodium chloride. M. Newhouse stated that sodium chloride will not be used on pavement within the buffer zone. He was hoping to use it in other areas, but will consider using something else to keep harmful chemicals out of the buffer zone.

R. Hale stated that he recommends a Negative 3 Determination with the condition that any snow treated with sodium chloride and the storage of that snow be prohibited in the 100' buffer zone.

J. Flynn suggested that sodium chloride can be permitted on walkways located beyond the 100' buffer zone.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative Determination of Applicability (3) with the condition that sodium chloride and storage of snow treated with sodium chloride be prohibited from the 100' buffer zone for 80 Main Street – Map 45 Parcel 137

#### **CONTINUED PUBLIC HEARING - NOTICE OF INTENT - Clifton Street – Map 16 Parcel 40 – DEP File #344-1373**

Documents: Email letter from Norse Environmental Services, dated January 3, 2018  
Subsurface Sewage Disposal Plan, revised December 20, 2017

S. Eriksen e-mailed a letter requesting to continue to the February 7, 2018 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the hearing for Clifton Street – Map 16 Parcel 40 – DEP File #344-1373 to February 7, 2018

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 9 FACTORY STREET – Map 27 Parcel 4A – DEP File #344-1375**

Documents: As-Built Plan, revised October 17, 2017

Present in Interest: Jeremy Ray, former owner

J. Ray submitted the original paperwork signed by the current homeowners and stated that all the paperwork was processed as requested by the Town of Wilmington and Mass DEP, and that the abutters were notified. This Notice of Intent is to correct prior work done without the proper wetland permits.

R. Hale stated that he does not have additional comments. The draft Order of Conditions was then reviewed by the Commission with no further comments.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 9 Factory Street – Map 27 Parcel 4A – DEP File #344-1375

VOTED: To issue an Order of Conditions for 9 Factory Street – Map 27 Parcel 4A – DEP File #344-1375

**CONTINUED ABBREVIATED NOTICE OF RESOURCE OF AREA DELINEATION – 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1374**

Documents: E-mail from Todd Morey, Beals Associates, dated January 2, 2018

T. Morey e-mailed a request to continue to the February 7, 2018 Conservation Commission meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing on the Abbreviated Notice of Resource Area Delineation for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1374 to February 7, 2018

**REQUEST FOR CERTIFICATE OF COMPLIANCE - 4 Ledgewood Road – Map 57 Parcel 14 – DEP File #344-1333**

Documents: As-Built Plan, dated December 1, 2017

R. Hale stated that this was a tear down and rebuild project. A stone pad was placed up to the 15-foot No Disturb setback in an area that should have been lawn. This stone pad

area is currently being used to store a truck and snowplow, which is not per the original plan. The concern is that fluids from the truck and snowplow are being located closer to the wetland than approved. The fluids could spill, and the stone pad would allow the fluids to flow directly to the subsoil rather than being absorbed in the topsoil for possible removal as with lawn. There is a garden area with a fence around it that prohibits wildlife passage and technically should be approved. The garden was not specified in the original plan and the owner has requested keeping it and using the garden fence as a demarcation fence.

J. Flynn asked each Commission member for their thoughts on the stone pad vs. lawn and all agreed that the owner should remove the stone pad, replace it with lawn to discourage vehicle storage in that location.

J. Langone stated that the stone pad was intended to store a boat and that his engineer said the stone pad would increase infiltration of stormwater off the driveway. J. Flynn stated that parking a vehicle over the stone pad defeats the additional infiltration because the vehicle is impervious. The Commission wants to avoid spillage of harmful material into the stone pad. J. Langone asked how much of stone could be left. J. Flynn stated that a few feet from the edge of the existing driveway would be acceptable.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Certificate of Compliance for 4 Ledgewood Road – Map 57  
Parcel 14 – DEP File #344-1333

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 110 Eames Street – Map 47  
Parcel 17 – DEP File #344-1249**

Documents: As-Built Plan, dated September 6, 2017

R. Hale stated that the site looks good and has no additional comments.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 110 Eames Street – Map 47  
Parcel 17 – DEP File #344-1249

**NOTICE OF VIOLATION – 219 Andover Street – Map R1 Parcel 19A**

R. Hale stated that following a site visit with Valerie Gingrich, Director of Planning and Conservation, the site owners and their representatives, a Notice of Violation was issued for the site. R. Hale passed around pictures he took recently of the violation that can be seen clearly from Route 125. There is significant stockpiling of sand, stone, and boulders in the 100' buffer zone, and the site owner's engineer calculated that about 800 square feet of boulders fell into the wetland area. Based on a review of aerial photos, additional areas on the site may have been impacted.

The initial thought was that the material needs to be removed and the stockpile slope needs to be cut back. The problem is the boulders that fell into the wetland require heavy equipment for removal, and the slope adjacent to the wetland is so steep that they would have to create a road to access it, which would require a significant cut into the

hillside and additional tree removal. This could cause significantly more damage than leaving the boulders where they have landed. It might make more sense to leave the boulders where they are and create a new wetland mitigation area at a 2:1 ratio per the policy adjacent to the same wetland in a more accessible location.

