



## 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

November 1, 2017

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

#### **PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY- 256 Woburn Street – Map 87 Parcel 13D**

Documents: Plan, Proposed Garage, revised October 2, 2017

Present in Interest: Kenneth Schuurman, owner

K. Shuurman presented the project of constructing an attached 19'x 32' two-car garage with a poured concrete foundation.

R. Hale stated that the addition is 73' from a jurisdictional intermittent stream and Bordering Vegetated Wetlands (BVWs) and the proposed addition will go on existing pavement and crushed stone in the location of the current driveway. He recommends silt fence for erosion control instead of straw wattles due to the pouring of concrete.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability (3) with the conditions to install erosion controls as depicted on the plans and requirement for silt fence for 256 Woburn Street – Map 87 Parcel 13D

#### **PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY- 4 Elwood Road – Map 8 Parcel 74C**

Documents: Board of Appeals Special Permit, dated September 13, 2017  
Roof Drain Infiltration System Plan, dated July 7, 2017  
Wilmington GIS Map, undated  
Plot Plan (revised by applicant), dated June 19, 2017  
Memorandum from Paul Alunni, Town Engineer, dated October 31, 2017

Present in Interest: Robert McDonald, owner  
Michael Welch, Quality Additions

M. Welch stated that the homeowner wishes to construct the project as identified in the submittal.

R. Hale elaborated that the project entailed removal an existing porch and construct a 20'x 20' addition with a poured concrete foundation and associated site work within the 100-foot buffer zone of BVWs. The addition will be built on an area that is existing lawn with the exception of the porch to be removed.

R. Hale reviewed the Town Engineer's comments asking that the plans be revised to show where the existing septic system is relative to the proposed addition and infiltration system. He stated that the infiltration system must be at least 25 feet from the absorption portion of the septic system and 10 feet from all other components. The plan must be revised to show these features and setbacks, and submitted prior to the work starting. In addition, R. Hale asked that the erosion controls be moved to reflect the changes in the revised site plan and that silt fence be used for erosion control.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability (3) with the conditions to install erosion controls as depicted on the plans, requirement for silt fence, and submittal of revised plans prior to construction for 4 Elwood Road – Map 8 Parcel 74C

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 156  
Lake Street – Map 35 Parcel 1A**

Documents: Wilmington GIS Map (revised by applicant), dated October 15, 2017  
Pictures, dated October 15, 2017

Present in Interest: Donald Ayer, owner

D. Ayer presented the project of removing three (3) dead trees in his yard and one (1) on an adjacent paper street. The trees are dead and/or dying, and leaning over his house and the neighbor's garage and driveway. The contractor will use a crane, buckets, and climbers, and put down mats to protect the existing plantings. Stumps will remain.

R. Hale confirmed that the trees do pose a threat to safety, and recommends that the stumps remain and that the homeowner use a 1:1 ratio for tree replacement per the Tree Removal Policy. D. Ayer would like to place trees along the canal in an area that currently doesn't have any trees. R. Hale stated he would need to approve the replacement species and location.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability (3) with the conditions of the stumps to remain, and approval of plan for tree replacement prior to commencement of work for 156 Lake Street – Map 35 Parcel 1A

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 81  
Aldrich Road – Map 20 Parcel 37**

Documents: Plot Plan (revised by applicant), dated September 7, 2017  
Pictures, undated  
Google Maps, undated

Present in Interest: Michael Welch, Quality Additions

M. Welch stated that the homeowner wishes to construct the project as identified in the submittal.

R. Hale elaborated that the project consist of the construction of a 10'x 12' three-season unheated mudroom addition located on the outer edge of the 100' buffer zone. The addition will be built on existing lawn and no disturbance to natural vegetation is proposed. The three (3) 12" sonatubes will be dug by hand.

