



TOWN of WILMINGTON
DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

November 6, 2019

Donald Pearson called the meeting to order at 7:02 p.m. Laurie Finne, Laura T. deWahl, and Alexander Rittershaus were present. Theron Bradley, Vincent Licciardi, and Michael McInnis were absent. Valerie Gingrich, Director of Planning & Conservation, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 23 School Street – Map 66 Parcel 46

Documents: Request for Determination of Applicability, received October 11, 2019
 “Proposed Subsurface Sewage Disposal System Repair”, dated September 3, 2019

Present in Interest: Greg Saab, ESS

G. Saab presented the proposed new septic system. The new system will be 60' from the wetlands. The proposed septic system will not change the grade very much and will be an improvement compared to what currently exists.

V. Gingrich advised that R. Hale agreed with the Bordering Vegetated Wetland (BVW) line.

L. deWahl asked if the new system could be placed in an alternative area. G. Saab advised that there is rock in the suggested alternative area.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 3 School Street – Map 66 Parcel 46

REQUEST FOR DETERMINATION OF APPLICABILITY – 139 Marion Street – Map 15 Parcel 14F

Documents: Request for Determination of Applicability, received October 17, 2019
 Wilmington Maps Online, dated October 11, 2019

Present in Interest: Frank DeSario, owner
 Matt DeSario

F. DeSario presented the proposed replacement of 100' of driveway and the addition of a 10' x 12' turn-around area to the driveway. In addition, the installation of a 2' wide x 200' long drainage trench consisting of crushed stone over perforated pipe, along the driveway that will drain into a dry well.

D. Pearson asked if the driveway replacement was due to deterioration. F. DeSario confirmed that it had deteriorated in that section due to water and that the new drainage trench should also improve the ice areas during the winter. V. Gingrich cautioned F. DeSario to make sure that the crushed stone area

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between his driveway and his neighbor's driveway does not encroach on the neighbor's property. F. DeSario advised that his neighbor has his property surveyed and the property boundary is marked.

L. deWahl recommended installing stone under some of the driveway that is being replaced.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 139 Marion Street – Map 15 Parcel 14F

REQUEST FOR DETERMINATION OF APPLICABILITY – 9 Eleanor Drive – Map 4 Parcel 9D

Documents: Request for Determination of Applicability, received October 22, 2019
Construction drawings, undated
Google Earth picture, undated
"As-Built" plan, dated July 25, 2001

Present in Interest: Heather & Brian Glazer, owners

H. Glazer presented the deck replacement using the existing footings and deck addition project. The three (3) new deck footings will be metal pole footings that have less ground disturbance.

V. Gingrich advised that the existing and proposed decks are on existing lawn and that the proposed project meets the 125' no disturb and 25' no build setbacks.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 9 Eleanor - Drive Map 4 Parcel 9D

REQUEST FOR DETERMINATION OF APPLICABILITY – 5 Rhode Island Road – Map 35 Parcel 69C

Documents: Request for Determination of Applicability, received October 23, 2019
"Plan" as modified by applicant, undated, received October 23, 2019

Present in Interest: Brian & Melanie O'Rourke, owners

M. O'Rourke presented the proposed installation of a solid fence that will go from both sides of the house to the rear of the yard and join with a proposed chain link fence that will go along the rear of the yard. The chain link fence will be installed in back of the shed and in front of the demarcation boulders.

V. Gingrich noted that R. Hale suggested offsetting the fence from the side lot lines in the event the neighbors ever want to install fences. L. Finne and L. deWahl suggested that the paper streets in the area will allow sufficient wildlife passage.

M. O'Rourke advised that they are flexible on the type of fencing material, except for the part of the yard that faces the street where they would like to install a vinyl fence for aesthetics.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 5 Rhode Island Road – Map 35 Parcel 69C

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

Documents: Response to Engineering Division Comments letter, dated October 22, 2019
Response to Conservation Agent Comments letter, dated October 22, 2019
Stormwater Report, dated October 18, 2019
“Site Plan for Redevelopment of 613 Main Street”, dated October 18, 2019
Memorandum from Paul Alunni, Engineering Division, dated November 6, 2019

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

B. McCarthy presented the plan revisions that were made in response to the Engineering Division and the Conservation office’s comments. One of the Engineering Division’s comments was that the applicant video the interior of the existing drainage pipes. After discussions with the Engineering Division, it was agreed that the videos could be taken during construction as heavy vegetation prevents that from being done right now. Any issues with the drainage pipes will be addressed during construction. R. Hale’s comments of extending the erosion controls between the work and the resource areas and relocating some storage areas have been addressed. Wetland signage along the demarcation line was also added to the plans. Notes saying that calcium based materials be used for de-icing and that no herbicides or pesticides be used near stormwater treatment basins were added to the Operations and Maintenance Plan.

