



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

PLANNING & CONSERVATION  
DEPARTMENT

(978) 658-8238  
FAX (978) 658-3334

**CONSERVATION COMMISSION MINUTES**  
February 1, 2017

Julie Flynn, Chair, called the meeting to order at 7:00 p.m. Laurie Finne, Vincent Licciardi, Donald Pearson, Sharon Kelley-Parrella, and Michael McInnis were present. Theron Bradley was absent. Winifred McGowan, Assistant Director of Planning and Conservation and Cathy Pepe, Senior Clerk of Planning & Conservation were also present.

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY –  
2 Murray Hill Circle – Map 4, Parcel 24**

Documents: Proposed Subsurface Septic Disposal System Plan, dated 12/27/16  
Proposed Subsurface Septic Disposal System Plan, revised 1/25/17  
Memo from Paul Alunni, Town Engineer, dated 1/30/17

Present in Interest: Luke Roy, LJR Engineering

L. Roy presented the new home project and stated that the lot is cleared and erosion controls are in place. The pool is graphic only and not included in the filing. Majority of dwelling and driveway falls within the 100' wetlands buffer zone.

W. McGowan noted that the grading of the lot differs from the subdivision plans and raised the question of how this will affect the drainage approved in the Superseding Order of Conditions. W. McGowan also noted that a retaining wall was not in the subdivision plans and questioned how this will affect the drainage as approved in the subdivision plans. The revised plans show the roof drains that were originally proposed south of the house, will now drain into the north side of the lot. L. Roy stated that it also shows that the driveway be cross sloped so runoff will go into the new infiltration trench and mitigate the increase in the impervious area.

W. McGowan summarized P. Alunni's memorandum. L. Roy responded that he will check with the subdivision's engineer to discuss the overall stormwater runoff. He stated that the roof drains are located in an area that makes the most sense and most feasible for the construction of the new home.

W. McGowan stated that the Board of Health had not approved the plans. W. McGowan asked for a cross section showing the water line crossing through the stream area. There appears to be a difference of about 2' in grade between the subdivision plans and current plans. L. Roy agrees that there is confusion between the development plans and his plan and he will review this with the subdivision engineer and Town Engineer and resolve/revise if

necessary. W. McGowan said the builder agreed to include a permanent demarcation line in the deed restrictions. W. McGowan stated that the Director of Planning and Conservation suggested placing the boulder demarcation along the actual property line or just inside the open space.

W. McGowan asked how high the retaining wall next to the drainage easement will be. L. Roy said about 3' and that they were planning on a loose boulder wall. W. McGowan asked about additional infiltrators. L. Roy said they would have to review that as well with the subdivision engineer and provide additional details as needed.

D. Pearson noted that the bio-retention area is shared by two (2) lots and asked how that shared area will be documented. L. Roy wasn't sure and he would check with the subdivision engineer. S. Kelley-Parrella asked who would be responsible for maintaining the bio-retention area and how deep it would be. L. Roy said the area would be about one (1) foot deep and that he would check with the subdivision engineer about the maintenance.

J. Flynn asked about snow pile area. L. Roy said it would be limited to the end of the driveway and off to the side of the driveway. J. Flynn questioned if the stormwater changes were approved by the DEP. W. McGowan stated that they should check with DEP. L. Roy said they do not want to get involved in changing the previous development approvals, but work within what they have.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public meeting for a for 2 Murray Hill Circle – Map 4 Parcel 24 until March 1, 2017 with the applicant's consent

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –  
4 Murray Hill Circle – Map 4 Parcel 25**

Documents: Proposed Subsurface Septic Disposal System Plan, dated 1/3/17  
Proposed Subsurface Septic Disposal System Plan, revised 1/25/17  
Memo from Paul Alunni, Town Engineer, dated 1/30/17

Present in Interest: Luke Roy, LJR Engineering

L. Roy presented the new home project. The pool is graphic only and not included in the filing. This plan also shows an increase in impervious area and the driveway crossing the wetlands. It is clear from the subdivision plans that the runoff is supposed to drain into the bio-retention area and L. Roy feels that it will. See comments above for 2 Murray Hill Circle.

W. McGowan asked why the grade in front of the house was raised 6'. L. Roy said the front will have more fill material instead of a high exposed foundation wall. The gravity line to the septic system is what drove the grading height and fill will balance the grade between the front of the house and the rear of the house.

