

**TOWN of WILMINGTON****DEPARTMENT OF PLANNING & CONSERVATION**121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238**CONSERVATION COMMISSION MINUTES**

December 4, 2019

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

REQUEST FOR DETERMINATION OF APPLICABILITY – 25 Marjorie Road – Map 70 Parcel 64

Documents: Request for Determination of Applicability, received November 7, 2019
"Plot Plan", dated February 19, 2019, as modified by applicant
Picture, undated, received December 4, 2019

Present in Interest: Kenny Christainsen, owner

K. Christainsen presented the after the fact proposal for removal of nine (9) trees adjacent to Bordering Vegetated Wetlands. Some of the trees had lost large limbs and showed signs of decay. The applicant would also like to replace the two (2) pieces of fence along the sides of the yard, add a piece of fence along the back of the yard to meet the two (2) side fences, and have the fence go to the ground. He did remove the pile of stacked wood from the wetlands and submitted a picture of the cleared area.

V. Gingrich advised that this Request for Determination was in response to a Notice of Violation. One (1) of the trees was approved under an Administrative Approval and that the balance of the tree removal required a Request for Determination of Applicability.

D. Pearson asked if the applicant wanted to remove the stumps outside the proposed fence. K. Christainsen advised that he would like to remove the stumps of trees numbered 6, 7, 8, & 9 and possibly #4. He will replace the trees per the Tree and Vegetation Removal Policy. D. Pearson stated that per the Tree and Vegetation Removal Policy, the applicant can plant either three (3) trees or six (6) shrubs.

L. Finne asked if the replacement trees could be planted in the paper street. V. Gingrich stated that each parcel owns to the center line of a paper street and that trees are ok to plant in the paper street. L. deWahl advised that the applicant does not have to plant pine trees, but that the replacements must be on the approved vegetation list.

L. Finne noted that the existing fence appears to be on a neighboring property and that should be resolved before the fence is replaced. V. Gingrich advised that the applicant would have to get permission from the current owner of the neighboring property in order to put the fence in the same location. K. Christainsen stated that the fence would not be replaced until the property line concerns were addressed.

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V. Gingrich suggested putting the proposed fence in as a condition stating that the work is authorized on subject property only.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 25 Marjorie Road – Map 70 Parcel 64

REQUEST FOR DETERMINATION OF APPLICABILITY – 31 Lawrence Street – Map 80 Parcel 77

Documents: Request for Determination of Applicability, received November 12, 2019
“Plot Plan of Land”, dated November 4, 2019, as modified by applicant, received November 12, 2019

Present in Interest: David Oatis, owner

D. Oatis presented the proposed 21' x 16' addition to the rear of his home.

D. Pearson confirmed with the applicant that sonotubes will be used for the footings to minimize the ground disturbance and that erosion controls will be installed.

V. Gingrich advised that the addition will be 60' from the wetlands and recommended a Negative (3) approval.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 31 Lawrence Street – Map 80 Parcel 77

REQUEST FOR DETERMINATION OF APPLICABILITY – 19 Douglas Avenue – Map 79 Parcel 114

Documents: Request for Determination of Applicability, received November 13, 2019
“Mortgage Inspection Plan”, undated, as modified by applicant, received November 13, 2019

Present in Interest: Nick & Barbara Pappas, owners

B. Pappas presented the proposed removal of seven (7) trees from their backyard. That will still leave 12 trees on the property. They will plant replacement trees according to the Tree and Vegetation Removal Policy and would like to plant them closer to the water.

V. Gingrich advised that the trees the applicants wish to remove are 60'-80' from the bank of the pond and that the three (3) replacement trees can be planted closer to the pond.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 19 Douglas Avenue – Map 79 Parcel 114

REQUEST FOR DETERMINATION OF APPLICABILITY – 27 Ashwood Avenue – Map R4 Parcel 10

Documents: Request for Determination of Applicability, received November 12, 2019
"Plan to Accompany Notice of Intent", dated November 11, 2019

Present in Interest: Kristen Brabant, representative

K. Brabant presented the proposed 38' x 48' garage addition that will be 55' away from the wetlands. No grade change is proposed.

V. Gingrich advised that an infiltrator is proposed for the roof run off and that the pool and walkway are exempt as they are more than 50' from the wetlands.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 27 Ashwood Avenue – Map R4
Parcel 10

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

Present in Interest: Brian McCarthy, RJ O'Connell & Associates, Inc.

B. McCarthy reviewed the proposed redevelopment of the commercial property and advised that all items of concern had been previously addressed. The last set of plans showed 5' high post mounted demarcation signs every 100' along the guard rail instead of placing boulders. Fencing already exists in some areas and in the new areas, the applicant proposes to use guard rails with the same post mounted demarcation signs.

L. deWahl suggested adding the demarcation signs every 100' all the way around the parking lot as well.
V. Gingrich suggested adding that to the Special Conditions of the Order of Conditions. B. McCarthy clarified that the signs can either go on the fence or be post mounted.

