



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

February 6, 2019

Laurie Finne called the meeting to order at 7:00 p.m. Theron Bradley, Vincent Licciardi, Donald Pearson, and Laura T. deWahl were present. Sharon Kelley-Parrella and Michael McInnis were absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 60 Adams Street – Map 50 Parcel 7

Documents: Application, received January 4, 2019, and supporting documents

Present in Interest: Susu Wong & Julie Chen, owners

S. Wong and J. Chen presented the proposed removal of the existing deck from the front of the house, construction of an addition with a deck in the front of the house, and removal of three (3) trees near the driveway in Riverfront Area and the 100' buffer zone.

R. Hale questioned if the circumference of the trees should be corrected to be the diameter of the trees as the diameter determines the ratio for the number of trees to be planted. J. Chen confirmed that the numbers presented are the circumference, not the diameter. R. Hale advised that the number of replacement trees be determined by diameter and the Tree and Vegetation Removal Policy, and installation and maintenance of erosion controls should be added as conditions in the Determination of Applicability. D. Pearson questioned if the labeling of the trees to be removed is correct. J. Chen confirmed that the drawing was mislabeled. R. Hale will determine the number of trees to be planted and correct the labeling from C, D, & E to A, B, & C.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) Determination of Applicability for 60 Adams Street – Map 50 Parcel 7 with the added conditions to install and maintain erosion controls and to plant trees per the Tree Removal Policy

REQUEST FOR DETERMINATION OF APPLICABILITY – 4 Lawrence Court – Map 80 Parcel 73A

Documents: Application, received January 16, 2019 and supporting documents

Present in Interest: Gillian Orsburn, owner

G. Orsburn presented the project to remove the existing deck and stairs between the house and garage and construct an addition in the same area.

R. Hale recommended adding the condition to install and maintain erosion controls.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 4 Lawrence Court – Map 80 Parcel 73A with the added condition to install and maintain erosion controls

REQUEST FOR DETERMINATION OF APPLICABILITY – 55A Chestnut Street – Map 16 Parcel 2A

Documents: Application, received January 17, 2019, and supporting documents
Engineering Email, dated February 5, 2019

Present in Interest: Luke Roy, LJR Engineering

L. Roy presented the project to construct a detached 2-car garage 70' from the wetlands (at its closest point). Erosion controls will be placed at least 50' from the wetlands. They propose to extend the existing driveway to the new garage and install a stone infiltration trench along the two (2) sides of the garage where the roof pitches down.

R. Hale did not have additional questions. L. Finne asked if the Engineering Division had any comments. R. Hale advised that the Engineering Division did not have any comments. D. Pearson asked if there was stone along the existing driveway. L. Roy advised that was not proposed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 55A Chestnut Street – Map 16 Parcel 2A with the added condition to install and maintain erosion controls

REQUEST FOR DETERMINATION OF APPLICABILITY – 91 Salem Street – Map 83 Parcel 4

Documents: Application, received January 22, 2019, and supporting documents

Present in Interest: Winifred & Edward Barrasso, owners

E. Barrasso presented the restoration plan that is required to return the property to compliance.

R. Hale advised that dappled willows and lilacs are not native species. R. Hale also noted that the homeowners voluntarily offered to install a post and rail fence. R. Hale recommended that highbush blueberry or sweet pepperbush be planted along the wetlands and the dappled willows and lilacs could be planted on the lawn side of the post and rail fence. E. Barrasso will plant whatever species is recommended.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 91 Salem Street Map 83 Parcel 4 with the added condition to install and maintain erosion controls, plant native species of shrubs between the post and rail fence and the wetland, and to confirm and plant the types of shrubs to be planted with the Conservation Agent

REQUEST FOR DETERMINATION OF APPLICABILITY – 30 Kilmarnock Street – Map 74 Parcel 6

Documents: Application, received January 23, 2019, and supporting documents

Present in Interest: Matthew & Lyndsay Giangregorio, owners

M. Giangregorio presented their project to return the property to compliance by removing the fill from the wetlands, plant five (5) native shrubs, plant a native seed mix, and to move a shed to the other side of the yard.