M. McInnis questioned the easement shown. L. Roy stated it would be a cross easement for 2 and 4 Murray Hill Circle. W. McGowan questioned the grade of the retaining wall and voiced concern that debris will get pushed over the wall into the bio-retention area. L. Roy said the wall could be pulled back a bit. J. Flynn asked that a fence be placed on top of the retaining wall to keep things from being pushed over the retaining wall and L. Roy agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public meeting for 4 Murray Hill Circle – Map 4 Parcel 25 until March 1, 2017 with the applicant's consent

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –  
8 Murray Hill Circle – Map 4 Parcel 27**

Documents: Proposed Subsurface Septic Disposal System Plan, dated 1/10/17  
Proposed Subsurface Septic Disposal System Plan, revised 1/25/17  
Memo from Paul Alunni, Town Engineer, dated 1/30/17

Present in Interest: Luke Roy, LJR Engineering

L. Roy reviewed the plans, stating that the proposed home, driveway, and septic system fall within 100' of wetlands. The demarcation line will run along the entire length of the driveway. There is a slight increase (621 square feet) impervious area and the pool area is graphic only. The driveway was moved to the left to make it easier to build due to the grades. The driveway pitches toward the street and part of the runoff water will go into the stone trench. The Board of Health has not approved the septic system plans yet. See comments above for 2 Murray Hill Circle.

W. McGowan asked about keeping the stone wall that runs along the property line. L. Roy was unsure of exact placement as he had not surveyed the lot yet. L. Roy said that grades were not adding up correctly between the subdivision plans and the proposed plan. He will get together with the subdivision engineer to review and resolve.

D. Pearson asked about changing it back to a 2-car garage. L. Roy pointed out that they added a trench to compensate for increasing the impervious area.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public meeting for 8 Murray Hill Circle – Map 4 Parcel 27 until March 1, 2017 with the applicant's consent

**PUBLIC HEARING – NOTICE OF INTENT – 168 Lowell Street – Map 58 Parcel 1 –  
DEP File #344-1349**

Rich Stuart emailed a request on January 30, 2017 to continue the public hearing for 168 Lowell Street to the March 1, 2017 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 168 Lowell Street – Map 58 Parcel 1 – DEP File #344-1349 until March 1, 2017

**PUBLIC HEARING – NOTICE OF INTENT – 50 Lawrence Street – Map 80 Parcel 44  
– DEP File #344-1350**

Documents: Site Plan, dated 1/17/17

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

S. Eriksen agreed that the work done to date exceeds the boundaries allowed by the Emergency Order for the septic system replacement.

W. McGowan noted that the owner added a deck with stairs in the rear and re-graded without a wetland permit as well as rebuilt the side deck. The new rear deck doesn't meet the Commission's 25' setback policy. W. McGowan noted that yardwastes were dumped in the wetlands and recommends that a yardwaste area be installed.

S. Kelley-Parrella asked if the house has two (2) exits. S. Eriksen advised that it has three (3) first floor exits.

J. Flynn suggested a "trade off" and suggested the owner install a permanent demarcation line to make a 10' buffer zone off the wetland, about 4' off the stairs, in exchange for the rear deck being closer than usual. S. Eriksen suggested Berntsen markers be installed every 25'-50'. J. Flynn questioned if that was too far apart and S. Eriksen agreed to 20' apart and putting shrubs in between the markers. J. Flynn asked for a revised plan. Instead of continuing the hearing, S. Eriksen requested that the Berntsen markers and seeding the planting area with conservation seed mix and shrubs, be put in the Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 50 Lawrence Street – Map 80 Parcel 44 - DEP File #344-1350

VOTED: To issue an Order of Conditions for 50 Lawrence Street – Map 80 Parcel 44 – DEP File #344-1350

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT - 708R Woburn Street - Map 57 Parcel 54 - DEP File #344-1343**

Documents: Email from Atty. Robert Peterson, dated 2/1/2017

Jamey Brothers emailed a request, dated January 4, 2017, to continue the public hearing for 708R Woburn Street to the next meeting.

W. McGowan stated that we have not heard from the applicant, but did hear from the owner's attorney. The attorney stated: "That the agreement between the Nelsons and Mr. Brothers has been terminated in its entirety. Mr. Brothers no longer has any authority to file anything relative to this property, or to appear before any board relative to this subdivision or any related matter."