There were no additional comments or questions from R. Hale or the Commission.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability (3) for 81 Aldrich Road  
– Map 20 Parcel 37

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 1  
Third Avenue – Map 11 Parcel 35**

Documents: Wilmington GIS Map (revised by applicant), undated

Present In Interest: Anthony Fiore, Owner

A. Fiore requested after the fact approval for removal of dead trees, brush, and leaves within the 100' buffer zone of BVWs to create a safe play area for his children. He stated he does not plan on conducting additional clearing. He also requested approval to trim trees that overhang an easement on adjacent parcels by about four (4) feet. He provided legal documentation showing that he has access rights to the easement.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability (3) for 1 Third Avenue –  
Map 11 Parcel 35

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 15  
Kelley Road – Map 51 Parcel 103**

Documents: Revised Replication Plan (revised by applicant), dated February 24, 2014  
Pictures, undated

Present in Interest: Zachary App, Greater Boston Tree Service

Z. App is proposing to remove one (1) dead tree and two (2) live pine trees in the 100' buffer zone of BVWs. The homeowner feels the live pine trees are a safety hazard. Z. App thinks the two (2) surrounding pine trees might also be damaged while removing the one (1) dead tree. The homeowner would also like the overhanging tree branches along the driveway and dead limbs from a tree on his neighbor's yard to be trimmed/pruned. He also asked about pruning additional dead limbs on a tree adjacent to the dead tree. All stumps will remain.

R. Hale stated that one (1) identified tree is dead and could pose a risk to safety, but the adjacent pine trees are alive and do not currently pose a risk. R. Hale said the Commission could make a condition on the Determination of Applicability to remove additional limbs on the adjacent dead tree based on another site visit. The proposed pruning along the driveway and backyard meet the Wetlands Protection Act exemption for pruning of landscaped areas, and the removal of dead limbs from the neighbor's tree appears to meet the minor activity status for vista pruning.

L. Finne questioned the demarcation line on the property as it appears that the parking area goes right up to the wetlands. R. Hale mentioned that area was the subject of a previous Enforcement Order, and said he thought the demarcation line may be present in other areas.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability (3) with the condition that the stump remain – 15 Kelley Road - Map 51 Parcel 103

**PUBLIC HEARING – NOTICE OF INTENT – 730 Main Street – Map 39 Parcels 8 & 8A – DEP File #344-1372**

Documents: Proposed Building Replacement Plans, dated October 18, 2017  
Memorandum from Paul Alunni, Town Engineer, dated October 31, 2017

Present in Interest: R. Cutts, Linden Engineering Partners, LLC  
Christopher Remick, DSM Resins

R. Cutts presented the project which consists of removing an existing prefabricated wood single story building and a connector link to the main building (2,833 square feet total) and replacing it with a new smaller prefabricated building and wood connector link (1,621 square feet total). The front building sits on piers. They will move an existing handicap ramp. No new paving or impervious surface is planned for this project. The land that will not have the new structures on it, will either be seeded with grass or have crushed stone on it. The area where the picnic tables are will also be seeded. Inlet protection will be put in each drain, ringed with hay bales, and silt socks will be placed around the perimeter of the project area. R. Cutts addressed P. Alunni's comments of placing hoods on the existing catch basins. One (1) only has 6" of sumping and cannot have a hood installed. The other one (1) has about 2.5' of sumping and can have a hood installed. The owners can use a small grass area for a test pit for infiltration (hopefully next week, before the Planning Board meeting on November 7, 2017) and the engineer and P. Alunni will be on site for this. The applicant filed a Notice of Intent to avoid any delay in case the Conservation Commission felt it is too much work for a Request for Determination of Applicability. Site plan review will be presented at the Planning Board meeting on November 7, 2017.

C. Remick stated that they are a chemical manufacturer and the new building is a clean area for the employee's safety.

R. Hale stated that the amount of water coming off the roof is negligible compared to the size of the nearby wetlands, and infiltrating the water rather than piping it directly to the

wetlands is not likely to have an adverse impact. He recommends continuing to December 5, 2017 after meeting with the Planning Board and addressing all of the Town Engineer's comments, and after the results of the test pit are confirmed.

