



## **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 7, 2018

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

#### **PUBLIC MEETING - REQUEST FOR DETERMINATION OF APPLICABILITY**

##### **18 Lawrence Street – Map 66 Parcel 70**

Documents: Letter from Janice S. Rodenhiser, dated September 19, 2018  
Pictures, dated March 8, 2018 and September 1, 2018

Present in Interest: Jonathan Eaton, homeowner

J. Eaton presented the request to cut down an 18" maple tree in the 100-foot buffer zone that had a large limb fall during a wind storm that damaged his deck. The interior of the fallen limb and the interior of the remaining tree is decayed. J. Eaton would like to cut down the remainder of the tree, remove the stump and replace the tree with something recommended by the Conservation Commission.

R. Hale confirmed the status of the tree and suggested planting another maple tree or a willow tree as a willow tree will absorb more water.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for  
18 Lawrence Street, Map 66 Parcel 70 with the added condition for tree  
replacement according to the Tree and Vegetation Removal Policy by  
May 31, 2019

##### **40 Ballardvale Street – Map 98 Parcel 4**

Documents: Stump Diameter & Location Plan, modified by applicant October 22, 2018

Present in Interest: Robert Beatty, Avalon Oaks

R. Beatty presented the after the fact Request for Determination of Applicability to replace the six (6) trees that were removed in Bordering Vegetated Wetlands and Riverfront Area without the Conservation Commission's permission. They will plant trees based on the Tree and Vegetation Removal Policy or whatever the Conservation Commission recommends.

R. Hale advised that the area is very dense and is not sure if tree replacement per the Tree and Vegetation Removal Policy is feasible, and suggested mixing the trees with shrubs, possibly six (6) trees and six (6) shrubs rather than nine (9) trees per the Policy.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (2) Determination of Applicability for 40 Ballardvale Street – Map 98 Parcel 4 with the added condition for tree/shrub replacement per R. Hale's suggestion and the Tree and Vegetation Removal Policy by May 31, 2019.

**25 Boutwell Street – Map 18 Parcel 9B**

Documents: Site Plan, dated September 15, 2017  
Fence Plan, undated

Present in Interest: Jacob & Melissa Gearwar, homeowners

S. Kelley-Parrella recused herself from this agenda item.

J. Gearwar presented the proposed fence around the back yard in the 100-foot buffer zone. He would like the fence to go to the ground (not 6" above the ground to allow for wildlife passage) to protect his small children and small dog.

R. Hale advised that all setbacks were met when the house was built, that the demarcation fence was installed along the 15-foot setback, and there is room for wildlife to pass around the proposed fence between the Bordering Vegetated Wetland and the demarcation fence.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 25 Boutwell Street – Map 18 Parcel 9B with the added condition that erosion controls be installed and maintained according to the manufacturer's specifications

**15 Belmont Avenue – Map 41 Parcel 23**

Documents: Certificate of Compliance Plan, dated December 3, 2014  
Construction Plans, dated December 17, 2009  
Pictures, undated

Present in Interest: William Liston, homeowner

W. Liston presented the proposed project to build a 2-story addition, consisting of a garage with a room above, on an existing foundation in the 100-foot buffer zone. The addition was previously approved and the foundation was poured when the house was built, but the addition was never constructed. W. Liston would now like to build the 2-story addition on that existing foundation.

R. Hale advised that the roof run off from the addition will go into the existing drywells.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 15 Belmont Avenue – Map 41 Parcel 23 with the added condition that erosion controls be installed and maintained according to the manufacturer's specifications

**7 Edwards Road – Map 8 Parcel 18**

Documents: Subsurface Sewage Disposal Plan, dated October 19, 2018  
Letter from Doug Lees, Land Engineering & Environmental Services, Inc., dated November 5, 2018  
RDA Sketch Plan, dated November 5, 2018  
Memorandum from William Holt, Town of Wilmington Engineering Division, dated November 5, 2018

Present in Interest: Steven Eriksen, Norse Environmental Services, Inc.  
Jonathan Langone, 74 Alexander Road, LLC

S. Eriksen presented the proposed removal of an in-ground pool and the repair of the septic system which will be in the area where the in-ground pool is.