R. Bradley asked if some of the boulders could be removed by hand. R. Hale said possibly some could. R. Bradley asked if a combination of removing what they can by hand and creating additional mitigation could be done. R. Hale thought that it is possible. The stockpile slope will be cut to a 2:1 per policy. R. Hale will contact EA Engineering (the engineers working for the current owners) and discuss a combination of hand removal and alternate wetland mitigation area.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 219 Andover Street – Map R1 Parcel 19A

#### **NOTICE OF VIOLATION - 123 Glen Road – Map 54 Parcel 8D**

R. Hale stated a Notice of Violation was issued for both 123 Glen Road and 127 Glen Road for ATVs being operated in wetlands and adjacent Conservation Land at 123 Glen Road, plus two elevated wooden “tree fort” structures in the wetland and floodplain at 127 Glen Road. In addition, there are wood pallets being placed in the wetland to allow ATV access on to Conservation Land. R. Hale asked if the Commission would like the owners to submit a permit application for removing the pallets and structures. J. Flynn suggested letting the owners remove the pallets and wood structures and then request a walk through by R. Hale to determine if any wetland impacts need to be mitigated. R. Hale will contact both owners and ask them to remove structures by hand when weather permits.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 123 Glen Road – Map 54 Parcel 8D

#### **NOTICE OF VIOLATION – 127 Glen Road – Map 54 Parcel 8B**

See above notes for 123 Glen Road

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 127 Glen Road – Map 54 Parcel 8B

#### **NOTICE OF VIOLATION – 18 Biggar Avenue – Map 82 Parcel 29-129**

R. Hale stated a Notice of Violation was issued for the building of a shed that is within the 100' buffer zone and may be in floodplain and riverfront area. The shed was built originally around 2008 based on aerial photos and has since been expanded. R. Hale spoke to Al Spaulding, Town of Wilmington Building Inspector about this violation. R. Hale is waiting to hear from the owners to assess what resources are present and determine what the plan will be to correct the violations. He feels a wetland delineation

must be done and once the property owner is contacted he will conduct a site visit to see what has been done to the wetland resources at that time.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 18 Biggar Avenue – Map 82 Parcel 29-129

#### **EMERGENCY CERTIFICATE – 109 Burlington Avenue – Map 17 Parcel 21**

R. Hale issued an Emergency Certificate for the replacement of a failed septic system that was leaking into adjacent wetlands. Conditions in the Certificate included the installation and inspection of erosion controls and dewatering methods, and stabilization as needed. The area they are placing the new septic system in is outside the floodplain and is exempt in the Riverfront Area. R. Hale suggested requesting an after the fact wetland permit. J. Flynn suggested an RDA with an As-Built after the fact.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate with the condition that an after the fact RDA with an As-Built be submitted for 109 Burlington Avenue – Map 17 Parcel 21

#### **DISCUSSION – 40-50 Fordham Road – Map 99 Parcel 1 – Notice of Violation**

R. Hale briefly described the previously discussed violation. The owners stated that the trail they blazed and pallets installed in the wetland to access monitoring wells are exempt from the Wetlands Protection Act because it was installed in 1969. R. Hale asked that they prove they are exempt, but either way, the 15' wide trail cut with fairly new pallets is a wetland violation. Pam Merrill from Massachusetts DEP, contacted R. Hale after speaking with the engineering firm responsible for the well monitoring, and both agreed at a minimum the vegetation removal is a violation and also likely the installation of pallets. R. Hale stated there is an upland trail to access the same well area from the North Reading side of the property and suggested that they explore that option. If they cannot access it through North Reading for some reason, they need to review the option of minimizing the width of the existing path they have cut to the width of a pallet and if possible, remove some of the pallets. The wells are checked monthly and accessed by foot with any equipment being hand carried in.

S. Kelley-Parrella asked if the upland trail was clear and R. Hale thought it was but had not walked it and either trail would require ongoing clearing for maintenance. D. Pearson asked who owned the upland trail and R. Hale stated it is open space owned by the Town of North Reading. S. Kelley-Parrella stated her preference to use that upland trail through North Reading. She asked the access distance via the path they cut vs. the path through North Reading. R. Hale stated that the patch currently being used is about 75' and the patch through the North Reading side may be about 150'. D. Pearson asked if pulling out the pallets and re-planting with some supplemental plantings was a viable option. R. Hale thought yes, but it will require more follow up on his end. He recommends contacting the owners and exploring both options.

**DONATION OF LAND – Conley Street & Staff Road – Map 10 Parcels 58 & 59 – Lots 836-852**

R. Hale briefly described the two parcels as mostly wetland and containing a portion of an intermittent tributary to Lubbers Brook that will not be under Town ownership through almost all of its length. J. Flynn asked what triggered this donation. R. Hale stated that the current owner's lawyer contacted him and stated that they will either donate the land or the owner will stop paying taxes on it. R. Hale stated that this land donation will connect some existing trails and will enhance our trails.

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the land donation at Conley Street & Staff Road, Map 10, Parcels 58 & 59 Lots 836-852

**MINUTES – December 6, 2017**

Upon motion duly made and seconded, it was with 1 abstention

VOTED: To approve the minutes for December 6, 2017 with a minor correction on P. 3

**ADJOURN**

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

VOTED: To adjourn the meeting at 8:11 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Catherine A. Pepe', written over a horizontal line.

Catherine A. Pepe  
Senior Clerk