



## 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

October 3, 2018

Sharon Kelley-Parrella, Co-Chair, called the meeting to order at 7:00 p.m. Theron Bradley, Laurie Finne, Vincent Licciardi, Mike McInnis, and Julie Flynn, were present. Donald Pearson was absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

#### **PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 16 Kenwood Avenue – Map 59 Parcel 17-22**

Documents: Plot Plan of Land, dated September 14, 2018  
Photograph, undated

Present in Interest: Roberto and Rachel Grieco

Roberto and Rachel Grieco presented the proposed construction of a 1,353 square foot 2-car garage addition with the limit of work more than 50' away from the Bordering Vegetated Wetlands (BVWs).

R. Hale stated that the project will require an infiltration system because of local stormwater regulations and that Engineering recommended it not be closer than 25' to the wetlands. R. Hale recommended a Negative (3) Determination with the added condition that erosion controls be installed and maintained around the entire limit of work, and the infiltration system should be no closer than 25' feet from the BVWs.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 16 Kenwood Avenue – Map 59 Parcel 17-22 with the added condition that erosion controls be installed and maintained according to manufacturer's specifications, and the infiltration system shall be no closer than 25' from BVWs.

#### **PUBLIC HEARING – NOTICE OF INTENT – 283 Middlesex Avenue – Map 79 Parcel 43 – DEP File #344-1416**

Documents: Conservation Plan of Land, dated September 12, 2018  
Letter from Ryan Hale, Conservation Agent, dated September 27, 2018  
Email from Steven Eriksen, Norse Environmental Services, dated October 1, 2018  
Letter from Northeast Tree Inc., dated October 1, 2018

Present in Interest: Steven Eriksen, Norse Environmental Services, Inc.

Paul Surrette, homeowner

S. Eriksen presented the proposed removal of an existing garage that was damaged when part of a pine tree fell on it during a storm, removal of the pine tree, the construction of a new garage in approximately the same footprint, and construction of a handicap ramp. A perennial stream and BVWs are present adjacent to the proposed work. All of the lot is within the 200' Riverfront Area.

R. Hale read his comments from his September 27, 2018 letter. S. Eriksen advised that there may not be any utilities installed, that installation of utilities is standard language in all his Notices of Intent (NOI) so it is included in the permit in the event the applicant chooses to run utilities to the site. R. Hale asked how the project would improve the Riverfront Area functions as required for redevelopment. S. Eriksen stated that cleaning up the debris in the area will improve the Riverfront Area. R. Hale noted that the NOI states both that the garage would be rebuilt on the same footprint as the previous garage, and that it would be larger. S. Eriksen stated the garage would be 2' longer in length and would require new footings. R. Hale stated it appears the increase would be within the allowable 10% increase of degraded area.

T. Bradley asked the age of the existing sheds. S. Eriksen advised at least 30 years old, but could not say for sure. T. Bradley asked if a replacement tree will be planted and S. Eriksen stated that the homeowner would rather not plant a tree. L. Finne asked to confirm the size of the garage and S. Eriksen advised 12' x 24'. L. Finne advised that the replacement tree does not have to go in the same spot as the tree being removed. J. Flynn offered a compromise of one (1) tree to be planted and the location is optional. J. Flynn asked that the Order of Conditions (OOC) state that if any of the existing sheds need to be replaced that they NOT be placed in the same spot due to their closeness to the wetlands. M. McInnis commented that the 2:1 tree replacement would not apply to this application because the damage was caused by a storm, not from the applicant wanting to remove the tree.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 283 Middlesex Avenue – Map 79 Parcel 43 – DEP File #344-1416

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 283 Middlesex Avenue – Map 79 Parcel 43 – DEP File #344-1416

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 1 Hudson Street – Map 70 Parcel 82A – DEP File #344-1399**