V. Gingrich advised that the wetland concerns have been addressed but that some planning concerns still need to be resolved. V. Gingrich recommended drafting an Order of Conditions to be reviewed at the next Conservation Commission meeting.

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 December 4, 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: Response to R. Hale, Conservation Agent’s comments, dated October 21, 2019
“Cover Plan Highland Estates”, plan set, 16 pages, dated October 18, 2019
Memorandum from Paul Alunni, Engineering Division, dated November 6, 2019

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

M. Herald reviewed the proposed drainage and roadway project for a future development. The plans have been revised per R. Hale and the Engineering Division’s earlier comments.

V. Gingrich advised that most of the comments have been addressed. The Town's engineer has asked to meet with the applicant's engineer to discuss the intersection where the new roadway will meet Hopkins Street. There may be additional changes to that intersection which is in the buffer zone. Another concern is the potential installation of a septic line through the isolated wetlands/potential vernal pool on Lot 10. Temporary disturbance is proposed in that area as well as potential changes to some of the proposed septic systems.

M. Herald asked if all of the Town's concerns are addressed, would a draft Order of Conditions be available for the next Conservation Commission meeting. V. Gingrich thought that would be possible.

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 December 4, 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
Letter from EA Engineering requesting to continue to the January 8, 2020 Conservation Commission meeting, dated October 17, 2019

D. Pearson advised that the applicant has requested to continue the public hearing for 910 Salem Street until the January 8, 2020 Conservation Commission meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing from 910 Salem Street & Andover Street – Map R1 Parcels 28 & 30 – DEP File #34401437 to the January 8, 2020 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 from Williams & Sparages requesting to continue to the December 4, 2019 Conservation Commission meeting, dated October 24, 2019

D. Pearson advised that the applicant has requested to continue the public hearing for 635 Main Street until the December 4, 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 December 4, 2019 Conservation Commission meeting

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

Documents: Email from LJR Engineering requesting to continue to the December 4, 2019 Conservation Commission meeting, dated October 30, 2019

D. Pearson advised that the applicant has requested to continue the public hearing for 900 Main Street until the December 4, 2019 Conservation Commission 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 December 4, 2019 Conservation Commission meeting

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

Documents: Email from LJR Engineering requesting to continue to the December 4, 2019 Conservation Commission meeting dated October 30, 2019

D. Pearson advised that the applicant has requested to continue the public hearing for 140 Lowell Street until the December 4, 2019 Conservation Commission meeting.

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 December 4, 2019 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. requesting to continue to the December 4, 2019 Conservation Commission meeting, dated October 30, 2019

D. Pearson advised that the applicant has requested to continue the public hearing for 12 Shawsheen Avenue to the December 4, 2019 Conservation Commission meeting.

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 December 4, 2019 Conservation Commission meeting

PUBLIC HEARING - NOTICE OF INTENT – 397 Shawsheen Avenue – Map 35 Parcel 24 – DEP File #344-1447

Documents: Notice of Intent, received October 11, 2019

"Subsurface Sewage Disposal System Design Plan", dated November 6, 2019

Present in Interest: G. Saab, ESS
 Colleen & Dion DeJesus, 3D Builders LLC

G. Saab presented the proposed removal of the existing single dwelling and construction of a new single family dwelling within the 100' buffer zone. The new project will reduce the impervious area by 1300 square feet and will place the new dwelling 55' further from the wetlands than the existing dwelling. The new driveway will be about 24' from the wetlands (also further from the wetland than the existing driveway), with the demarcation line installed 25' from the wetlands. The plan was revised to show the wetlands and drainage pipe across the street, as requested by R. Hale.

V. Gingrich advised that the wetland boundary appears accurate as well as the location of the pipe and the 100' setback. L. deWahl asked if any drainage to slow the runoff would go along the driveway. G. Saab advised just grass is planned as the impervious area will be reduced.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 397 Shawsheen Avenue – Map 35 Parcel 24 – DEP File #344-1447

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 397 Shawsheen Avenue – Map 35 Parcel 24 – DEP File #344-1447

PUBLIC HEARING - NOTICE OF INTENT – 287 Chestnut Street – Map 2 Parcel 21 – DEP File #344-1448

Documents: Notice of Intent, received October 21, 2019
 "Proposed Subsurface Septic Disposal System" plan, dated September 30, 2019
 Memorandum from Paul Alunni, Engineering Division, dated November 6, 2019

Present in Interest: Luke Roy, LJR Engineering, Inc.
 Tim & Charles Rooney, Chestnut Street Builders, LLC

L. Roy presented the proposed construction of a single family dwelling, septic system, & associated site work within the 100' buffer zone and the Groundwater Protection District. The wetland resource area is along the intersection of Hillside Way and Chestnut Street. A portion of the house will be 59' from the wetlands and portion of the septic system will be about 72' from the wetlands. Grading will taper down and not go any closer than 15' to the wetlands and the demarcation line will go along limit of work, meeting the 15' setback.