R. Cutts asked if they could review a draft of the Order of Conditions before the December 5, 2017 Conservation Commission meeting and R. Hale said yes.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 730 Main Street – Map 39 Parcels 8 & 8A to December 6, 2017

**DISCUSSION – 401 Andover Street – Map R3 Parcels 8 & 10 – DEP File #344-1355**

Documents: Pictures, dated October 30, 2017

Present in Interest: Steven Wright, Spruce Farm LLC

S. Wright stated that there was significant large tree damage (complete trees – root system and all) during the recent wind and rain storm and that the downed trees were right on the limit of work and uplifted the erosion controls. He would like to cut the trees and clean up the area as he feels it is a safety issue. He prefers to take all 3 trees out, but will be ok with cutting them for now, removing the root wads, and dealing with the remainder in the spring. He prefers to do it in the next week while the tree removal sub-contractor is still working on the site. He will eventually replace the downed trees.

R. Hale agreed that cutting and removing the root wads is agreeable under the existing Order of Conditions as they are located right on the limit of work, but removing the remaining portions of the trees may require a Request for Determination or a Notice of Intent, unless considered an emergency. R. Hale agreed to meet at the site again and look at the trees again, now that brush is removed and hazards are visible. If necessary, he can issue an Emergency Certificate after the site visit.

**CONTINUED ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 45, 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading Avenue, Peabody Avenue, and Lynn Avenue – Map 10 Parcels 5, 5A, 6, 52A, 53, 51, 50, 49, 42, 41, 40, 39, 38, 37, & 36 – DEP File #344-1367**

Documents: Plan of Land 45 Hopkins Street, revised September 5, 2017  
Plan of Land Rear of No. 8 Sarafinas Way, revised September 5, 2017  
Letter from Norse Environmental, dated October 4, 2017  
E-mail from Norse Environmental, dated October 30, 2017

Steve Eriksen e-mailed a request to continue to allow time for the Commission to review the revised documents.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing on the Abbreviated Notice of Resource Area Delineation for 45, 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading Avenue, Peabody Avenue, and Lynn Avenue – Map 10

Parcels 5, 5A, 6, 52A, 53, 51, 50, 49, 42, 41, 40, 39, 38, 37, & 36 – DEP File #344-1367 to the December 6, 2017 meeting

**CERTIFICATE OF COMPLIANCE – 9 Factory Street – Map 27 Parcel 4A – DEP File #344-1279**

Documents: Letter from LJR Engineering, dated October 24, 2017  
As-Built Plan, revised October 17, 2017

Present in Interest: Luke Roy, LJR Engineering  
Jeremy Ray, owner

L. Roy reviewed the floodplain resource area concerns. The new home was constructed 81' from the wetlands and constructed as approved. A post and rail demarcation fence was installed, but part of it was removed and replaced with a vinyl fence and continued along the rear of the property. The new fence was installed differently from the approved plan, but is significantly away from the 15' no disturb area. The compost bin is in the correct place. The shed installed post construction has been added to the As-Built plan. The play area also installed post construction, has been removed from the yard. A patio was also installed post construction and has been added to the As-Built plan. L. Roy included calculations for all of the structures installed post construction, totaling 33.5 cubic feet of volume. The overall compensation exceeds the required volume and L. Roy feels that the Certificate of Compliance can be approved.

R. Hale disagreed that a Certificate of Compliance is appropriate as there is an outstanding violation of the Order of Conditions that needs to be reconciled first. There is also no provision of the Wetlands Protection Act that would allow for after-the-fact approval of unapproved floodplain impacts via a Certificate of Compliance, even if the performance standards are shown to be met. Floodplain impacts have to be approved through a Notice of Intent. The Conservation Commission takes the demarcation line very seriously and part of the fence is not in the approved location nor the approved material. The demarcation line is there to keep people out of the floodplain as well as the wetlands.