R. Hale stated that a revised plan was submitted by Doug Lees clarifying removal of the entire in-ground pool is included in the proposed work. A septic plan has not been submitted or approved by the Board of Health.

J. Flynn suggested adding a condition that Board of Health approval be obtained before the work can commence.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 7 Edwards Road – Map 8 Parcel 18 with the added conditions that erosion controls be installed and maintained according to the manufacturer's specifications and that the septic system be approved by the Board of Health

**20 Middlesex Avenue – Map 42 Parcel 33B**

Documents: Oil Tank Removal Plan, dated October 19, 2018

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

S. Eriksen presented the proposed removal of an oil tank that is inside a building and re-locate it to an area outside another building, and removal of an in-ground oil line in the parking lot. The ground and pavement will require excavation to remove the existing oil line.

R. Hale asked if the new oil tank will have secondary containment. S. Eriksen was not aware of secondary containment and advised that the Fire Department and the Board of Health will oversee the removal of the old tank and the Fire Department will oversee the installation of the new tank.

S. Kelley-Parella asked the size of the existing tank and the new tank. E. Eriksen said the existing tank is 500 gallons and the new tank will be 250 gallons. T. Bradley asked to see secondary containment on the new tank. T. Bradley would like the new tank to have secondary containment. V. Licciardi asked who will be responsible if there is a leak in the existing tank. S. Eriksen advised that DEP would get involved if there was a leak. R. Hale asked that the Conservation Department also be notified if there is an oil leak. M. McInnis asked if an oil line will be put back into the garage for heat and S. Eriksen said no.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 20 Middlesex Avenue – Map 42 Parcel 33B with the added conditions that erosion controls be installed and maintained per manufacturer's specifications and that the Conservation Department be notified if there is a leak

#### **401 Woburn Street – Map 77 Parcel 4**

Documents: Site Plan, modified by applicant October 22, 2018

Present in Interest: Shawn Fahey

S. Fahey presented the after the fact application to fill in the area where an in-ground pool was and remove any hazardous debris, but not change the grade of the yard.

R. Hale asked if the exposed soil have been seeded. S. Fahey confirmed that the area was seeded last week. R. Hale suggested that erosion controls be re- installed if the grass does not start to grow in the next week or so.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 401 Woburn Street – Map 77 Parcel 4 with the added condition that erosion controls be installed and maintained according to the manufacturer's specifications

#### **PUBLIC HEARING – NOTICE OF INTENT – 377 Ballardvale Street – Map R3 Parcel 50B – DEP File #344-1418**

Documents: North Access Drive Plan, revised October 15, 2018  
Memorandum from William Holt, Town Engineering Division, dated November 2, 2018  
North Access Drive Plan, dated July 6, 2017, revised November 7, 2018  
Stormwater Management Operation and Maintenance Plan, revised November 7, 2018

Present in Interest: Drew Garvin, Meridian Associates

D. Garvin presented the proposed after the fact project to re-pave an access (north) driveway and a portion of a parking lot adjacent to 375 Ballardvale Street. D. Garvin distributed revised plans that addressed comments from the Department of Public Works - labeled the catch basins by number, neaten up the line outlining the pavement area in red, and neaten up the line to what is currently out there. The wetland is an existing detention pond that borders Ballardvale Street and services all the Ballardvale Street drainage. The remaining comments were directed to the Stormwater Operations and Maintenance Plan and corrected some items that were mis-labeled or not labeled correctly. D. Garvin advised that snow storage will be on the north side of the driveway as far away from the wetlands as possible and that no rock salt be used in the 100-foot buffer and that no-salt signs be installed on the outer limits of the buffer. D. Garvin clarified that only slow release fertilizers that meet DEP standards be used.

R. Hale suggested that the Engineering Division approve the revisions and he will note that in the Order of Conditions. R. Hale advised that the snow storage area is a concern and asked that the owners advise the snow removal contractor to store the snow on the north side of the property, to not push snow into the wetlands, and to email the Conservation Department confirming that the owner has made the contractor aware of the snow plowing and removal concerns. J. Flynn suggested placing signs about snow removal around the property and that a note be placed on the plans advising that this approval was for the area noted in red.