V. Gingrich asked what the impervious percentage is. L. Roy stated that it is about 8.8% of the lot area and that it is noted on the plan. V. Gingrich asked how far the roof infiltrator is from the Bordering Vegetated Wetlands. L. Roy advised about 40' from the wetlands. V. Gingrich asked if it could be moved to 50' from the wetlands. L. Roy thought there might be room. The Engineering Division mentioned removing the fence within the Hillside Way right-of-way and to use the appropriate erosion controls. V. Gingrich added the suggested plan revisions to the Order of Conditions. L. Roy agreed with the changes to the draft Order of Conditions.

L. de Wahl noted that part of the fence goes through the wetlands. C. Rooney advised that they would like to remove the entire fence. V. Gingrich suggested removing the fence by hand and V. Gingrich asked that a note be placed on the revised plan noting that the fence be removed by hand.

Upon motion duly made and seconded, it was unanimously,

VOTED: To close the Public Hearing for 287 Chestnut Street – Map 2 Parcel 21 – DEP File #344-1448

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 287 Chestnut Street – Map 2 Parcel 21 – DEP File #344-1448 with the requested changes to the infiltration system and the removal of the fence added to the Special Conditions

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

Documents: Revised plan letter, dated October 23, 2019
“Plan to Accompany Abbreviated Notice of Resource Area Delineation”, dated October 22, 2019
Delineation Field Data, dated April 28, 2019
Email from Norse Environmental Services, Inc. requesting to continue to the December 4, 2019 Conservation Commission meeting, dated November 6, 2019

D. Pearson advised that the applicant has requested to continue the public hearing for 26 Douglas Avenue to the December 4, 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 December 4, 2019 Conservation Commission meeting

EXTENSION PERMIT FOR ORDERS OF CONDITIONS – 900 Salem Street – Map R1 Parcels 28 & 30 – DEP File #344-1326

Documents: Letter from EA Engineering, Science, and Technology, Inc, dated October 21, 2019

D. Pearson advised that the applicant has requested to extend the Orders of Conditions for 900 Salem Street, DEP File #344-1326 until December 31, 2021.

V. Gingrich advised that the applicant has several projects on this property. One of the proposed projects requires additional design work that may result in an amendment to this Order of Conditions.

The commission members agreed to extend this Order of Conditions through December 13, 2020 and the applicant can apply for another extension if it is needed.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the Orders of Conditions for 900 Salem Street – Map R1 Parcels 28 & 30 – DEP File #344-1326 until December 31, 2020

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

Documents: Response to Conservation comments letter, dated October 31, 2019

Present in Interest: Michael Newhouse, Attorney
Paul Marchionda, Marchionda Associates

M. Newhouse advised that the applicant's engineer provided a letter and addressed the Conservation Agent's concerns.

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 #344-273

REQUEST FOR CERTIFICATE OF COMPLIANCE – 25 Lake Street – Map 55 Parcel 227B – DEP File #344-1052

Documents: Request for Certificate of Compliance, received October 22, 2019
"As-Built Plan", dated August 7, 2007

V. Gingrich advised that the R. Hale's site visit confirmed that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 25 Lake Street – Map 55 Parcel 227A – DEP #344-1052

REQUEST FOR CERTIFICATE OF COMPLIANCE – 1 Jewel Drive – Map 24 Parcels 31B, 32, 205 & 210 – DEP File #344-140

Documents: Letter from William Yetman, Waypoint Real Estate Development, Inc., dated October 29, 2019
Letter from Eugene T. Sullivan Inc., dated October 30, 2019

V. Gingrich advised that the R. Hale's site visit confirmed that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 25 Lake Street – Map 55 Parcel 227A – DEP File #344-140

REQUEST FOR CERTIFICATE OF COMPLIANCE – 430 Andover Street – Map R3 Parcel 24 – DEP File #344-1438

Documents: Request for Certificate of Compliance, received October 29, 2019
Pictures, received October 22, 2019

Present in Interest: Shaun Bradford, applicant

Jeff Bradford, parent

S. Bradford advised that the boardwalk project connecting the northern and southern portions of Town Forest was his Eagle Scout project. Several Scouts helped, completing the boardwalk in about twelve hours to construct. V. Gingrich advised that R. Hale's site visit confirmed that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 430 Andover Street – Map R3 Parcel 24 – DEP File #344-1438

