



## 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 8, 2020

Donald Pearson called the meeting to order at 7:04 p.m. Laurie Finne, Alexander Rittershaus, and Theron Bradley were present. Vincent Licciardi, Laura deWahl, and Michael McInnis were absent. Valerie Gingrich, Director of Planning & Conservation, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

#### **PUBLIC HEARING - REQUEST FOR ORDER OF CONDITIONS AMENDMENT – 9-11 Sewell Road – Map 93 Parcel 15 – DEP File #344-1411**

Documents: Memorandum, Request to Amend the Order of Conditions for 9-11 Sewell Road – Map 93 Parcel 15 – DEP File #344-1411  
“Town of Wilmington, MA Barrows Wellfield Replacement Plan” set, 10 pages, dated November 13, 2019

Present in Interest: Joseph Lobao, Town of Wilmington, Utility & Business Manager  
William Holt, Town of Wilmington, Engineering Division  
Tyler Bernier, Kleinfelder

J. Lobao presented the after the fact request to amend the previously issued Order of Conditions to include some changes that were done in the field. T. Bernier advised that some dewatering areas had to be set up during the construction process and seventeen (17) trees had to be removed for access. The dewatering structures caused temporary disruption to two (2) wetland resource areas consisting of about 1800 square feet to Bordering Vegetated Wetlands and 2600 square feet to Bordering Land Subject to Flooding. In addition, while dewatering, some silt sacks burst and water escaped into a nearby upland area. T. Bernier advised that the two (2) disturbed areas have been restored, that nineteen (19) native species trees were planted, and that the sediment was removed by hand from the disturbed area.

V. Gingrich confirmed that this is an after the fact request, that the restoration is complete including planting nineteen (19) native species trees. The new trees will be monitored for two (2) growing seasons.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 9-11 Sewell Road – Map 93 Parcel 15 – DEP File #344-1411

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions Amendment for 9-11 Sewell Road – Map 93 Parcel 15 – DEP File #344-1411

**CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 635 Main Street – Map 40 Parcel 1 – DEP File #344-1432**

Documents: Letter, Williams & Sparages response to comments, dated June 25, 2019  
Alternatives Analysis, undated, received June 26, 2019  
"635 Main Street Plan" Set, 13 pages, revised June 24, 2019  
Phase I – Initial Site Investigation, dated January 21, 2016  
Phase II, dated April 18, 2019  
Letter, Williams & Sparages requesting to continue to the December 4, 2019  
Conservation Commission meeting, dated October 24, 2019  
Letter, Williams & Sparages, response to Notice of Intent comments, dated December 17, 2019  
Letter, Williams & Sparages, response to Engineering Review #1, dated December 17, 2019  
Stormwater Report, dated December 12, 2019  
Plan set, 635 Main Street, 15 pages, dated December 17, 2019  
Alternative Analysis, received December 17, 2019  
Email, Conservation comments, dated December 19, 2019  
Email, Conservation comments, dated December 24, 2019  
Email, Geological Field Services, Inc., response to comments, dated January 8, 2020  
Letter and pictures, Geological Field Services, Inc., soil pile test pits, dated August 23, 2019

Present in Interest: Jon Tilton, Williams & Sparages Engineering  
Jacqueline Welch, Massachusetts Equity Investors

J. Tilton reviewed the proposed 49-unit residential project with parking. The wetlands are off to the left of the site. The 15' no-disturb area will be maintained except in one (1) area where about 200 square feet of wetlands will be filled. J. Tilton submitted a letter, pictures, and an email from Geological Field Services advising that the three (3) existing dirt piles are loam with debris thrown on top. The applicant would like to leave those piles as removing them would require removing trees. The debris in the piles will be cleaned up by hand and then native vegetation planted. The applicant has agreed to a small replication area, but they still need to identify an area that would not require tree removal. The applicant will work with the Commission to decide what native species will be planted per the Order of Resource Area Delineation. One (1) small dirt pile area will be removed to accommodate an electrical pad. The existing site has no drainage. The applicant has worked with the Engineering Division to design and install adequate drainage as well as a rain garden in the rear of the property. Erosion controls will be installed per the submitted plan.