V. Gingrich confirmed that both the Engineering and Planning & Conservation comments have been addressed, that the Planning Board has approved the project and that no plan changes were made from the last set of plans submitted to the Conservation Commission. The Commission agreed to demarcation signage mounted on the existing fence and/or mounted on 5' high posts.

B. McCarthy asked that Condition #37 be edited to say "dewatering discharge" and that Condition #49 be edited to state "no commercial structure with the exception of the existing" as the building is already there. The Commission agreed to both changes.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 613 Main Street – Map 29 Parcel 11S – DEP File \$355-
1430

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 613 Main Street – Map 29 Parcel 11S – DEP File
#344-1430

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 P. Alunni, Engineering Division comments, dated November 14, 2019
Response to V. Gingrich, Planning & Conservation comments, dated November 14, 2019
“Cover Plan Highland Estates”, plan set, 16 pages, dated November 12, 2019
Response to P. Alunni, Engineering Division comments, dated November 25, 2019
“Cover Plan Highland Estates” plan set, 16 pages, dated November 22, 2019

Present in Interest: James & Anthony Castellano, Lily Oak Hill, LLC

J. Castellano confirmed that they are ready to accept the draft Order of Conditions.

V. Gingrich advised that all the Engineering Division’s comments were addressed and/or conditioned into the Planning Board’s approval. The draft Order of Conditions was amended to reflect the plan revisions required by the Planning Board.

Upon motion duly made and seconded, it was unanimously

VOTED: To close 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

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions 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

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 to the January 8, 2020 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 January 8, 2020 Conservation Commission meeting

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

Documents: Letter from LJR Engineering, Inc. response comments, dated November 12, 2019
M.J. Scully & Co., Inc. list of Outdoor Storage, received November 14, 2019
Stormwater Analysis, dated November 11, 2019
Memorandum from Paul Alunni, Engineering Division, dated November 20, 2019

Present in Interest: Luke Roy, LJR Engineering, Inc.
Michael Scully, M.J. Scully & Co.

L. Roy presented the following responses to the Conservation Commission's comments. The Notice of Violation concerns are addressed in this Notice of Intent. As requested, a list of materials that will be stored on the property was provided. Native plantings will go behind the demarcation line between the 15' and 25' setbacks and have been noted on the plan. In addition, pre-cast concrete demarcation blocks will be placed every two (2) feet apart. All debris will be removed from the Bordering Vegetated Wetlands and a notation was added stating that no herbicides, pesticides, fertilizers or sodium chloride will be used within the 100' buffer. The dewatering notes have been modified as requested by the Commission. The Engineering comments regarding the proposed catch basin and connecting the roof runoff directly to the subsurface system can be conditioned in.

V. Gingrich advised that Planning Board has requested two (2) minor changes within the 100' buffer zone that will require plan changes, but they can be conditioned in the approval. All other comments were satisfactorily addressed.

T. Bradley asked to have the replacement shrubs planted between the trees as suggested by the Conservation Agent. V. Gingrich confirmed that the shrubs that were removed should be replaced and monitored. L. Roy will confirm the types of shrubs and/or trees to be planted and their viability.

The Commission agreed to two (2) years of monitoring for the newly planted shrubs and/or trees.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 900 Main Street – Map 24 Parcel 33A – DEP File #344-1441

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 900 Main Street – Map 24 Parcel 33A – DEP File #344-1441

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

Documents: Letter from LJR Engineering, Inc. response to comments, dated November 6, 2019
"Site Plan", revised November 6, 2019

L. Roy reviewed the changes shown in the revised site plan. More detail was provided regarding the materials and where they will be stored. As much of the materials as possible will be moved away from the wetlands. Temporary erosion controls, if required, were added to the plan. Some of the blocks that are currently in the paper street will be moved and possibly the existing fence on the paper street.

V. Gingrich advised that all comments have been addressed and that the planting and monitoring of the shrubs were added to the Order of Conditions. One area to review and discuss is if a stockade fence is acceptable for the demarcation fence. V. Licciardi has concerns on the use of a stockade fence. L. Roy said some of the blocks being removed from the paper street could be used for demarcation.

M. McInnis asked if the applicant is planning on having the paper street discontinued as the fence is currently in the paper street. L. Roy stated that if the street is not discontinued, the fence will need to be removed. L. Roy advised that the applicant would move the existing stockade fence along the wetland and place it along the 15' no-disturb. The commission agreed to the applicant installing a stockade fence along the 15' no-disturb.

V. Gingrich advised that monitoring of the new plantings is in the draft Order of Conditions. The Commission agreed to two (2) years of monitoring the new plantings.