R. Hale confirmed that just the smaller shed will be moved out of the floodplain and that the larger shed will remain where it is. R. Hale will ensure that the fill is removed to the original native soil. T. Bradley asked why five (5) shrubs are being planted. R. Hale advised that no trees were removed that would require tree or shrub replacement, and M. Giangregorio advised that the five (5) trees were offered in good faith. D. Pearson asked if the chicken waste will be filtered in any way. R. Hale suggested it could be put in as a condition.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) Determination of Applicability for 30 Kilmarnock Street – Map 74 Parcel 6 with the added conditions that erosion controls be installed and maintained and that the chicken waste be contained.

PUBLIC HEARING - NOTICE OF INTENT – 196 Ballardvale Street – Map R2 Parcel 7E – DEP FILE #344-1421

Documents: Application, received January 14, 2019, and supporting documents
Engineering Memo from Paul Alunni & William Holt, Engineering Division, dated February 5, 2019

Present in Interest: Benjamin Osgood, Ranger Engineering & Design

B. Osgood presented the project to build a 9,900 square foot retail building with a drive through at the end of the building, and associated site work that will fall within the 100' buffer zone. There is an open Order of Conditions for this property, but the work was never done and the applicant has requested a Certificate of Compliance to close it. The area for this new project is mostly an existing flat parking lot that slopes down into a wetland area. A rip rap slope with large landscape boulders will have native seed mix planted in the voids. There are additional wetlands across the street, but they are greater than 100' away. The existing lot has 50 parking spaces that will be leased to the 200 Ballardvale Street and 48 parking spaces for the new building. The structure planned for this site is a minimum of 50' away from the wetlands. Drainage of water runoff for the front of the building will go into a grass treatment swale which will go into

an inlet then into an underground detention chamber that will provide storage and infiltration. Runoff at the back of the building will flow into a couple of catch basins then into a Vortex chamber to the underground detention system, and on to an outlet structure that ties into the existing system in the parking lot.

This project is also in front of the Planning Board. B. Osgood asked to continue the meeting to the March 6, 2019 Conservation Commission meeting as they have revisions to make for the Planning Board that may affect the Conservation Commission's decision.

R. Hale read the Engineering Division's comments as stated in the memorandum dated February 5, 2019. B. Osgood advised that they are addressing the comments now and will have them resolved in time for the next Planning Board and Conservation Commission meetings. R. Hale advised the applicant to make sure the plantings are native. D. Pearson asked if the choice of plantings in the rip rap is just for aesthetics. B. Osgood confirmed yes. L. deWahl asked if anything will be planted between the base of the slope and the property line to prevent erosion of the slope. B. Osgood advised that native seed mix and some trees will be planted and that there is also an existing stone wall at the base of the slope that separates the properties. V. Licciardi asked about the snow storage plan. B. Osgood noted the snow storage areas and that they are outside the 100' buffer zone.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 196 Ballardvale Street – Map R2
Parcel 7E – DEP File #344-1421 until the March 6, 2019 Conservation
Commission Meeting

**PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
900 Main Street – Map 24 Parcel 33A – DEP File #344-1422**

Documents: Application, received January 22, 2019, and supporting documents

Present in Interest: Kevin Scully, M.J. Scully & Company

K. Scully advised that this is the first phase of a multi-phase redevelopment project for this property. After the ANRAD is approved, they will proceed with a Notice of Intent for the next phase of the project.