REQUEST FOR CERTIFICATE OF COMPLIANCE – 27 Buckingham Street – Map 10 Parcel 14 – DEP File #344-452

Documents: Request for Partial Certificate of Compliance, received October 30, 2019
Certificate of Compliance Plan, page 2 of 2, dated September 3, 1997

V. Gingrich advised that the remaining outstanding condition, construction of a demarcation fence, is complete. All other conditions have been met as well.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Partial Certificate of Compliance for 27 Buckingham Street – Map 10 Parcel 14 – DEP File #344-452

ADMINISTRATIVE APPROVAL

25 Marjorie Road – Map 70 Parcel 64 – V. Gingrich advised that this is the first administrative approval under the new Tree and Vegetation Removal Policy. A deteriorated tree on the property met all the criteria for administrative approval of its removal.

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATE

18 Biggar Avenue – Map 82 Parcel 29 – V. Gingrich reviewed the project to remove a pool/cabana building in riverfront and build a garage on the property. The homeowner has not been able to begin the work, but is planning to do so in the spring.

0 North Washington Avenue – Map 53 Parcel 114 – V. Gingrich advised that this violation was issued because trees were removed from Town owned land without the proper paperwork. The first restoration report was submitted and the vegetation appears to be doing well. The next vegetation report will be submitted next fall.

10 Boutwell Street – Map 18 Parcel 1F –

Present in Interest: Gene Ungvarsky, homeowner

V. Gingrich advised that G. Ungvarsky, removed trees from his property, his neighbor's property, and Town property without proper approval. A Notice of Violation was issued advising Mr. Ungvarsky that he would have to file an after-the-fact application. In a previous meeting, G. Ungvarsky asked that the entire affected area be treated as wetlands and that he be allowed to submit a sketch instead of delineating the wetlands, and the Commission agreed. G. Ungvarsky advised that he has removed all the debris from the two (2) swales. He has a draft Notice of Intent application that will be submitted in time for the

December 4, 2019 Conservation Commission meeting. He will plant the correct number of trees per the Tree and Vegetation Removal Policy and has already planted some trees.

The Commission agreed to G. Ungvarsky submitting a Notice of Intent by November 13, 2019 in time for the December 4, 2019 Conservation Commission meeting. V. Gingrich asked that a sketch showing where the proposed trees will be planted be included in the Notice of Intent.

41 & 43 Jacquith Road – Map 20 Parcels 25 & 25A –

Present in Interest Michael Newhouse, Attorney

V. Gingrich advised that a report was submitted by Norse Environmental Services, Inc. advising that purple loosestrife is dominant in the restoration area. The report proposes the use of a beetle as an option to remove the purple loosestrife instead of hand pulling it. R. Hale researched the use of the beetle and it appears to be a good option, though it may not remove all the purple loosestrife. V. Gingrich advised that the Commission can ask that another restoration report be submitted next year after the beetle has been used and the applicant can determine what vegetation is there.

M. Newhouse advised that a partial Certificate of Compliance has been issued for 43 Jacquith Road and that the owners of 41 Jacquith Road are anxious to comply with the Notice of Violation and apply for a Certificate of Compliance.

D. Pearson asked that the replication report give specific details identifying the species and percentage of each species in the spring. L. deWahl advised that additional hand pulling may be required.

DISCUSSION

2020 Conservation Commission Meeting Schedule – The Commission would like to have monthly meetings for 2020 and to hold the July meeting on July 1, 2020.

27 Boutwell Street – Map 18 Parcel 9 – DEP File #344-1369 – The wetland restoration area looks good and appears to make the 75% native vegetation requirement after two (2) years.

58 Chestnut Street – Map 29 Parcel 19C – DEP File #344-1391 –

Present in Interest: Brent & Marife Marks

V. Gingrich advised that R. Hale confirmed that the restoration looks good and that the homeowner is requesting to put the post and rail demarcation fence at the top of the restored area. B. Marks stated that he would like to put the demarcation fence about 2' from the top of the slope on the side of the yard closest to the house, instead of at the 15' line as it takes away too much of their yard. D. Pearson advised B. Marks that he needs to request an amendment to the Order of Conditions to change the placement of the fence to within the no-disturb 15' setback.

219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393 – V. Gingrich advised that R. Hale reviewed the restoration area and it looks good. Another restoration report will follow next fall.

MINUTES – September 4, 2019 -

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

Minutes – October 2, 2019

The October 2, 2019 minutes could not be voted on due to lack of quorum from that meeting.

NEXT MEETING – December 4, 2019

ADJOURN

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

VOTED: To adjourn the meeting at 9:03 pm.

Respectfully submitted,

Catherine A. Pepe
Senior Clerk

