



TOWN of WILMINGTON
DEPARTMENT OF PLANNING & CONSERVATION

121 Glen Road, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

CONSERVATION COMMISSION MINUTES
 October 2, 2019

Theron Bradley called the meeting to order at 7:00 p.m. Laurie Finne, Vincent Licciardi, and Alexander Rittershaus were present. Donald Pearson, Michael McInnis, and Laura deWahl were absent. Valerie Gingrich, Director of Planning & Conservation, Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 6 Gatehouse Lane – Map 28 Parcel 11

Documents: Request for Determination of Applicability, received September 9, 2019
 Google Earth map, modified by applicant, August 26, 2019
 Google Maps, 6 Gatehouse Lane, August 26, 2019
 Pictures, undated, received October 2, 2019

Present in Interest: Constantin Iordachescu, owner

C. Iordachescu appeared before the Conservation Commission seeking after the fact approval for the removal of six (6) trees and the proposed restoration to some disturbed lawn areas in the 100-foot buffer zone caused by heavy equipment tires. C. Iordachescu would like to spread approximately ten (10) to fifteen (15) yards of loam to fill the disturbed areas then plant seed to stabilize the areas.

R. Hale recommends erosion controls along one (1) side of the property that slopes towards the wetlands and plant two (2) native trees per the new Tree and Vegetation Removal Policy. C. Iordachescu would like to plant shrubs and will coordinate that with R. Hale.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 6 Gatehouse Lane – Map 28 Parcel 11 with the added condition to install and maintain erosion controls per the manufacturer's specifications and plant replacement trees or shrubs according to the Tree and Vegetation Removal Policy

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

Documents: Request for Determination of Applicability, received September 16, 2019
 "Existing Conditions Plan", modified by applicant, September 16, 2019

Present in Interest: Dennis Turri, owner

D. Turri had installed a fence that was 6" above the ground in the 100-foot buffer zone. He is requesting approval for the board he placed at the bottom of the fence to the ground to eliminate the 6" gap so his dogs can't escape.

RECEIVED
 TOWN CLERK
 2019 DEC -5 AM 9:30
 TOWN OF WILMINGTON, MA

R. Hale advised that the fence is offset from the property line so wildlife could still go around the fence and through the property.

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

REQUEST FOR DETERMINATION OF APPLICABILITY – 93 Mink Run Road – Map 11 Parcel 61B

Documents: Request for Determination of Applicability, received September 17, 2019
“Plan”, modified by applicant, September 17, 2019
Recorded “Plan of Land”, recorded December 18, 2018

Present in Interest: Ken Chisolm, owner

K. Chisolm would like to remove an old stump pile on his property at 93 Mink Run Road. The pile is just over 50' from the wetlands and has been there for about 20-25 years. He proposes to install erosion controls on the wetland side, remove the pile and seed the area.

R. Hale advised that the erosion controls need to remain in place until the ground is stabilized.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 93 Mink Run Road – Map 11 Parcel 61B with the added condition that erosion controls be installed and maintained per the manufacturer's specifications

CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 613 Main Street – Map 29 Parcel 11S – DEP File #344-1430

Documents: Email, request to continue to the October 2, 2019 Conservation Commission Meeting, dated August 11, 2019
Letter, response to Engineering comments, dated September 17, 2019
Letter, response to Conservation comments, dated September 17, 2019
Stormwater Report, dated September 17, 2019
“Site Plan for Redevelopment of 613 Main Street, Wilmington, MA” Plan Set, 34 pages, dated September 16, 2019
Letter, response to revised submittal, dated September 26, 2019
Memorandum from William Holt, Engineering Division, dated October 1, 2019

Present in Interest: Brian McCarthy, RJ O'Connell & Associates, Inc.
Mark LaVoie, Madison Marquette Property Management
Tom Liddy, Lucas Environmental, LLC

B. McCarthy advised that in response to comments from the Engineering Division and the Conservation Agent, the applicant has modified the size of the proposed building, the number of proposed loading docks, and the proposed expansion of the parking lot. The stormwater as well as the landscape and fence concerns are being addressed, and revisions will be submitted in time for the next meeting. B. McCarthy asked if the guard rail on the north parking lot could serve as the demarcation fence or if the Commission wanted boulders also. It was agreed that the guard rail could serve as the demarcation

fence with L. Finne's suggestion to add wetland signage to that guard rail. B. McCarthy confirmed that the work the pavement being removed is in the 15' no disturb setback.