D. Pearson asked how the no-salt vs areas where salt is allowed are identified. D. Garvin suggested putting up signs on the entire area stating no salt. M. McInnis asked about the new regulations regarding testing prior to the use of fertilizer. R. Hale advised that DEP standards must be met.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 377 Ballardvale Street – Map R3 Parcel 50B – DEP File #344-1418

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 377 Ballardvale Street – Map R3 Parcel 50B – DEP File #344-1418

**PUBLIC HEARING – NOTICE OF INTENT – 7 Edwards Road – Map 8 Parcel 18 & Sherwood Road – DEP File #344-1419**

Documents: Subsurface Sewage Disposal Plan, revised October 19, 2018  
Sherwood Road Improvement Plan (2 pages), revised October 19, 2018  
Letter from Ryan Hale, Notice of Intent Comments, dated October 29, 2018  
Memorandum from William Holt, Town of Wilmington Engineering Division, dated November 5, 2018  
Letter from Land Engineering & Environmental Services, Inc., dated November 5, 2018

Present in Interest: Steve Eriksen, Norse Environmental Services, Inc.  
Jonathan Langone, 74 Alexander Road, LLC

S. Eriksen presented the project to replace a clay drainage pipe with a reinforced concrete pipe which will effect a small wetlands area, construct a new home, septic system, and improve an existing road in the 100-foot buffer zone. S. Eriksen distributed Land Engineering & Environmental Services, Inc., responses to W. Holt's, Engineering Division comments on the Notice of Intent memorandum, dated November 5, 2018 and read each of Doug Lees responses.

R. Hale suggested shrubs typically found in Wilmington should be planted instead of rhododendron such as highbush blueberry. S. Eriksen suggested that rhododendron bushes be planted because they grow faster than blueberry bushes. The septic plan cannot be submitted to the Board of Health until an address has been given to the new house. R. Hale advised that the Order of Conditions cannot be issued until a septic plan has been submitted to the Board of Health. It has to be at least submitted before an Order of Conditions can be approved. R. Hale read Engineering Division's comments as stated in the memo dated, November 5, 2018 and advised that all of the items need to be addressed and approved by the Engineering Division before an Order of Conditions can be issued.

J. Langone advised that one of the Engineering Division's comments stated that the plan revisions could be made subsequent to the close of this hearing and conditioning the items in the Order of Conditions. R. Hale advised that there were too many questions to condition all of them.

D. Pearson voiced concern on the proximity of the limit of work to the wetlands and cautioned that the house cannot get any closer as it is about 25' away from the wetlands at its closest point.

Upon motion duly made and seconded, it was unanimously

VOTE: To continue the Public Hearing for 7 Edwards Road – Map 8 Parcel 18 & Sherwood Road – DEP File #344-1419 to the December 5, 2018 Conservation Commission Meeting

**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

Request to Continue Letter, dated November 1, 2018

Attorney Michael Newhouse submitted a letter requesting to continue to the December 5, 2018 Conservation Commission Meeting.

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 December 5, 2018 Conservation Commission Meeting

### **ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATES**

#### **30 Kilmarnock Street – Map 74 Parcel 6 –**

Matt Giangregorio, owner, advised that they brought in fill to try to stop water from adjacent wetlands from going into a pre-existing shed on the property. Also to fill in the area where propane tanks were removed. Three (3) propane tanks were partially under water and the propane company required that they be moved in order to fill them. They were moved to an area approved by the Reading Fire Department next to the existing shed. If the water continues to rise, the propane tanks may have to be moved again. M. Giangregorio hopes to move another shed away from the wetlands to a fence along the Department of Transportation (DOT) right-of-way. M. Giangregorio distributed a set of pictures showing where the different structures and wet areas are.

V. Licciardi asked how many yards of fill were brought in. M. Giangregorio advised an area was filled that is about 5'x80' and offered to get a firm number if needed. S. Kelley-Parrella asked if M. Giangregorio wants to move one of the sheds. R. Hale advised that this property has several concerns: bordering vegetated wetlands were filled in and it's in the 100-year floodplain and riverfront. M. Giangregorio advised that none of this was told to him prior to purchasing the property at auction.