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 708R Woburn Street - Map 57, Parcel 54 - DEP File #344-1343

VOTED: To deny the Order of Conditions for 708R Woburn Street – Map 57, Parcel 54  
– DEP File #344-1343

**CONTINUED PUBLIC HEARING - NOTICE OF INTENT – Railroad R.O.W. – Wilmington Junction to Lowell Junction - Map 90, Parcel 116 - DEP File #344-1344**

Documents: Letter from TRC, dated 2/1/17  
Letter from TRC with attached plans and calculations, dated 1/18/17  
Letter from TRC with attached plans and calculations, dated 12/9/16  
Plans MBTA Haverhill Line Improvement Project Contract No. G65CN01, revised 12/20/16  
Memos from Paul Alunni, dated 12/22/16, 1/31/17

Present in Interest: Clary Coutu, Keolis Commuter Services  
Corey Kookan, TRC Environmental Corp  
Dean Hozk, Keolis Commuter Services  
Alyssa Noyes, TRC Environmental Corp  
David Gorden, Peer Consulting

M. McInnis recused himself.

C. Coutu stated that mitigation plans were submitted to Conservation this afternoon for violations discovered during the site visit. They revised the Notice of Intent in order to potentially close the hearing. C. Coutu stated that the project work is on hold until approximately March due to weather and that they would like to complete the project by end of funding, June 30, 2017.

C. Coutu thinks the Town engineer has confused Wetland 5 and Wetland 1 in his memo dated January 31, 2017. C. Coutu stated that wattles are staked on Wetland 2 and that there were no erosion controls along Wetland 1. The Railroad will define the staging area and mark the limits of work using hay bales and orange fencing to contain/control the stormwater and work area. D. Gorden will fix and re-stake the wattles along wetlands and mark where the erosion controls are supposed to be for unprotected wetlands as soon as possible. C. Coutu will meet with Dale McGuire and Corey Kookan on site once that is done and verify that work is done correctly. Debris in area covered in #344-1211 will be removed and possibly covered under an enforcement order. J. Flynn asked if 344-1211 and 344-1343 areas would share a staging area. C. Coutu said yes. All debris will be removed from the wetlands and the site prepared for construction starting up again in March.

W. McGowan asked about the wattles at the southern end of Wetland 2. C. Coutu will have the contractor replace wattles all along the line, but would like to wait to do that area later, just prior to work beginning. W. McGowan mentioned that the area between the sewer line and the tracks was not flagged. C. Coutu and D. Gorden stated that they would re-install the flags in that area.

W. McGowan reviewed P. Alunni's memo dated January 31, 2017. She noted that the wetlands in the triangular area were not confirmed and were underwater. C. Coutu said D. Gorden will re-flag that area in time for the beginning of construction. C. Coutu submitted N. Andover's Superseding Order of Conditions for DEP #242-1684 and noted that she interprets the railroad as a public roadway – that it is a fixed asset that cannot be altered. It is not an extension nor is it considered infrastructure, therefore it does not require an Operation and

Maintenance Plan. They will mitigate, monitor, and have the Commission re-visit the site, but C. Coutu strongly disagrees with the Agent's interpretation.

W. McGowan stated that N. Andover's Superseding Order of Conditions is for a culvert replacement. The Superseding Order of Conditions limited project category, 310 CMR 10.53 (3) (k), doesn't apply to this project because they are adding tracks. It is 310 CMR 10.53 (7). C. Coutu stated that tracks are inspected under the Federal authority, but not under an Operation and Maintenance Plan. C. Coutu stated that the State has requirements for drainage, but not roadways. The railroad inspects annually and documents the drainage conditions according to Federal Regulations as the culverts must be safe and secure for significant passage of water.

The commissioners and applicant discussed conditions for of the Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Railroad Right-of-Way – Wilmington Junction to Lowell Junction - Map 90 Parcel 116 - DEP File #344-1344

VOTED: To issue an Order of Conditions for Railroad Right-of-Way – Wilmington Junction to Lowell Junction – Map 90 Parcel 116 – DEP File #344-1344

#### **OTHER BUSINESS**

**CERTIFICATE OF COMPLIANCE – 5 Hopkins Street – Map 22 Parcel 10D – DEP File #344-1315**

Documents: Existing Conditions Plan, dated 1/2/17

S. Kelley-Parrella recused herself.

W. McGowan stated that there were prior problems that had been corrected, but now there is residual lawn and unauthorized cutting in the no disturb area.

J. Flynn asked about giving the grass on the other side of the fence more time to grow or possibly planting additional items in the grass area past the fence in order to prohibit maintaining the lawn on the other side of the fence.