R. Hale advised that he had requested some changes. The changes were made on February 5, 2019 and submitted.

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 #344-1422

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the Order of Resource Area Delineation – 900 Salem Street –
Map 101 Parcel 3 – DEP File #344-1422

NOTICE OF VIOLATION – 900 Main Street – Map 24 Parcel 33A

Present in Interest: Kevin Scully, MJ Scully & Company

R. Hale advised that the understory was cleared away. K. Scully did advise that some of what was cleared were trees that had previously fallen (they have photographs) and agreed that the contractor cleared more than they should have. R. Hale advised that if the applicant submits the Notice of Intent soon for the unauthorized clearing of vegetation, then the corrective measures for the Notice of Violation can be added to the Notice of Intent (NOI) as after the fact approval. K. Scully advised that the NOI should be submitted in the next 3-4 weeks, but definitely by April 17th in time for the May 1, 2019 meeting. The entire area is flat and has wood chips on it so R. Hale does not see the need for erosion controls to be installed right now.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 900 Main Street – Map 24 Parcel 33A

NOTICE OF VIOLATION – 773 Salem Street – Map 101 Parcel 3

Present in Interest: Greg Stratis, Shea Concrete Products, Inc.

G. Stratis advised that erosion controls have been installed under R. Hale's supervision and that they will be submitting the appropriate paperwork for approval to correct the violation.

R. Hale advised that they have been very responsive and installed the erosion controls immediately after being made aware of the violation. Also, Shea Concrete will submit a Request for Determination for Applicability in time for the March 6, 2019 meeting. R. Hale stated one impact area along a dirt road is very wet and a seed mix may not work in that area.

R. Hale asked G. Stratis if a demarcation fence or some kind of barrier could be installed for the snow plows so the problem doesn't continue. G. Stratis offered to install pre-cast barriers, but would like to check with Wilmington's and North Reading's DPW first to see if the barriers are possible as it is a street that is plowed by the Town of Wilmington and utilized by the North Reading's DPW.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 773 Main Street – Map 101 Parcel 3

NOTICE OF VIOLATION UPDATE

18 Biggar Avenue – Map 82 Parcel 29-129 - R. Hale advised that this violation is several months old, but the owner is making progress and suggests advising the owner to submit a Notice of Intent for the March 6, 2019 Conservation Commission meeting and if it is not submitted, the Commission may want to take enforcement action.

NOTICE OF VIOLATION UPDATE

140 Lowell Street – Map 49 Parcel 1 – R. Hale advised that there are two (2) Orders of Conditions (OOCs) that have conflicting conditions and need to be closed. One (1) from

2003 was not previously recorded, but was recently, and one (1) from 2004 was recorded. D & D Landscape, the tenant, has resolved some of the violations, but several, including the installation of the demarcation fence, still need to be corrected to get the site into compliance. R. Hale will attempt to set up a meeting with himself, L. Roy of LJR Engineering, and D & D Landscape, the tenant, to resolve the violations (which may involve some mitigation) so the site will become compliant. After the two (2) OOC's are closed, a new Notice of Intent has to be submitted for the after the fact work that was done, such as the landscape bins and the encroachment into the 15' setback.

L. deWahl suggested installing a snow fence along the 15' and/or 25' setbacks now to establish the area where D & D Landscape can pile materials. L. Finne suggested going with the fence at the 25' as it is easier to be further away than necessary than be too close and have the tenant move the materials later. R. Hale thought that may be best as the wetland line has changed since the original Orders of Conditions were issued.

R. Hale will confirm the meeting and advise the Conservation Commissioners. This area would be considered Redevelopment of the Riverfront Area and improvement of the area has to be shown. D. Pearson asked if re-configuring the site is feasible. R. Hale thought it may be possible.

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 145 Grove Avenue – Map 34
Parcel 76 – DEP File #344-1059**

Documents: Application, received January 7, 2019, and supporting documents

Present in Interest: Laura Burns, former owner

L. Burns advised that all the conditions have been met except the installation of the infiltration system. The system was never installed and she is unsure how to proceed to close the order.

R. Hale advised that the Order of Conditions has expired so there's not a valid permit to excavate for an infiltration system. The expired permit required the installation of either dry wells or an infiltration system.

