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TOWN OF WILMINGTON, MA

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DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

December 2, 2020

Donald Pearson called the meeting to order at 7:04 pm after stating the following:

"Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place. This meeting of the Wilmington Conservation Commission is being conducted via remote participation. **No in-person attendance of members of the public will be permitted,** but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to participate in the meeting via Zoom can do so by clicking on this link:

<https://us02web.zoom.us/j/84260257776?pwd=ckVCT0MvQUdSKzk1RmU3NGxoZjIHZz09>. Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 842-6025-7776 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by following the steps previously noted then press *9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. All callers using this feature will be placed in queue in the order they entered the prompt. In the event that despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able."

The following members attended: Donald Pearson, Theron Bradley, Vincent Licciardi, Alexander Rittershaus, Laura deWahl, and Thomas Ollila. Michael McInnis joined the meeting at 7:32 pm. Valerie Gingrich, Director of Planning and Conservation, Cameron Lynch, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 470 Woburn Street – Map 70 Parcel 1

Documents: Request for Determination of Applicability application, received October 26, 2020
Project Locus Town of Wilmington Map, undated
"Photo Location Plan", 5 pages, dated February 2020
"Proposed River Access Improvements Plan", dated February 2020

Present in Interest: Wayne Castonguay, Ipswich River Watershed Association

W. Castonguay reviewed the proposed project to renovate the existing canoe landing on Woburn Street, clear the existing access trail to it, and install an informational kiosk near the Woburn Street sidewalk. The applicant requested a waiver for delineating the wetlands because the entire area for the proposed project is within resource areas. W. Castonguay explained that because the existing trail is overgrown, people are forced to go down a steep embankment to access the canoe landing. By clearing and maintaining the original trail, it will allow a safer approach to the canoe landing, prevent erosion of that steep bank, and improve the resource area. The renovated canoe landing will have the same footprint as the existing landing. The proposed informational kiosk will be installed next to the Woburn Street sidewalk, will mark the beginning of the access trail, and provide parking instructions to avoid traffic concerns on Woburn Street. W. Castonguay advised that all work is proposed to be done by hand, but there is a slight possibility that a posthole digger may be used to dig the footings for the kiosk supports. The Commission agreed that a posthole digger may be used for the kiosk supports as long as erosion controls were installed. The applicant would like to start the project now, but given the weather conditions, may not complete it until the spring.

V. Gingrich confirmed that it will be a great amenity and that there are no comments or questions from the Town. T. Ollila asked if the residents of Cherokee Lane would mind people parking on Cherokee Lane. W. Castonguay advised that probably only a couple of cars would park on that street and in an area that does not have any homes. An informal polling of the neighborhood seemed to favor the parking area. V. Gingrich confirmed that people do park in that area and that the roadway is wide enough to accommodate a few parked cars.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Bradley, T. Ollila, L. deWahl, A. Rittershaus, and D. Pearson voted 6 - 0 to issue a Negative (2) Determination of Applicability for 470 Woburn Street – Map 70 Parcel 1

REQUEST FOR DETERMINATION OF APPLICABILITY – 70 Taplin Avenue – Map 44 Parcel 72

Documents: Request for Determination of Application, received November 12, 2020
“As-Built Plan”, dated August 18, 2020

Present in Interest: Katherine Day

K. Day presented the proposed installation of a fence in her rear yard. The fence would go to the ground, have a five (5) foot gate on Phillips Avenue. The fence would be installed inside the demarcation fence.

C. Lynch advised that the fence would be about 18' from the Bordering Vegetated Wetlands (BVW) and go down the York Street and Phillips Avenue sides of the house as the neighbors currently have fences. Erosion controls would be installed.