V. Gingrich reviewed the Conservation Comments regarding the removal of the piles and if they are removed, the proposed method of removal in order to limit disturbance. Planting the ten (10) native deciduous replacement trees that are part of a previous decision, need to be shown on the plan prior to approval to ensure that they will fit. Revising the landscape plan to show that only native species plants are used in the buffer zone. Also, the plans should be revised to show a possible replication area in the event the Commission requests replication. Most of the Planning Board's concerns have been addressed and the Engineering Division has requested one (1) minor change to the stormwater plan.

L. Finne questioned the need for two (2) entrances. J. Tilton advised that it was a Fire Department requirement. The Commission agreed that replication will not be necessary as the replication process will cause more disturbance than benefit.

J. Tilton requested to continue to the February 5, 2020 Conservation Commission meeting to complete the requested revisions.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 635 Main Street – Map 40 Parcel 1 - DEP File #344-1432 to the February 5, 2020 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT - 12 Shawsheen Avenue – Map 31 Parcel 1A – DEP File #344-1446**

Documents: Letter from Design Consultants, Inc. response to comments, dated November 12, 2019  
“Construction Details Plan”, revised October 23, 2019  
Memorandum from William Holt, Engineering Division, dated December 2, 2019  
Letter from Design Consultants, Inc. requesting to continue to the January 8, 2020 Conservation Commission meeting  
Letter from Design Consultants, Inc. response to comments, dated December 18, 2019  
Plan, Construction Site, dated December 18, 2019  
Plan, Conservation Site, dated December 18, 2019

Present in Interest: Tom Hughes, Hughes Environmental Consulting  
Ruth Gronemeyer, applicant

T. Hughes reviewed the proposed new home project. The following changes have been made: the deck was moved to better accommodate the 25-foot no disturb area, a 2' wall has been added to the front yard which saves the removal of some trees, tree replacement is noted on the plan, a drip edge was added to collect water along the edge of the driveway, as well as the cut and fill of the floodplain resulting in a net gain.

V. Gingrich advised that the Engineering Division's comments were incorporated into the draft Order of Conditions. The stormwater calculations that will be submitted with the SSMP could result in a change to the Order of Conditions. For demarcation, T. Hughes suggested using either just markers placed every 25' or a combination of boulders and markers to limit the number of boulders and disturbance to the vegetation in the buffer zone. He advised that the applicant would like to use a post and rail fence for demarcation. The Engineering Division would like the applicant to access water service from Shawsheen Avenue, but the applicant would like to use the water service in the easement.

V. Gingrich advised that monitoring the proposed restored areas, though not required, is in the Draft Order of Conditions for consideration. T. Hughes stated that because the hydrology in the proposed restoration area is so good that the vegetation should do very well. He is asking that the applicant be allowed to submit pictures of the plantings at the end of the two (2) growing seasons instead of a formal monitoring report.

The Commission agreed to the applicant installing either a post and rail fence, markers as shown on the plan, or boulders. Also, the language on condition #22 was changed to allow for water access from Shawsheen Avenue unless otherwise approved by DPW.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 12 Shawsheen Avenue – Map 31 Parcel 1A – DEP File #344-1446

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 12 Shawsheen Avenue – Map 31 Parcel 1A – DEP File #344-1446

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 910 Salem Street – Map R1 Parcels 28 & 30 – DEP File #344-1437**

Documents: Letter from Frank Postma of EA Engineering, Science, and Technology, Inc. requesting to withdraw, dated December 26, 2019

D. Pearson advised that F. Postma from EA Engineering, Science, and Technology, Inc. submitted a letter on behalf of Benevento Sand & Stone Company requesting to withdraw the Notice of Intent application for 910 Salem Street – Map R1 Parcels 28 & 30 – DEP File #344-1437.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 910 Salem Street – Map Ra Parcels 28 & 30 – DEP File #344-1437

