



**TOWN OF WILMINGTON
121 GLEN ROAD
WILMINGTON, MA 01887**

PLANNING & CONSERVATION
DEPARTMENT

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CONSERVATION COMMISSION MINUTES
December 2, 2015

Julie Flynn, Chair, called the meeting to order at 7:00 p.m. Laurie Finne, Vincent Licciardi, Don Pearson, Charles Rooney III were present. Sharon Kelley-Parrella and Michael McInnis were absent. Winifred McGowan, Assistant Director of Planning & Conservation, was also present.

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 2
BIRCH ROAD - MAP 31 PARCEL 13A**

Documents: As-Built Plan last revised 11/13/2015

Present in Interest: Anthony Albano, owner

A. Albano presented a plan to remove four trees on his property on the wetland side of the demarcation fence. Branches touch the side of the house and some have grown over the roof. He had a tree company out to look at the trees that are located close to his house. The firm advised him to remove three young, healthy trees and a dead tree that is leaning into one of them. Trees are less than twenty feet from the wetland line. There was discussion about trimming back the branches rather than removing the trees, keeping some of the trees, topping the dead tree to retain its habitat value. There is a deed restriction that stated that there should not be any more alteration of the floodplain and at least one of these trees is located in the flood plain. A. Albano was concerned that trimming the trees would damage the tree and in a few years it would need to be removed anyway. He agreed to keep the second (middle) tree and trim it back and the Commission agreed that he could remove the other two trees and top the dead tree.

Upon motion duly made and seconded it was

VOTED: To issue a negative Determination of Applicability for 2 Birch Road – Map 31 Parcel 13A

OTHER BUSINESS

**INSIGNIFICANT CHANGE - 39, 41, 43 JACQUITH ROAD - MAP 40 PARCELS 25,
25A, 25C - DEP FILE #344-1134**

Documents: Notice of Intent & Stormwater Plan, Jacquith Road revised to 11/16/2015
Letter from Kristen Costa dated 3/31/2015

Present in Interest: Michael J. Welch, Quality Additions and Remodeling

M. Welch presented a plan showing changes he asks to make as an insignificant change to the existing Order. He would like to add a front porch on the home on lot 2 and remove 14 dead trees located in the wetlands. This porch meets the setback requirements. The drainage structures will be able to handle the small increased volume of runoff. The dead trees are large and he is concerned that when they lose branches or fall they will hurt someone. He does not believe they would harm the house. Work would be done when the ground is frozen and the trees could be pulled out with minimal damage to the ground. There was discussion about leaving the trees that are farther from the house, about dropping the trees and leaving the trunks on the ground for habitat, about leaving or removing the branches. The applicant would prefer not to leave 14 tree trunks. The Commission asked that M. Welch leave five of the trunks.

Upon motion duly made and seconded it was

VOTED: To approve the request for an insignificant change for 39, 41, 43 Jacquith Road - Map 40 Parcels 25, 25A, 25C - DEP File #344-1134

CERTIFICATE OF COMPLIANCE - 7 KENDALL STREET - MAP 20 PARCEL 23 - DEP FILE #344-1134

W. McGowan stated that except for a shaded area beside the house that hasn't grown in that well, the project is satisfactory. The owner told her that he hasn't been able to get much grass to grow there, but the ground has not eroded. He spread mulch there this fall.

Upon motion duly made and seconded it was

VOTED: To issue a Certificate of Compliance for 7 Kendall Street - Map 20 Parcel 23 - DEP File #344-1134

AGENT UPDATE - 3 HAROLD AVENUE - MAP 23 PARCEL 101

Present in Interest: Cortney Constantino, owner's spouse

W. McGowan stated photos had not been provided by the deadline. She was not sure the restoration was completed. She stated that the sand box was removed but the sand is still there and not seeded. The slope that replaces the retaining wall for the shed did not look as if it had been seeded. She noted erosion midway across the lower, steeper slope that needed to be repaired and asked if a landscaping blanket would make sense to hold the soil until the ground was stabilized. C. Constantino said she would like to keep the sand for children to play in. She stated that she did not realize that the sand needed to be removed then loamed and seeded but would do that if required. She said she seeded the slope near where the shed had been. She inspected it during a rain storm and did not see any erosion. She said the grass grew in well elsewhere. J. Flynn asked if she could cut back the eroding slope so it would be less steep and less prone to eroding, and seed it. The Commission asked that the sand be removed and that area be loamed and seeded, that the eroding slope be cut back and reseeded and protected with a light mulch such as straw, and photographs be provided to show the most recent work.

AGENT UPDATE - 114 WEST STREET - MAP 71 PARCELS 7, 8 - DEP #344-1068

An updated as-built was received with volume calculations, but the engineer still needs to confirm that the slopes are 2:1 or less. On sections of slopes the vegetation is not well established. They will need to apply for a Certificate once the grass is established.

AGENT UPDATE - 5 HOPKINS STREET - MAP 22 PARCEL 10D - DEP FILE #344-1315

The office received an update of what was planted in the restoration area. The Commission will wait to see what regrows in the spring to see if more planting is needed.

AGENT UPDATE - 250 MIDDLESEX AVENUE - MAP 65 PARCEL 6

W. McGowan stated they had done work without a wetland permit. He was told to file but has not. He will be asking for an occupancy permit, which won't be signed until he files.

AGENT UPDATE - 66 ADAMS STREET - MAP 50 PARCEL 9 - DEP FILE #344-859

This OOC expired. The owners were asked to let the office know what, if anything, still needed to be done and whether work is in compliance with the Order. The owner did not answer, but has hired a surveyor to do an as-built.

AGENT UPDATE - 24 NICKERSON AVENUE - MAP 72 PARCEL 24 - DEP FILE #344-859

The homeowner forwarded a report on how the wetland restoration area was growing in. The consultant did some additional seeding this fall.

CERTIFICATE OF COMPLIANCE – 18 MARCIA ROAD – MAP 78 PARCEL 46A - DEP FILE #344-1314

Present in Interest: Jeffrey Noyes, owner

J. Noyes stated that he received an Order of Conditions to build an addition on his home. He has since decided to move rather than build the addition. He said he removed the unpermitted pool and associated deck, work included in the Order. They are selling the house and need a Certificate of Compliance for work that was not done. W. McGowan asked if the new owners would mind waiting until the spring so that the ground would be stabilized. J. Noyes said the closing attorney is requiring the Certificate for a December 20, 2015 closing. There was a discussion regarding whether he should have to put in a demarcation line when he didn't build the addition. The Commission agreed to waive condition #51 requiring demarcation. The area where the pool was located will be seeded and mulched before the Certificate is released.

VOTED: To issue a Certificate of Compliance for 18 Marcia Road - Map 78 parcel 46A - DEP File #344-1314

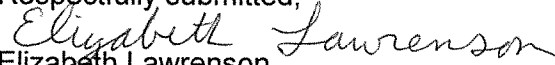
MINUTES - October 21, 2015, November 4, 2015

The Commission did not have a quorum of Commissioners who attended the October 21, 2015 and November 4, 2015 meetings to vote on those minutes.

ADJOURN

There being no additional business to come before the Conservation Commission, it was VOTED: To adjourn the meeting at 8:21 pm.

Respectfully submitted,


Elizabeth Lawrenson
Senior Clerk