V. Licciardi asked if any trees would be removed. K. Day confirmed that no trees or shrubs would be removed.

Upon motion duly made by L. deWahl and seconded by T. Bradley,

V. Licciardi, T. Bradley, T. Ollila, L. deWahl, A. Rittershaus, and D. Pearson voted 6 - 0 to issue a Negative (3) Determination of Applicability for 70 Taplin Avenue – Map 44 Parcel 72

PUBLIC HEARING NOTICE OF INTENT – Brentwood Avenue & Woodside Avenue Right-of-Ways & 25 Brentwood Avenue – Map 48 Parcels 19 & 25 – DEP File #344-1469

Documents: Notice of Intent Application, received November 12, 2020
“Improved Drainage Improvement Project Brentwood Ave Plan”, 2 pages, dated November 3, 2020

Present in Interest: Paul Alunni, Town of Wilmington, Engineering Division

P. Alunni presented the proposed drainage improvements on Brentwood Avenue. The existing 60-year deteriorated CMP drainage system conveys water into a 12” HDPE pipe that discharges onto private property and causes significant flooding, especially during high storms. The proposed project would re-route the discharge path to flow into a new 18” HDPE line down the Brentwood Avenue right-of-way and into the wetlands off Woodside Avenue. There are two (2) catch basins on Brentwood Avenue that will also be replaced. The existing 12” HDP line that goes through private property on Brentwood Avenue would remain. The broken concrete headwall near the beginning of the 12” CMP pipe will be removed and replaced with crushed stone.

In addition, the large yardwaste pile at the discharge end of the proposed drainage system would be removed and a sign posted advising no yardwaste dumping. There are boulders in that area that they would move and align along the shoulder of Woodside Avenue to help prevent the dumping of yardwaste.

C. Lynch advised that silt fence needs to be installed along the limit of work.

D. Pearson asked for clarification on the water that accumulates at the rear of 34 Brentwood Avenue during heavy storm events. P. Alunni stated that the residents claimed heavy storm events cause the water to accumulate and that they would monitor that area.

V. Gingrich advised that a draft Order of Conditions has been prepared. The standard condition regarding rock salt was modified to read: “No rock salt (sodium chloride) shall be used on paved surfaces within 100 feet of BVWs, except as required for public safety and when another material would not suffice. Signs indicating low or reduced salt use shall be posted along Brentwood Ave.” This is standard language with DPW projects.

P. Alunni agrees with all of the conditions in the draft Order of Conditions.

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

V. Licciardi, T. Bradley, T. Ollila, L. deWahl, A. Rittershaus, and D. Pearson voted 6 – 0 to close the Public Hearing for Brentwood Avenue & Woodside Right-of-Ways & 25 Brentwood Avenue – Map 48 Parcels 19 & 25 – DEP File #344-1469

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Bradley, T. Ollila, L. deWahl, A. Rittershaus, and D. Pearson voted 6 – 0 to approve the Order of Conditions for Brentwood Avenue & Woodside Avenue Right-of-Ways & 25 Brentwood Avenue – Map 48 Parcels 19 & 25 – DEP File #344-1469

Michael McInnis joined the meeting at 7:32 pm

PUBLIC HEARING – ABBREVIATED NOTICE OF AREA RESOURCE AREA DELINEATION – 6 Tobin Drive – Map 16 Parcel 22A – DEP File #344-1470

Documents: Abbreviated Notice of Area Resource Area Delineation application, received November 12, 2020
“A.N.R.A.D. Plan of Land Day Street/Tobin Drive”, dated October 15, 2020

Present in Interest: Andrew Pojasek, Dana F. Perkins, Inc.

Andrew Pojasek presented the proposed Resource Area Delineation for the western portion only of 6 Tobin Drive.

V. Gingrich advised that the applicant has agreed to fund a peer review of the wetland line. V. Gingrich has requested quotes from three firms and the quotes should be submitted by December 9, 2020 so a firm can be chosen in time to have a report ready for Commission to review at the January 6, 2021 Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by M. McInnis,

V. Licciardi, T. Bradley, T. Ollila, L. deWahl, A. Rittershaus, M. McInnis, and D. Pearson voted 7-0 to continue the Public Hearing for 8 Tobin Drive – Map 16 Parcel 22 – DEP FILE #344-1470 to the January 6, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461

Documents: Letter from Paul Alunni, Town of Wilmington Engineering Division, dated November 24, 2020

V. Gingrich advised that P. Alunni submitted a letter requesting to continue the Public Hearing for Shady Lane Drive to the January 6, 2021 Conservation Commission meeting.