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the withdrawal of the Notice of Intent for 910 Salem Street – Map R1 Parcels 28 & 30 – DEP File #344-1437

**PUBLIC HEARING – NOTICE OF INTENT - 687 Main Street – Map 31 Parcel 11A – DEP File #344-????**

Documents: Notice of Intent, received December 12, 2019  
“Notice of Intent” Plan Set, 6 pages, dated November 15, 2019  
“Existing Watershed Plan, 2 pages, dated November 14, 2019  
Letter from Attorney John J McKenna requesting to continue to the March 4, 2020 Conservation Commission meeting

D. Pearson advised that the applicant has requested to continue to the March 4, 2020 Conservation Commission meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 687 Main Street – Map 31 Parcel 11A – DEP File #344-???? to the March 4, 2020 Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – 12 New Hampshire Road – Map 35 Parcel 47A – DEP File #344-1449**

Documents: Notice of Intent, received December 18, 2019  
“Plot” plan, dated December 16, 2019

Present in Interest: Nancy & James Marques, owners

J. and N. Marques presented the proposed two-story 20' x 23' addition to the front of their existing home.

The first level will be a single car garage and the second level will be an in-law apartment for an aging parent.

V. Gingrich advised that the addition and the proposed driveway expansion is, at the closest point, about 38' from the wetlands from the wetlands in the rear of the yard. The proposed grading for the driveway is acceptable and that the existing post and rail fence along the driveway and the 10' retaining wall in the backyard that are suitable for use as the demarcation lines. V. Gingrich also advised that the proposed addition is just over 400 square feet and does not require a stormwater permit.

T. Bradley asked if the existing home had an infiltration system. J. Marques said their existing home does not have an infiltration system but they do have gutters and would put gutters on the addition.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 12 New Hampshire Road – Map 35 Parcel 47A – DEP File #344-1449

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 12 New Hampshire Road – Map 25 Parcel 47A – DEP File #344-1449

**CONTINUED REQUEST FOR CERTIFICATE OF COMPLIANCE – 300 (298R) Salem Street – Map 97 Parcels 59B & 59C – DEP File #344-615**

Documents: Request for Certificate of Compliance, received November 20, 2019  
Letter from Summit Engineering & Survey, Inc., dated November 20, 2019  
"Asbuilt Plan", dated November 20, 2019  
Email from Holly Moore, Chakalos & Associates, LLC requesting to continue to the January 8, 2020 Conservation Commission meeting, dated December 2, 2019  
Email from Holly Moore, Chakalos & Associates, LLC requesting to continue to the February 5, 2020 Conservation Commission meeting, dated January 3, 2020

D. Pearson advised that the applicant has requested to table the Request for Certificate of Compliance for 300 (298R) Salem Street to the February 5, 2020 Conservation Commission meeting.

V. Gingrich advised that the applicant needed this time to obtain a current as-built plan.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for Certificate of Compliance for 300 Salem Street – Map 97 Parcels 59B & 59C – DEP File #344-615 to the February 5, 2020 Conservation Commission meeting

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 205 Salem Street – Map 81 Parcel 3 – DEP File #344-1410**

Documents: Request for Certificate of Compliance, received November 12, 2019  
Pictures, undated, received November 12, 2019  
"As-Built Conditions" plan, dated December 6, 2019

V. Gingrich advised that there were a couple of slight changes from the approved plan. In some areas, pavers were used instead of gravel and gravel was used instead of planting lawn. Other than that, all conditions have been met.