V. Licciardi asked that the snow storage area be clarified. He also asked if there was a plan for snow removal from the site and that it be included in the Operations and Maintenance Plan. B. McCarthy asked if calcium chloride is acceptable for the de-icing, as sodium chloride is typically prohibited

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 613 Main Street – Map 29 Parcel 11S – DEP File #344-1430 to the November 6, 2019 Conservation Commission Meeting

CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 45, 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading, Peabody, & Lynn Avenues – Map 10 Parcels 5, 5A, 6, 36-42, 49-51, 52A, & 53 – DEP File #344-1435

Documents: Letter, from Ryan Hale, Conservation Agent, dated July 31, 2019
Memorandum from Paul Alunni, Engineering Division, dated August 7, 2019
Letter, request to continue to the October 2, 2019 Conservation Commission Meeting, dated August 20, 2019
Letter, from Benchmark Engineering, response to comments, dated September 18, 2019
Stormwater Management & Erosion Control Report, dated September 16, 2019
"Pre Development Drainage Worksheet" Plan Set, 4 pages, dated August 28, 2019
"Cover Plan" Set, 16 pages, dated September 16, 2019
Notice of Intent corrected Fee Transmittal Form, dated September 17, 2019
Memorandum from Paul Alunni, Engineering Division, dated October 1, 2019

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.
Jack Szemplinski, Benchmark Engineering, Inc.
James Castellano, Lily Oak Hill, LLC

M. Herald updated the Conservation Commission on the status of the various permits needed for the roadway, drainage, tree removal, and walking trail for the Highland Estates subdivision. The applicant is working with the Planning Board and the Engineering Division in response to their comments. R. Hale's comments will be addressed with the applicant's engineer.

R. Hale advised that because this project is a Conservation subdivision the Tree and Vegetation Removal Policy does not apply. R. Hale also questioned the sight line easement along Hopkins Street that encroaches wetland areas. J. Szemplinski advised that it is now a 10' easement and will not go through wetlands. The revised plan will show the new easement. The rest of R. Hale's comments concern the consistency of the new plans matching the plans from the Order of Resource Area Delineation.

J. Castellano asked about the Town taking ownership of the open space. V. Gingrich stated that the recommendation to the Planning Board is that it remain private with a conservation restriction.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 45 & 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading, Peabody, & Lynn Avenues – Map 10 Parcels 5, 5A, 6, 36-42, 49-51, 52A, & 53 - DEP File #344-1435 to the November 6, 2019 Conservation Commission Meeting

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

Documents: “Benevento Sand & Stone Martins Brook Conveyor System” Plan set, dated July 2019
Memorandum from Paul Alunni, Engineering Division, dated August 7, 2019
Letter from Ryan Hale, Conservation Agent, dated August 7, 2019
Email request to continue to the November 6, 2019 Conservation Commission Meeting, dated September 19, 2019

F. Postma, of EA Engineering, emailed a request to continue to the November 6, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 910 Salem Street & Andover Street – Map R1 Parcels 28 & 30 – DEP File #344-1437 to the November 6, 2019 Conservation Commission Meeting

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, request to continue to the November 6, 2019 Conservation Commission Meeting, dated September 20, 2019

Jon Tilton, of Williams & Sparages, emailed a letter requesting to continue to the November 6, 2019 Conservation Commission Meeting.

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 November 6, 2019 Conservation Commission Meeting

PUBLIC HEARING - NOTICE OF INTENT – 900 Main Street – Map 24 Parcel 33A – DEP File #344-1441

Documents: Notice of Intent, received September 4, 2019
Stormwater Analysis, dated August 2019
“Site Plan”, 6 pages, dated August 27, 2019
Notice of Intent comment letter, dated September 24, 2019
Memorandum from Paul Alunni, Engineering Division, dated October 1, 2019

Present in Interest: Luke Roy, LJR Engineering, Inc.
Kevin Scully, M.J. Scully & Co.