Upon motion duly made by V. Licciardi and seconded by M. McInnis,

V. Licciardi, T. Bradley, T. Ollila, L. deWahl, M. McInnis, A. Rittershaus, and D. Pearson voted 7 – 0 to continue the Public Hearing for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461 to the January 6, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – 378 – 384 Middlesex Avenue & 200 Jefferson Road – Map 89 Parcels 8, 9, 10, 13A, & 13B – DEP File #344-1467

Present in Interest: Andrew Chaban, Princeton Properties, Inc.

Jeff Brown, Princeton Properties, Inc.
David Cowell, Hancock Associates
Joseph Peznola, Hancock Associates
Daniel Endyke, Princeton Properties, Inc.

Documents: Letter from David Cowell, Princeton Properties, dated September 22, 2020
Letter from Joseph Peznola, Hancock Associates, dated November 2, 2020
Letter from David Cowell, Hancock Associates, dated October 30, 2020
"Partial Existing Conditions Plan of Land Plan", pages 2 & 3, dated October 30, 2020
"Notice of Intent Site Plan Set", 13 pages, dated October 30, 2020
"Riverfront Impact Exhibit Plan", dated October 30, 2020
Letter, Response to Comments, dated November 30, 2020
"River Impact Exhibit Plan", dated November 30, 2020
Revised Notice of Intent, dated December 2, 2020
Email from Suzanne Sullivan, dated December 2, 2020
Email from Suzanne Sullivan, dated December 2, 2020

D. Pearson proposed time limits for this application as follows: ten (10 minutes) for the applicant's presentation, ten (10) minutes for the Commission to ask questions, and ten (10) minutes for the audience to ask questions.

A. Chaban advised that the wetland line presented in this proposal is the scientific line as opposed to the compromised line that was presented in the previous Abbreviated Notice of Resource Area Delineation (ANRAD). This Notice of Intent (NOI) incorporates the scientific Riverfront line without any change to the environment on the ground and welcomes a condition to put the land between the wetland line presented tonight and the wetland line in the most recent ANRAD to be a no disturb zone. A. Chaban discussed the \$2.891 million Mass Works grant that was awarded to the Town of Wilmington for sewer, culverts, and roadway improvements.

J. Peznola advised that the delineation of the Riverfront area was re-visited with the focus on the 1997 regulatory requirements. Most importantly to the preface of the 1997 regulations which speaks to this type of situation. The Bordering Land Subject to Flooding (BLSF) and the Bordering Vegetated Wetlands (BVW) are the same. The 1997 regulations advise looking at many indicators. Three (3) wetland scientists were involved in delineating the mean high water and looked at the evidence of fluvial action of the river channel proper using several methodologies. They looked at the distinct break in marine aquatic vegetation and terrestrial vegetation, (which are itemized on the plan), the balance between the wetland complex, the drainage patterns and the tributary that comes in the middle of the site between the two (2) buildings. They found another separate intermittent stream associated with the large wetland complex up by the railroad and itemized that as well. J. Peznola advised that these are two (2) different systems with separate BVWs. He discussed the evidence that the regulations point to in regards to riverine characteristics, and the different vegetated communities that grow in those two (2) communities. They delineated a new wetland line, which essentially runs along the channel proper. They also looked at the contributing drainage area. The stream watershed is about five (5) acres and based on regional data on bank widths, the estimate bank width should be between 20' and 21', but they found the bank width to be between 20' to 25'. When using the document, "Equations for estimating bankfull channel geometry and discharge for streams in Massachusetts", as requested by Town staff, the estimated bank width changed to an estimated