D. Pearson asked if there was a loss in permeable surface. V. Gingrich thought the changes were a benefit and a slight increase in permeable surface.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 205 Salem Street – Map 81 Parcel 3 – DEP File #344-1410

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 900 Salem Street – Map R1 Parcel 30 – DEP File #344-1110**

Documents: Request for Certificate of Compliance, received December 18, 2019  
Technical Memorandum from EA Engineering, Science, & Technology, dated December 18, 2019  
"As-Built" plan, dated December 24, 2019

V. Gingrich advised that the applicant has completed the restoration of the road lowering project. There are some invasive species in the area that the applicant plans to remove in the spring as well as plant additional trees in the spring.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 900 Salem Street – Map R1 Parcel 30 – DEP File #344-1110

**EMERGENCY CERTIFICATION – 211 Lowell Street – Map 57 Parcel 52)**

V. Gingrich advised that the Board of Health has asked that an Emergency Certification be issued for the septic system at the Dunkin' Donuts located in the Lucci's shopping center at 211 Lowell Street. The septic system had failed and the applicant had started excavating this past Saturday to connect to the sewer line on Lowell Street. Proper permitting was not obtained so the work was stopped. The Emergency Certification will allow the applicant to connect to the sewer line on Lowell Street, with a condition that the applicant files an after the fact Notice of Intent.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Emergency Certification for 211 Lowell Street – Map 57 Parcel 52

**DISCUSSION**

MBTA Train Control Project – SPA Exempt Work Notification – V. Gingrich advised that the Train Control Project is a communication system the MBTA is installing to better control train traffic. DEP has issued a letter stating that this project is exempt from permitting.

D. Pearson asked if the Commission would be allowed a site visit when the work is complete. V. Gingrich will check with DEP and advise the Commission.

6 Waltham Street – Wetland & Stream Buffer Assessment – V. Gingrich reviewed the construction of a proposed wireless tower at 6 Waltham Street that was designed to be just outside the 200' Riverfront of Lubbers Brook. The Planning Board approved the tower. V. Gingrich cautioned the applicant that if they go into the 200' Riverfront setback, they will have to apply for a wetlands permit. Matt Graubart of Maser Consulting, PA was in attendance and acknowledged the need to be careful of the 200' Riverfront setback.

25 Green Meadow Drive – grading change in backyard – V. Gingrich advised that 23 Green Meadow Drive would like to add a four (4) foot high retaining wall and change the grading in the backyard to offer a flatter backyard. This change does not affect the impact to the wetlands. The Commission agreed to the change without requesting additional permitting. V. Gingrich advised that they will show the change on the as-built.

Transfer Town owned land to Conservation Commission – V. Gingrich advised that a goal of the Open Space Plan is to identify Town owned open space parcels that can be transferred to the care and protection of the Conservation Commission for resource protection.

There are three (3) parcels along the Shawsheen River that the Town acquired due to tax title. These parcels are along the riverfront, are almost all wetlands, and offer valuable resource areas. The Town does own parcels right around these three (3) parcels.

154 Taft Road is 50,000 square feet that is mostly wet and has a stream running through it that flows to Mill Brook. There are also Town owned parcels around it.

The Commission agreed to propose the article to transfer the four (4) parcels to the care and custody in perpetuity to the Conservation Commission at the May 2, 2020 Town Meeting.

219 Andover Street – Map R1 Parcel 19A – Construction Completion Report and Geotechnical Update

– V. Gingrich advised that this report is required in the Order of Conditions issued for DEP File #344-1393. The site looks good and V. Gingrich will re-inspect the property in the spring.

MACC Annual Environmental Conference 2020 – The MACC Annual Environmental Conference 2020 is scheduled for Saturday, February 29, 2020. Please advise if you plan to attend.

## **MINUTES – December 4, 2019 –**

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the December 4, 2019 Conservation Commission meeting

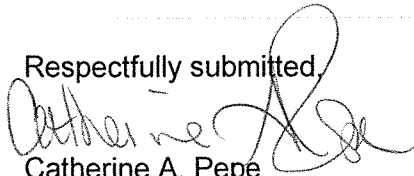
**NEXT MEETING – February 5, 2020**

## **ADJOURN**

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

VOTED: To adjourn the meeting at 8:53 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine A. Pepe". The signature is written in dark ink and is positioned to the left of the printed name.

Catherine A. Pepe  
Senior Clerk