W. McGowan stated that there is Japanese knotweed, an invasive species that is hard to control, that is being cut in the no disturb area. D. Pearson asked if the Commission wanted to give permission to remove the knotweed. W. McGowan will notify the owners that removing the knotweed or maintaining that area must have the Commission's approval.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for a Certificate of Compliance for 5 Hopkins Street – Map 22 Parcel 10D – DEP File #344-1315

**REQUEST FOR MODIFICATION – 14 Bond Street – Map 21 Parcel 5-31A – DEP File #344-1293**

Documents: Michal and Liviu Rozin request to cut down two trees, received 1/27/17

Present in Interest: Michal and Liviu Rozin, Owners

W. McGowan explained that the owners would like to remove additional trees, not included in the original Notice of Intent.

L. Rozin reviewed the arborist's comments and stated that the two (2) trees they would like to take down have dead limbs that fall from the tree and that tree in the front of the house is completely dead. They will have a crane situated in the driveway to remove the trees. The trees will be removed, but no stump grinding.

W. McGowan asked about planting replacement trees. J. Flynn clarified that replacement trees are meant to offer shade for the wetlands. J. Flynn suggested planting some larger bushes in front of the yardwaste area that will replace the trees being removed and offer some shade and a screen for the yardwaste area and the homeowners agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to modify the Notice of Intent for 14 Bond Street – Map 21 Parcel 5-31A – DEP File #344-1293

#### **DECISION**

**ORDER OF CONDITIONS – Railroad MP 17.61 Wildcat Line – Map 90 Parcel 116 – DEP File #344-1346**

Present in Interest: Clary Coutu, Keolis Commuter Services  
Corey Kookan, TRC Environmental Corp  
Dean Hozk, Keolis Commuter Services  
Alyssa Noyes, TRC Environmental Corp  
David Gorden, Peer Consulting

Michael McInnis recused himself and did not return to the meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for Railroad MP 17.61 Wildcat Line – Map 90 Parcel 116 – DEP File #344-1346

**ENFORCEMENT ORDER – Railroad Right-of-Way – Map 90 Parcel 116 - DEP File #344-1211**

Present in Interest: Clary Coutu, Keolis Commuter Services  
Corey Kookan, TRC Environmental Corp  
Dean Hozk, Keolis Commuter Services  
Alyssa Noyes, TRC Environmental Corp  
David Gorden, Peer Consulting

W. McGowan stated that during the site visit for the other railroad work, they noticed debris and damage done to the wetlands in areas covered by Order of Conditions #344-1211. C. Coutu will have D. Gorden go out, assess the damage and then make a recommendation of

plantings and debris removal. C. Coutu wants to do the following as soon as possible (hopefully by the end of February), remove what debris they can, install the snow fence, put in hay bales and determine the limit of work. A Keolis team will assess the wetland damage, flag wetlands, and then review it in the field with the Wilmington Conservation Commission. C. Coutu said that John Connor's crews would be able to start the cleanup work sometime in March 2017.

D. Gorden wants the authority to guide what is removed and how it's removed to avoid further issues. He feels it's important to put up the snow fence, document the areas as they are, document what they have removed, have a site walk again, and review the work to be done with the Wilmington Conservation Commission.

J. Flynn asked when Keolis could come back in front of the Commission with a plan. C. Coutu said they will try to come back in front of the Commission at the March meeting, if not, then the April meeting, subject to weather.

J. Flynn asked about the timing of the restoration. C. Coutu said it would be done at the end of the project, though some can be done as they go along. D. Gorden and C. Coutu thought a fall planting is realistic. D. Gorden wants to assess what plantings will be done and when they will do plantings. That will be stated in the proposed Restoration Plan along with a time table.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order for the Railroad Right-of-Way – Map 90  
Parcel 116 - DEP File #344-1211

#### DISCUSSION

MACC Advocacy Letter –The Commission decided unanimously to “sign” the letter.

MACC Annual Environmental Conference, March 4, 2017 -W. McGowan urged the Commissioners to attend the conference.

#### MINUTES – January 4, 2017

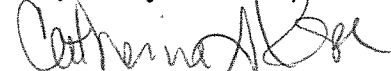
VOTED: To approve the minutes for January 4, 2017

#### ADJOURN

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

VOTED: To adjourn the meeting at 10:20 pm.

Respectfully submitted,



Catherine A. Pepe  
Senior Clerk