Present in Interest: Patrick Grant, NATIVetec

Documents: Existing Conditions Plan, dated April 9, 2018  
NOI Plan, dated April 9, 2018  
Existing Conditions Plan, 2 pages, dated April 26, 2018  
Response to Regulation 10.58, received April 26, 2018

Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018  
Email Request to Continue, dated June 1, 2018  
Email Request to Continue, dated June 20, 2018  
Email Request to Continue, dated July 18, 2018  
Existing Conditions Plan, dated July 9, 2018, 3 pages  
Narrative Response to Regulation 10.58, dated April 26, 2018, revised  
Email Request to Continue, dated September 5, 2018

P. Grant reviewed the proposed replacement of a second story deck, and extensions to the driveway. A small portion of the driveway is within the 200' Riverfront Area and 100' buffer zone of BVW. The driveway will be sloped slightly so any rainwater will drain into a new infiltration area.

R. Hale stated the Commission had reviewed this project a few months back and were waiting on the Planning submittal to issue the OOC. R. Hale advised that the deck is in the 25' no-disturb zone, but outside the 15' no-disturb zone, which was previously agreed to, and the project appears to meet the Riverfront Area standards.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 1 Hudson Street – Map 70 Parcel 82A – DEP File #344-1399

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 1 Hudson Street – Map 70 Parcel 82A – DEP File #344-1399

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400**

Documents: Existing Conditions Plan, 2 pages, dated April 30, 2018  
Post-Development Drainage Plan, dated July 22, 2008  
As-Built Plan, 4 pages, dated November 6, 2012  
Notice of Intent Plans, 5 pages, dated April 30, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated June 6, 2018  
Email Request to Continue, dated July 11, 2018  
Email Request to Continue, dated July 18, 2018  
Existing Conditions Plan, revised August 10, 2018, 7 pages  
Memorandum from Paul Alunni, Town Engineering Division, dated September 4, 2018  
Request to Continue Letter, dated October 1, 2018

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400 until the November 7, 2018 Conservation Commission Meeting

**NOTICE OF INTENT – Marion Street Rear – Map 5 Parcel 8 – DEP File #344-1415**

Documents: Plot Plan, dated August 27, 2018  
Letter from Norse Environmental Services, Inc., dated September 11, 2018  
Email from William Holt, Town of Wilmington, Engineering Division, dated September 19, 2018

Present in Interest: Elizabeth Monaco, homeowner  
Keith Saxon

S. Kelley-Parrella advised that the Public Hearing on the Notice of Intent was closed at the last meeting. K. Saxon acknowledged that the hearing was closed but had a question on one of the conditions. He advised that the applicant wants to remove condition #48 because this condition will put a permanent restriction on the deed, which the applicant does not want. K. Saxon noted that Wilmington does not have a wetland bylaw, just policies, and the 15' and 25' setbacks in Wilmington's policies are not in the Wetlands Protection Act. K. Saxon also stated that the last three recorded Orders of Conditions, 344-1411, 1412, & 1413 did not have condition #48 in the Special Conditions. M. McInnis questioned why condition #48 was not in the Order of Conditions for #344-1411, 1412, and 1413 and R. Hale advised that all three (3) were for Town owned properties. R. Hale also advised that the applicant can appeal the Conservation Commission's decision and E. Monaco stated they were hoping not to do that.

T. Bradley stated that he was comfortable with the Order of Conditions as written and advised that if an owner wants to change something in the future, they can come in front of the Commission with the request for change. R. Hale gave 1 Hudson Street as an example where the Commission approved a project within the 25' setback.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for Marion Street Rear – Map 5 Parcel 8 – DEP File #344-1415

**EMERGENCY CERTIFICATION – 175 Middlesex Avenue – Map 63 Parcel 7**

R. Hale advised that J. Magaldi, DPW asked for the Emergency Certification for a dead tree near the library. R. Hale confirmed that the tree is dead and posed a safety issue, and issued the Emergency Certification.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for 175 Middlesex Avenue – Map 63 Parcel 7

**ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATES  
401 Woburn Street – Map 77 Parcel 4**

R. Hale reviewed the Notice of Violation (NOV) issued to the homeowner for filling in an in-ground pool and re-grading the backyard within 100' of BVWs and possibly Riverfront Area. The NOV required work to stop and that an after-the-fact application be submitted

by September 15, 2018. R. Hale recently visited the site and found the work continued and was completed without approval. The applicant failed to submit an application, but has advised R. Hale that they intend to submit one. R. Hale will follow up and update the Commission at the next meeting.