width of 29', which is consistent with field observations. A report with all this data, along with the types of vegetation and habitat found in that area, has been submitted to the Commission. J. Peznola explained that moving the riverfront line, changed the calculation and the redevelopment impact. On the redevelopment side, currently 27,695 square feet of land is developed and the new project would redevelop almost all of that with 1580 square feet of pavement removed. That 1580 square feet will be restored along with the restoration between the pavement and the river proper in the area down by the culvert. The new riverfront impact area is a 2343 square foot area by Building A and 4559 square foot area by Building B. The total new riverfront impact is 7,301 square feet which is about 1.5% Riverfront impact. Even if you combine the Riverfront impact and the redevelopment impact, it comes to about 6.5% which is still well under the 10% allowed. A wildlife habitat evaluation and tree evaluation information has been provided to the Commission. There was a typographical error that showed 6,937 square feet of redevelopment in the November 2, 2020 NOI submission, but the total new impact is actually 7,301 or 1.5% of the total Riverfront. J. Peznola concluded by saying that the project, stormwater and benefits remain the same as what was presented in September 2020, but that the Riverfront delineation in this NOI was a more accurate and scientific methodology than in the previous ANRAD.

V. Gingrich advised no additional comments and that the applicant has responded to all previous comments and questions adequately.

T. Bradley asked for a peer review of the new delineation. He also asked if there is a drawing available that shows both the previously approved line and the new line. M. McInnis and L. deWahl agreed with requesting a peer review. D. Pearson asked if the Massachusetts vs. Maine data regarding river width study confirmed the applicant's findings. J. Peznola advised that they are comfortable with the data compiled from the regional streams report and how it matches up with the current delineation.

S. Sullivan tried sharing videos that were submitted to the Commission that day. These videos are of areas where she and M. Stevenson thought there was fluvial flow. S. Sullivan does not agree with the new line because she does not feel it is based on correct field indicators and disagrees with using the bank data from Massachusetts and Maine to determine bank width.

D. Pearson summarized that the new delineation is driven by field observations in the field and by the Massachusetts Regulations. D. Pearson does not feel another peer review would clarify the new delineation. V. Licciardi, T. Bradley, L. deWahl would like a new peer review and/or ask the previous peer reviewer to review the new line. T. Ollila, A. Rittershaus, and D. Pearson did not feel that a new peer review was necessary. M. McInnis asked what the peer reviewer would review – just Princeton Properties' data or Princeton Properties' and the Headwater Stream Team's (HST) data. M. McInnis also asked the difference between what HST presented and the previous peer reviewer's comments.

V. Gingrich advised that the new peer reviewer would review the currently proposed delineation line, but would have access to the history of the previous filing.

A. Weisheit, of KP Law, the Town's Counsel, advised that as a matter of law, the prior peer review and the prior delineation are irrelevant to what is currently before the Commission. A. Weisheit advised that as the applicant stated, the new delineation is significantly different and that it would be inappropriate to rely on the prior peer review.

M. McInnis, V. Licciardi, T. Bradley, L. deWahl, would like a peer review of the proposed delineation. A. Rittershaus, T. Ollila, and D. Pearson are ok with no peer review.

J. Peznola advised that the applicant does not want to use the same company that was used for the ANRAD. They would like a new company to do a peer review for the new delineation.

V. Gingrich asked if the Commission had any consultants in mind to use for a peer review, or she can reach out to three (3) companies for the new peer review.

J. Keeley does not understand the legal opinion offered by A. Weisheit of KP Law and suggested using the same company that did the previous peer review to review the new delineation.

D. Pearson asked the applicant if they would agree to continue the meeting and applicant thought the January 6, 2020 meeting was too soon. J. Peznola asked to continue to the January 6, 2021 Conservation Commission meeting and stated that they would continue to the February meeting if necessary.

Upon motion duly made by M. McInnis and seconded by T. Bradley,

V. Licciardi, T. Bradley, L. deWahl, M. McInnis, T. Ollila, A. Rittershaus, and D. Pearson voted 7 – 0 to continue the Public Hearing for 378 – 384 Middlesex Avenue & 200 Jefferson Road – Map 89 Parcels 8, 9, 10, 13A, & 13B – DEP File #344-1467 to the January 6, 2021 Conservation Commission meeting

NOTICE OF VIOLATION – 32 Cary Street – Map 67 Parcel 113C

C. Lynch advised that a Notice of Violation was issued to the applicant on November 3, 2020 for the removal of five (5) trees within the 100' buffer zone. The homeowner has submitted a delineation which shows that none of the trees were in the wetlands and that two (2) of the trees were diseased. C. Lynch suggested replanting according to the Tree and Shrub Removal policy.