R. Hale suggested that the Conservation Commission visit the site. R. Hale suggested one option is for the fill to be removed down to the native soil and the area planted, or have a wetland specialist come in and determine the actual wetland line which is questionable because it has been filled in. The Commission could also allow the homeowner to apply for an after-the-fact permit to leave some or all of the fill if the Wetlands Protection Act standards can be met. If more than 5000 square feet of wetland was filled, the Conservation Commission cannot permit the work. M. Giangregorio advised that no grading was done other than with the fill.

J. Flynn asked the depth of the fill. M. Giangregorio advised about 2 feet. S. Kelley-Parrella asked the size of the shed. M. Giangregorio thought about 8'x 10'. The shed M. Giangregorio built is 6'x8'. R. Hale reminded the Commission that wetland fill and floodplain fill need to be compensated for.

D. Pearson asked if anything can be done without delineating the floodplain. R. Hale advised that M. Giangregorio can remove the fill down to native soil and then re-plant the wetlands with two (2) years of monitoring. The owner would have to hire a wetland specialist to inventory the plants and assess the coverage (at least 75% with wetland species), and monitor the growth for two (2) years.

R. Hale will schedule site visits with the Conservation Commission members so they can better advise M. Giangregorio when he comes back before the Conservation Commission at the December 5, 2018 meeting.

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 37 Arlene Avenue – Map A90  
Parcel 13 – DEP File #344-1376**

R. Hale advised that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTE: To issue the Certificate of Compliance for 37 Arlene Avenue – Map A90  
Parcel 13 – DEP File #344-1376

**DISCUSSION**

**492 Shawsheen Avenue – Map 23 Parcel 7E**

J. Rice, homeowner, purchased the property in 2002 and would like to close out the Order of Conditions, but the demarcation fence that was installed was installed too close to the wetland in some areas. The fence is in need of repair and J. Rice would like to replace at least the parts that are in need of repair (about 75% of the fence) and make sure it is installed in the correct place.

R. Hale advised that the Request for Certificate was submitted in 2002. The As-Built that was submitted with the request, showed that some parts of the fence were within the 15' setback of the wetlands and some of it is over 20' from the wetland. At that time, the builder asked for an insignificant change because the fence was installed too close to the wetland in some areas. The Conservation Commission denied the request as it was a significant change, and tabled the Request for Certificate of Compliance. To compound this, the original as-built plan is hand drawn and the engineer that drew the plan has since passed away. The plan would now have to be digitized and they have not been able to find a surveyor who will digitize someone else's work. R. Hale asked if the applicant is willing to replace the entire fence and J. Rice agreed to that if it was necessary.

R. Hale suggested two (2) options: pulling a measurement off the house using the as-built plan to determine the correct location for the fence, or overturn the previous significant change decision, approve the Request for Certificate of Compliance as is, and replace the fence in the same location. Measuring from the house is the easiest measurement as the area is lawn and not heavily vegetated. All Conservation Commission members agreed that measuring from the house is acceptable.

R. Hale advised that a new Request for Certificate of Compliance does not have to be submitted as the original Request for Certificate of Compliance is in the file.

**2019 Conservation Commission Meeting Dates**

The proposed meeting dates – January 2, 2019 and July 10, 2019 are the preferred meeting dates for the January 2019 and July 2019 meeting dates. All the other meeting dates are acceptable.

**MACC Buffer Zone Training** – R. Hale reminded the Commission that the training is free and only 2.5 hours long.



M. McInnis asked if there is a way to let all new homeowners know about wetlands and the guidelines and restrictions. J. Flynn suggested contacting the DPW Water Department and ask if we can put a notice in with the water bills. R. Hale advised that it is something he plans to work on possibly in the winter, when it might be a bit slower.

M. McInnis also asked about homeowners adhering to the fertilizer guidelines. R. Hale advised that he will see about adding some of the new guidelines to the revised Special Conditions he is working on.

**Julie Flynn's Last Meeting** – S. Kelley-Parrella announced that this will be Julie Flynn's last meeting and acknowledged Julie's eight (8) years as a Conservation Commission Member including three (3) years as Chairperson. Her support and vast knowledge is sincerely appreciated and will be missed.

#### **MINUTES – October 3, 2018**

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the minutes for the October 3, 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 8:55 pm.

Respectfully submitted,



Catherine A. Pepe  
Senior Clerk