L. Roy presented the proposal to remove some trees, expand the use of the site in the rear of the building, bring in fill, construct a gravel outdoor storage area, pave an existing area, and install concrete blocks around the entire perimeter of the property for demarcation close to the 25' setback. Erosion controls will be installed around the limit of work. This Notice of Intent is in response to the Notice of Violation issued for 900 Main Street earlier this year.

R. Hale confirmed that the Notice of Violation was for the clearing of understory within the 100' buffer zone, but does not see any tree replacement in the Notice of Intent for the violation or the proposed tree removal. L. Roy will work with the Commission to determine the number of trees to be planted.

R. Hale advised that there is some trash in the wetlands that needs to be removed. Also that he would like to add the standard dewatering condition to the Order of Conditions and the Operations and Maintenance Plan should also address any proposed herbicides, pesticides, or rock salt use.

L. Roy advised that they will address these concerns and the Planning Board concerns in time for the next meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 900 Main Street – Map 24 Parcel 33A – DEP File #344-1441 to the November 6, 2019 Conservation Commission Meeting

PUBLIC HEARING - NOTICE OF INTENT – 2 Nunn Road – Map 51 Parcel 86 – DEP File #344-1445

Documents: Notice of Intent, received September 16, 2019
“Subsurface Sewage Disposal System Design Plan (Upgrade)”, dated September 20, 2019
Wilmington Maps Online, Nunn Road, dated September 13, 2019
DEP Bordering Vegetated Wetland Delineation Field Data Form, dated July 29 2019
Memorandum from William Holt, Engineering Division, dated October 1, 2019

Present in Interest: Linda Bandoni, trustee
Joseph Lunetta, trustee

J. Lunetta presented the proposed repair/replacement of the existing septic system. The only place the replacement septic system will fit is where the existing septic system is in the backyard. There is not enough room in the front or side yard that would place it further from wetlands.

R. Hale confirmed that the wetland regulations allow for a replacement system to be within 50' of the wetlands if that is the only available space.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 2 Nunn Road – Map 51 Parcel 86 – DEP File #344-1445

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 2 Nunn Road – Map 51 Parcel 86 – DEP File #344-1445

PUBLIC HEARING - NOTICE OF INTENT – 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-1442

Documents: Notice of Intent, received September 18, 2019
“Site Plan”, dated September 17, 2019
Memorandum from William Holt, Engineering Division, dated October 1, 2019

Present in Interest: Luke Roy, LJR Engineering, Inc.
Noah Nazarian, applicant

L. Roy presented the project to remove material from some areas of the property, install new storage areas on the property, and move and extend the demarcation fence. The applicant proposes to move all materials and activities as far away from the resource areas as possible. L. Roy advised that the proposal will include plantings along the wetlands and Maple Meadow Brook to restore the disturbed area to the rear and front side of the site.

R. Hale advised that it is in Riverfront Area, but because it is a redevelopment, the first 100 feet is not required to be vegetated as with an undeveloped site. R. Hale voiced concern on the future use of the property and how future occupants of the property may store some of their materials. Also, that the applicant address the Engineering Division’s concerns regarding the materials currently in the paper street. L. Roy will show erosion controls along the perimeter of work.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-1442 to the November 6, 2019 Conservation Commission Meeting

PUBLIC HEARING – NOTICE OF INTENT – 55A Chestnut Street – Map 24 Parcel 33A – DEP File #344-1443

Documents: Notice of Intent, received September 18, 2019
“Site Plan”, dated September 16, 2019

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the project to correct a violation issued for clearing vegetation and installing crushed stone within the 100’ Buffer Zone. The stone beyond the 15’ no-disturb zone will be removed by hand and the applicant will plant some native shrubs in that same area and install a split rail demarcation fence along the 15-foot setback.

The Commission agreed that the owner will plant five (5) arborvitae in the disturbed area and recommends one (1) growing season of monitoring. R. Hale suggested revising the plan to clearly show the limit of work for the garage and that submittal of the revised plan be added to the Order of Conditions.