A. Martinello, homeowner, advised that the delineation was done by Norse Environmental and stated that the area is heavily wooded and that no damage was done to the resource area. He would like to submit an after the fact RDA.

V. Gingrich confirmed that an after the fact RDA must be filed because the administrative approval process does not allow for after the fact approval. V. Gingrich also advised that the Commission can require replacement based on the Tree and Shrub Removal Policy.

Commission members agreed that an after the fact RDA is required and that the homeowner could consider planting bushes.

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

V. Licciardi, T. Bradley, L. deWahl, M. McInnis, T. Ollila, A. Rittershaus, and D. Pearson voted 7 – 0 to ratify the Notice of Violation for 32 Cary Street – Map 67 Parcel 113

L. deWahl left the meeting at 8:59 pm

REQUEST FOR CERTIFICATE OF COMPLIANCE – 205R Aldrich Road – Map 9 Parcel 54 – DEP File #344-1356

Documents: "As-Built Plan", dated November 16, 2020

C. Lynch advised that all conditions have been met.

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

V. Licciardi, T. Bradley, M. McInnis, T. Ollila, A. Rittershaus, and D. Pearson voted 6 - 0 to issue the Certificate of Compliance for 205R Aldrich Road – Map 9 Parcel 54 – DEP File #344-1356

REQUEST FOR CERTIFICATE OF COMPLIANCE – 110 Chestnut Street – Map 15 Parcel 29A – DEP File #344-1433

Documents: Request for Certificate of Compliance application, received November 17, 2020
"As-Built Plan for COC", dated November 17, 2020
Email from Attorney Michael Newhouse, dated December 2, 2020

C. Lynch advised that a portion of the site requires better stabilization. Attorney Newhouse requested to table the Request for Certificate of Compliance until the May 5, 2021 Conservation Commission meeting when the site is better stabilized. The applicant will replace the erosion controls until the site is better stabilized.

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

V. Licciardi, T. Bradley, T. Ollila, M. McInnis, A. Rittershaus, and D. Pearson voted 6 - 0 to table the Request for Certificate of Compliance for 110 Chestnut Street – Map 15 Parcel 29A – DEP File #344-1433 until the May 5, 2021 Conservation Commission meeting

UPDATE

219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393 - V. Gingrich advised that Benevento has submitted their fall report on the restoration per the Order of Conditions.

DISCUSSION – Remote Participation Policy - V. Gingrich advised that the Board of Selectmen are looking for comments on the Remote Participation Policy by January 7, 2021. The Selectmen are considering allowing online meeting participation after the meetings go back to the in-person meeting format. This would allow a board/commission member to participate in a meeting remotely if they are unable to attend personally. V. Gingrich asked for comments.

M. McInnis is concerned with mixing in person participation with remote participation at meetings as it could result in video and audio access issues.

Commission members can review the draft policy and submit any comments at the January 6, 2021 Conservation Commission meeting.

MINUTES – November 4, 2020

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

V. Licciardi, T. Bradley, M. McInnis, T. Ollila, A. Rittershaus, and D. Pearson voted 6 - 0 to accept the minutes for the November 4, 2020 Conservation Commission

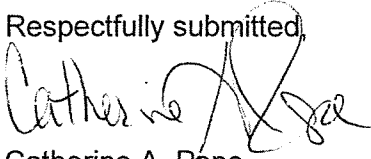
Next meeting – January 6, 2020

There being no additional business to come before the Conservation Commission, it was voted to adjourn the meeting at 9:04 pm

Upon motion duly made by D. Pearson, and seconded by V. Licciardi,

V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, T. Ollila, and D. Pearson to voted 6 – 0 adjourn the meeting at 9:0 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine A. Pepe".

Catherine A. Pepe
Senior Clerk