**Marion Street Rear – Map 5 Parcel 8**

Upon motion duly made and seconded, it was unanimously

VOTED: To withdraw the Enforcement Orders issued for Marion Street Rear – Map 5 Parcel 8 dated July 18, 2018 and September 5, 2018

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 57 Ashwood Avenue – Map R4 Parcel 123 – DEP File #344-1168**

Documents: Existing Conditions Plan, dated August 31, 2018  
Letter from Engineering & Surveying Services, dated September 25, 2018

S. Kelley-Parrella recused herself.

R. Hale advised that there was an approved wetland line under the original OOC and that several years later, the area was re-flagged because some of the flags fell down. The re-flagging shows the wetlands 3' closer because they were not re-hung in the approved locations, which brings the house 22' from the wetlands instead of the original approved 25' from the wetlands. All other conditions have been met. The Commission discussed which line should be shown on the plan and agreed to have the old line shown on the As-Built.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 57 Ashwood Avenue – Map R4 Parcel 123 – DEP File #344-1168 after the As-Built Plan is revised as requested

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 904 Main Street – Map 24 Parcel 33 – DEP File #344-1270**

Documents: Email from Kirkwood US, dated August 29, 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 904 Main Street – Map 24 Parcel 33 – DEP File #344-1270

**DISCUSSION**

**401 Andover Street, Spruce Farm** – As of September 20, 2018, the erosion control issue at 401 Andover Street, Spruce Farm continues to be problematic due to the recent heavy rains. The erosion controls are now correctly installed and parts of the

development were hydro-seeded this week which should help with some of the erosion control issues.

**Murray Hill Estates** – Installation of the erosion controls continues to be problematic. R. Hale has elevated the concerns to Department of Environmental Protection (DEP) and is waiting to hear back from DEP.

**Hunting in Town Forest** – A concerned citizen found three (3) hunting tree stands in Town Forest that had cameras and food for the animals. R. Hale contacted Chief Begonis, who assigned Chris Sullivan, the Animal Control Officer to assist. R. Hale, the concerned citizen, and Chris Sullivan, visited the sites to confirm what is there. C. Sullivan immediately removed the cameras and the feeders. C. Sullivan and the citizen will dismantle the hunting stands next week and bring them to DPW for disposal.

**Town Clean-Up Day** – Thirty (30) people helped out at Town Clean-Up Day this year. Take Junk donated t-shirts, helped with the clean-up, and collected the bags of trash. It was a successful day and R. Hale suggested holding a similar event around Earth Day.

J. Flynn suggested contacting Shawsheen Technical Vocational School for high school volunteers who are studying engineering.

**Potential Workshops** – R. Hale will offer workshops on specific topics, or review any topics/workshops from the MACC Conferences for the Conservation Commission members only.

#### **MINUTES – September 5, 2018**

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the minutes for the September 5, 2018 meeting with one (1) abstention

#### **MINUTES – September 19, 2018**

Upon motion duly made and seconded, it was unanimously

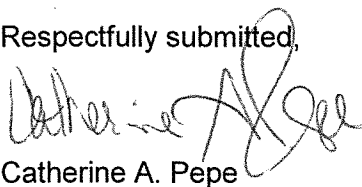
VOTED: To approve the minutes for the September 19, 2018 meeting with one (1) abstention

#### **ADJOURN**

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

VOTED: To adjourn the meeting at 8:23 pm.

Respectfully submitted,



Catherine A. Pepe  
Senior Clerk