V. Licciardi clarified that the arborvitae will be added to the Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 55A Chestnut Street – Map 24 Parcel 33A – DEP File #344-1442

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 55A Chestnut Street – Map 24 Parcel 33A – DEP File #344-1442

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

Documents: Notice of Intent, received September 18, 2019
“Conservation Site Plan”, dated September 17, 2019
Notice of Intent Comment Letter from Ryan Hale, Conservation Agent, dated September 25, 2019
Memorandum from William Holt, Engineering Division, dated October 1, 2019
“Conservation Site Plan, 2 pages, received October 2, 2019

Present in Interest: Stephen Sawyer, Design Consultants, Inc.
Ruth Gronemeyer, owner
Eric Gronemeyer, abutter

S. Sawyer presented the proposed construction of a 28' x 56' single family dwelling that will be raised due to high groundwater and floodplain. The home will have a common driveway with 14 Shawsheen Avenue. The applicant proposes to restore the wetland area that encroaches on the current lawn. Three (3) 10" and greater trees and four (4) 24" and greater trees will be removed between the 25' – 100' buffer area and the applicant will plant two (2) silver maple and one (1) red maple replacement trees. The applicant will plant fifteen (15) shrubs (either blueberry, silky dogwood, or winterberry) in the existing maintained lawn area. Anything beyond the 15' setback will not be mowed. Markers will be placed for the 15' setback. S. Sawyer advised that the applicant is proposing more floodplain compensation than needed and that there is one (1) 14" red maple that does not have to be cut down.

T. Bradley asked to have the removal of the lawn and shrub plantings added to the Order of Conditions.

S. Sawyer advised that the house is out of the 25' setback, but the deck does is not and that the applicant would like to keep the deck in its proposed place. L. Finne suggested moving the deck over and out of the 25' setback. R. Hale asked about moving the deck to the side of the house. T. Bradley also asked that the applicant consider an alternate deck design or placement. S. Sawyer advised that the side of the house are the bedrooms and not optimal for deck usage.

R. Hale also suggested a retaining wall in the front of the house instead of the proposed grading, which will reduce the impact to floodplain.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 12 Shawsheen Avenue – Map 31 Parcel 1A – DEP File #344-1446 to the November 6, 2019 Conservation Commission Meeting

PUBLIC HEARING – Abbreviated Notice of Resource Area Delineation – 26 Douglas Avenue – Map 65 Parcel 5E – DEP File #344-1444

Documents: Abbreviated Notice of Resource Area Delineation, received September 18, 2019
“Plan to Accompany Abbreviated Notice of Resource Area Delineation”, dated August 7, 2019

Email, request to continue, dated October 1, 2019

Maureen Herald of Norse Environmental Services, Inc. emailed a request to continue to the November 6, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 26 Douglas Avenue – Map 65 Parcel 5E – DEP File #344-1444 to the November 6, 2019 Conservation Commission Meeting

PUBLIC HEARING – Order of Resource Area Delineation Amendment – 79 Nichols Street - Map 35 Parcel 29 – DEP File #344-1336

Documents: Amendment Request Letter, dated September 18, 2019
“Existing Conditions Plan”, dated September 18, 2019

Present in Interest: Stephen Sawyer, Design Consultants, Inc.
Jill Mann, Mann & Mann, P.C.

S. Sawyer advised that Tom Hughes of Hughes Environmental reviewed the wetland line and moved flag numbers 34, 35, and 36.

R. Hale agreed with the change in the delineation.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 79 Nichols Street – Map 35 Parcel 29 – DEP File #344-1336

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Resource Area Delineation Amendment for 79 Nichols Street – Map 35 Parcel 29 – DEP File #344-1336

EMERGENCY CERTIFICATION – 31 Oakdale Street – Map 81 Parcel 36

R. Hale advised that the Board of Health deemed this an Emergency Certification for the septic system.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for 31 Oakdale Street – Map 81 Parcel 36

REQUEST FOR CERTIFICATE OF COMPLIANCE – 56 Adams Street – Map 50 Parcel 3A – DEP File #344-70

Documents: Request for Certificate of Compliance, received September 12, 2019
“As-Built Grading Plan”, dated August 28, 2019

Present in Interest: Michael Newhouse, Attorney
John Barrows, Marchionda Associates

J. Barrows advised that no work was ever done under this Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 56 Adams Street – Map 50 Parcel 3A – DEP File #344-70

REQUEST FOR CERTIFICATE OF COMPLIANCE – 56 Adams Street – Map 50 Parcel 3A – DEP File #344-273

Documents: Request for Certificate of Compliance, received September 12, 2019
“As-Built Grading Plan, dated August 28, 2019

Present in Interest: Michael Newhouse, Attorney
John Barrows, Marchionda Associates

M. Newhouse advise that the applicant is seeking a Certificate of Compliance for 56 Adams Street.

J. Barrows reviewed the discrepancies between the As-Built Grading Plan, dated August 28, 2019 and the approved plan for the Order of Conditions, dated September 28, 1987.