L. Roy asked if the calculations submitted can be used for the new Notice of Intent and R. Hale said yes.

Upon motion duly made and seconded, it was unanimously

VOTED: To deny the issuance of a Certificate of Compliance for 9 Factory Street – Map 27 Parcel 4A – DEP File #344-1279 and have the applicant apply for a Notice of Intent

**CERTIFICATE OF COMPLIANCE – Canal Street Right-of Way Culvert Repair – Map 30 & 31 Parcels 44, 45, & 13 – DEP File #344-1000**

Documents: Letter from Town of Wilmington, Department of Public Works, dated October 24, 2017  
Canal Street Culvert Replacement Project As-Built Culvert & Roadway Profile, dated September 2006

R. Hale stated that this project requires wetland mitigation, but there were no mitigation plans identified. R. Hale and the Engineering Division are looking into this.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Certificate of Compliance for the Canal Street Right-of-Way Culvert Repair – Map 30 & 31 Parcels 44, 45, & 13 – DEP File #344-1000

**CERTIFICATE OF COMPLIANCE - Woburn Street near 115 Andover Street Culvert Repair – Near Map R1 & 103 Parcels 3 & 10 – DEP File #344-1177**

Documents: Letter from Town of Wilmington, Department of Public Works, dated October 24, 2017  
Woburn Street Culvert Replacement Project As-Built Conditions Plan, dated June 2010  
Woburn Street Culvert Replacement Project Final As-Built Plan, dated July 2012  
Report from Mary Trudeau, Environmental Monitor, dated October 2, 2017

R. Hale stated that the wetland mitigation will not likely meet the success criteria and he is working with the Engineering Division to determine corrective actions. Also that Mary Trudeau's report needs some clarification in terms of metrics for success.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Certificate of Compliance for the Woburn Street near 115 Andover Street Culvert Repair – Near Map R1 & 103 Parcels 3 & 10 – DEP File #344-1177

**CERTIFICATE OF COMPLIANCE – Clark Street Culvert Replacement – Map 42 & 52 Parcels 36 & 44A – DEP File #344-1181**

Documents: Letter from Town of Wilmington, Department of Public Works, dated October 24, 2017  
Clark Street Culvert Replacement Project As-Built Plan, dated June 2012

R. Hale stated that the wetland mitigation will not likely meet the success criteria and he is working with the Engineering Division to determine corrective actions. Also that Mary Trudeau's report needs some clarification in terms of metrics for success.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Certificate of Compliance for the Clark Street Culvert Replacement – Map 42 & 52 Parcels 36 & 44A – DEP File #344-1181

**CERTIFICATE OF COMPLIANCE – Grove Avenue Right-of-Way Water Main – Map 34 & 35 Right-of-Way – DEP File #344-1194**

Documents: Letter from Town of Wilmington, Department of Public Works, dated October 24, 2017

Grove Avenue Water Main Improvement Project As-Built Plan, dated October 2012

R. Hale stated that the project is complete and meets all the requirements from the Order of Conditions.

VOTED: To issue the Certificate of Compliance for the Grove Avenue Right-of-Way Water Main – Map 34 & 35 Right-of-Way – DEP File #344-1194

**EMERGENCY CERTIFICATE – MBTA Shawsheen River, Grace Drive – Map 36 Parcel 160**

Documents: Letter from Integrated Wildlife Control, dated October 17, 2017

R. Hale stated that Keolis called about breaching a beaver dam on the upstream side of the MBTA bridge over the Shawsheen River on the Billerica line. R. Hale visited the site with Jamie Magaldi of the DPW and observed that the dam is significant. Keolis' contractor will breach the dam by hand to lower the water level in accordance with their approved protocol. An Emergency Certificate was issued on October 18, 2017 for breaching the beaver dam to keep the water away from the sewage pumping station. R. Hale reminded Integrated Wildlife Control to contact Billerica as the dam borders that town.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for the MBTA at Shawsheen River, Grace Drive – Map 36 Parcel 160

**EMERGENCY CERTIFICATE – 15 Clorinda Road – Map 53 Parcel 127A**

R. Hale stated that Northeast Tree, Inc. called seeking permission to remove three (3) downed trees that landed in the driveway, cul-de-sac, and on a car. All are within the 100-foot buffer of BVWs. Cranes will be used to lift the downed trees, but stumps will remain.