L. Roy questioned the necessity of Condition #54 in the Special Conditions as there is no stormwater treatment proposed for the site. The Commission agreed to delete Condition #54.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-1442

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-1442

CONTINUED PUBLIC HEARING – NOTICE OF INTENT - 12 Shawsheen Avenue – Map 31 Parcel 1A – DEP File #344-1446

Documents: Letter from Design Consultants, Inc. response to comments, dated November 12, 2019
"Construction Details Plan", revised October 23, 2019
Memorandum from William Holt, Engineering Division, dated December 2, 2019
Letter from Design Consultants, Inc. requesting to continue to the January 8, 2020
Conservation Commission meeting

D. Pearson advised that the applicant has requested to continue the Public Hearing for 12 Shawsheen Avenue to the January 8, 2020 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 January 8, 2020 Conservation Commission meeting

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
Email from Norse Environmental Services, Inc. requesting to continue to the March 2020 Conservation Commission meeting, dated December 4, 2019

D. Pearson advised that the applicant has requested to continue the Public Hearing for 26 Douglas Avenue to the March 2020 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 March 4, 2020 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 6 Kendall Street – Map 20 Parcel 5A – DEP File #344-1323

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

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 6 Kendall Street – Map 20 Parcel 5A – DEP File #344-1323

REQUEST FOR CERTIFICATE OF COMPLIANCE – 18 Seneca Lane – Map 68 Parcel 20 – DEP File #344-1407

Documents: Request for Certificate of Compliance, received November 14, 2019
“As-Built Plan”, dated September 11, 2019

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 18 Seneca Lane – Map 68 Parcel 20 – DEP File #344-1407

REQUEST FOR CERTIFICATE OF COMPLIANCE – 300 (298R) Salem Street – Map 97 Parcels 59B & 59C – DEP File #344-615

Documents: Request for Certificate of Compliance, received November 20, 2019
Letter from Summit Engineering & Survey, Inc., dated November 20, 2019
“Asbuilt Plan”, dated November 20, 2019
Email from Holly Moore, Chakalos & Associates, LLC requesting to continue to the January 8, 2020 Conservation Commission meeting, dated December 2, 2019

D. Pearson advised that the applicant has requested to table the Request for Certificate of Compliance for 300 (298R) Salem Street – Map 97 Parcels 59B & 59C – DEP File #344-615 to the January 8, 2020 Conservation Commission meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for Certificate of Compliance for 300 Salem Street – Map 97 Parcels 59B & 59C – DEP File #344-615 to the January 8, 2020 Conservation Commission meeting.

ADMINISTRATIVE APPROVAL

29 West Street – Map 59 Parcel 1C – V. Gingrich advised that approval is for four (4) trees in the buffer zone. Two (2) trees were decayed and fell and two (2) threatened the home. Two (2) other trees are in bad shape and threaten power lines, the roadway, and the driveway. One (1) replacement tree is proposed.

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATE

61 Ashwood Avenue – Map R4 Parcel 121 – DEP File #344-1413 – V. Gingrich advised that the wetland scientist's monitoring report that was submitted, lacked the detail of what native species were present and the percentage of coverage. A spring site visit by the wetland specialist followed by the submittal of a complete monitoring report is required.

Nilesh Karani, owner advised that sixteen plants were planted and that four (4) did not survive. The rest of the vegetation is growing well.

The Commission agreed that a monitoring report from the wetland specialist with the proper details be submitted in the spring.

10 Boutwell Street – Map 18 Parcel 1 – V. Gingrich reviewed that at the November 6, 2019 meeting, the homeowner agreed to submit a Notice of Intent (NOI) in time for the December 4, 2019 Conservation Commission meeting. This NOI would be to correct the violations stated in the April 2, 2019 Notice of Violation. The applicant did submit an NOI, but it was late and incomplete therefore it was not accepted. V. Gingrich advised that in similar cases, the Commission required wetland delineation and a proper restoration plan to be submitted in a Notice of Intent. V. Gingrich suggested that an Enforcement Order be issued requiring the owner(s) to submit a complete Notice of Intent that includes restoration in time for the May 6, 2020 meeting.

Eugene Ungvarsky, owner, discussed the timeline with the Commission and plans to submit the NOI in time for the May 6, 2020 meeting.

D. Pearson reinforced the need for a wetland scientist and a surveyor and the need to submit a complete NOI. M. McInnis suggested adding a fine if the deadline is not met. M. McInnis also suggested that the once the property is surveyed, the other private property owners may be liable. V. Gingrich stated that the Commission will have to see a plan in order to determine that.

The Commission agreed to issue an Enforcement Order.

ENFORCEMENT ORDER

10 Boutwell Street – Map 18 Parcel 1 – V. Gingrich read the suggested wording for Section C – Order of the Enforcement Order and the Commission agreed to the wording.

Upon motion duly made and unanimously

VOTED: To issue the Enforcement Order for 10 Boutwell Street – Map 18 Parcel 1

DISCUSSION

Eversource – Eversource sent notification that they will be doing scheduled access road maintenance.

MINUTES – September 4, 2019 -

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the September 4, 2019 Conservation Commission meeting with two (2) abstentions

Minutes – October 2, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the October 2, 2019 Conservation Commission meeting with three (3) abstentions

Minutes – November 6, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the November 6, 2019 Conservation Commission meeting with three (3) abstentions

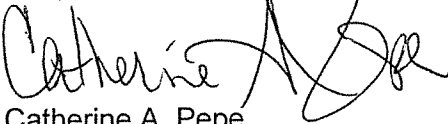
NEXT MEETING – January 8, 2020

ADJOURN

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

VOTED: To adjourn the meeting at 9:09 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe", written over the typed name.

Catherine A. Pepe
Senior Clerk