R. Hale advised that none of the discrepancies were called out for the Conservation Commissioners to consider. M. Newhouse asked if a letter stating the discrepancies is sufficient to submit for the Commissioners to review. R. Hale confirmed that it would be acceptable and advised that any discrepancies from the approved plan should have an explanation.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Request for the Certificate of Compliance for 56 Adams Street – Map 50 Parcel 3A – DEP File #344-273 to the November 6, 2019 Conservation Commission Meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 24 Washington Avenue – Map 43 Parcel 127 – DEP File #344-1402

Documents: Request for Certificate of Compliance, received September 13, 2019
“As-Built Plan”. Dated November 24, 2018

R. Hale advised that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 24 Washington Avenue – Map 43 Parcel 127 – DEP File #344-1402

**NOTICE OF VIOLATION
6 Sherwood Road – Map 8 Parcel 18A**

R. Hale advised that the clay drainage pipe on the site was supposed to be either protected during construction or replaced prior to construction. Neither was done and the pipe was destroyed during construction. It has since been replaced.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 6 Sherwood Road – Map 8 Parcel 18A

NOTICE OF VIOLATION

41 Jacquith Road – Map 20 Parcel 25A

R. Hale advised that 41 and 43 Jacquith Road were approved under the same Order of Conditions. A partial Certificate of Compliance was issued for 43 Jacquith Road excluding the wetland restoration. The restoration area is in poor condition and filled with non-native invasive purple loosestrife. The Notice of Violation requires the owners of both 41 and 43 Jacquith Road to have a qualified wetlands consultant evaluate the conditions of the restoration and recommend corrective action by October 31, 2019. The Commission will review the recommendations at the November 6, 2019 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 41 Jacquith Road – Map 20 Parcel 25A

NOTICE OF VIOLATION

43 Jacquith Road – Map 20 Parcel 25

Present in Interest: Lynn Wolf, owner

See 41 Jacquith Road above.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 43 Jacquith Road – Map 20 Parcel 25

NOTICE OF VIOLATION

14 Kansas Road – Map 36 Parcel 186

Present in Interest: Dennis & Kathleen Turri, owners

R. Hale advised that this Notice of Violation was for the owner blocking the 6" gap at the bottom of their new fence. The violation was addressed in the Request for Determination of Applicability that the Commission heard earlier this evening.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 14 Kansas Road – Map 36 Parcel 186

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATE

**Tennessee Gas Pipeline Right-of-Way 36 Ashwood Avenue & 18 Crystal Road – Maps 59 & 58
Parcels 30 & 315**

R. Hale advised that Tennessee Gas has completed the restoration work in accordance with the Enforcement Order and the wetlands have been restored.

Upon motion duly made and seconded, it was unanimously

VOTED: Tennessee Gas Pipeline Right-of-Way 36 Ashwood Avenue & 18 Crystal Road – Maps 59 & 58 Parcels 30 & 315 have returned to compliance.

DISCUSSION

Replacement septic systems - R. Hale asked the Commissioners to think about what type of application (RDA or NOI) the Commission would like to see for a replacement septic system depending on distance from wetlands and new vs. replacement systems. He reminded the Commissioners that replacement systems do not have to be 50' away from the wetlands as long as the Board of Health approves the replacement system, it is located as far from verified wetlands as possible, and it complies with Title V.

MINUTES – September 4, 2019

The September 4, 2019 Minutes could not be voted on due to lack of quorum from that meeting.

NEXT MEETING – November 6, 2019

ADJOURN

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

VOTED: To adjourn the meeting at 8:58 pm.

Respectfully submitted,

Catherine A. Pepe
Senior Clerk