R. Hale met with Northeast Tree on site and approved the need for an Emergency Certificate for Northeast Tree to do the work. The Emergency Certificate was issued on October 30, 2017

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for 15 Clorinda Road – Map 53 Parcel 127A

**EMERGENCY CERTIFICATE – 11 Tacoma Drive – Parcel 68 Map 6**

R. Hale stated that Northeast Tree, Inc. called seeking permission to remove downed trees that are within the 100-foot buffer of BVWs. Cranes will be used to lift the downed trees, but stumps will remain.

R. Hale met with Northeast Tree on the site and approved the need for an Emergency

Certificate to do the work. The Emergency Certificate was issued on October 30, 2017.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for 11 Tacoma Drive – Map 68 Parcel 6

**ENFORCEMENT ORDER – 34 Mill Road – Map 3 Parcel 3E**

R. Hale stated that several complaints were made about drilling next to land owned by the Town of Wilmington. R. Hale made an immediate site visit and determined that the equipment was actually located on Town owned land and that a pump that was dewatering the irrigation well pit was pumping slurry near the wetlands on Town owned land. R. Hale, Al Spaulding, Building Inspector, and Shelley Newhouse, Health Inspector, visited the site and stopped the work. R. Hale then issued an Enforcement Order. The homeowner and contractor were advised to clean up the entire site, move the equipment and then they could proceed with finish digging the well and the related site work. The homeowner and contractor were advised that the damage to the Town owned land must be corrected – probably by seeding the area.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Enforcement Order for 34 Mill Road – Map 3 Parcel 3E

**LAND DONATION - Ballardvale Street Map 98 Parcel 8**

R. Hale stated that the land being donated abuts three (3) other Town owned parcels between Ballardvale Street and Interstate 93. The parcel consists of almost entirely wetlands and there is significant noise from adjacent Interstate 93, so it may not be appropriate for trails. The wetlands have relatively high vegetation community diversity given the size of the parcel and may provide benefits to wildlife. Since the wetlands are near high use roads, they will also be good for filtering pollutants.

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the donation of the land at Ballardvale Street Map 98 Parcel 8 for open space

**UPDATE:**

**Tennessee Gas Pipeline Vegetation Maintenance Schedule** - R. Hale stated that Tennessee Gas Pipeline will be doing Vegetation Maintenance from October, 2017 through March, 2018. R. Hale reminded Tennessee Gas that they are responsible for their sub-contractors actions and to guide them correctly. He also asked that they keep the Conservation Department updated on their schedule and progress of maintenance.

**DISCUSSION**

**Tree Removal Policy** – R. Hale stated that the language of the existing tree removal policy was ambiguous. The proposed changes are to clarify the policy, to adhere more to the Wetlands Protection Act, to make it easier for a homeowner to understand, and to make it easier for the Commission to enforce.

The Commission reviewed the revisions and made suggestions in a couple of areas. R. Hale noted the Commission's suggestions and will incorporate them into the Tree Removal Policy in time for the December 6, 2017 Conservation Commission Meeting.

**Demarcation Lines** – R. Hale reviewed the analysis he did on the various demarcation lines used in the Orders of Conditions. The Commission reviewed the suggested revisions and made suggestions in a couple of areas. R. Hale noted the Commission's suggestions and will incorporate them into the suggested demarcation line language section of the Order of Conditions in time for the December 6, 2017 Conservation Commission Meeting.

**2018 Conservation Commission Meeting Dates** – The Conservation Commission agreed to the proposed dates.

**MINUTES** – October 4, 2017

Upon motion duly made and seconded, it was unanimously

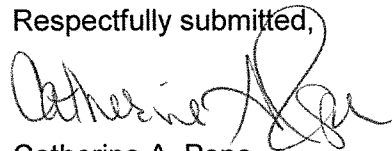
VOTED: To approve the minutes for October 4, 2017

**ADJOURN**

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

VOTED: To adjourn the meeting at 9:27 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