V. Licciardi asked what year the Order of Conditions was issued. R. Hale advised 2007. D. Pearson asked if the infiltration was identified on the original plan. R. Hale advised that the exact placement was not specified on the plan, but the infiltration system was conditioned in the original Order of Conditions. T. Bradley commented that it should be installed.

L. Finne asked to look if the minutes for that meeting were reviewed to see if the infiltration was discussed. R. Hale offered to look at the minutes if needed. L. Burns did not remember it being discussed at the meeting and advised that funds are being held in escrow by the new owners until the Certificate of Compliance is issued. D. Pearson asked if there are gutters on the house and if the applicant would consider a stone trench.

L. Burns stated that a stone trench was installed by the excavator during the construction of the home. She will get that paperwork from the excavator and submit it to R. Hale. L. deWahl advised that the downspouts are the concern and that maybe

digging down a foot or two at the base of each downspout from the gutters would be sufficient.

R. Hale suggested issuing the Certificate of Compliance, but hold the Certificate until the work is done. R. Hale will speak to the Town Engineer to see what he suggests.

L. Finne asked if a rain barrel could be used in addition to the small dry wells at the base of the downspouts. L. deWahl suggested digging an area of about 2' wide by 1' deep and placing stone in the hole to infiltrate the water. This is a rough calculation, but and the amount of roof runoff will need to be calculated to be accurate. D. Pearson confirmed not waiving the condition, but digging down at the base of each downspout and installing some stone. T. Bradley agreed that the Engineering Division should look at it.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 145 Grove Avenue – Map 34 Parcel 76 – DEP File #344-1059, but hold it until the Engineering Division approves the infiltration system.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 196 Ballardvale Street – Map R2 Parcel 7E – DEP File #344-1325

Present in Interest: Benjamin Osgood, Ranger Engineering & Design

R. Hale confirmed that no work was done.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 196 Ballardvale Street – Map R2 Parcel 7E – DEP File #344-1325

REQUEST FOR CERTIFICATE OF COMPLIANCE – 34 Mill Road – Map 3 Parcel 3E – DEP File #344-1081

Documents: Plan of Land, dated January 9, 2019

R. Hale advised that there is significant erosion on the hill that is next to Conservation Land and a significant amount of work needs to be done to stabilize the slope. There is no proof that any infiltration was installed, but the owner hired an engineer who confirmed an infiltration system was installed.

L. deWahl offered that a combination of shrubs, stone and possibly other added erosion controls may be needed to stabilize the slope, and that an erosion blanket would not suffice. R. Hale suggested a site visit might be helpful for erosion control ideas. The Certificate of Compliance has already been tabled so no further action was taken at this meeting.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 4 Ledgewood Road – Map 57 Parcel 14 – DEP File #344-1333

Present in Interest: Jonathan Langone, owner

J. Langone, owner, would like to discuss an alternative to removing the 13' wide x 20' long x 1.5"-2" deep gravel stone pad that was installed, but not permitted in the Order of Conditions. He offered to plant additional shrubs to offset gravel stone pad if that is helpful.

R. Hale advised that the stone pad area was permitted to be a grassed area and is outside the 15' setback. L. Finne asked if new shrubs would be used to delineate the 15' setback or mitigate the infiltration. R. Hale advised that the original concern was the potential for oil or gas leaking from the boat that is being parked on the gravel pad. L. Finne asked if a barrier could be placed beneath the stone pad to prevent any possible leaks from penetrating the ground. J. Langone advised that "black fabric" was laid first then the stone placed over it. J. Langone advised that the boat is small and has an electric motor, so no fuel or oil to potentially leak. R. Hale suggested adding a condition that any gas or diesel powered motors cannot have any oil or gas in them when stored on the pad and that the entire pad is outside the 15' setback. J. Langone asked what would be required if he wanted to put a driveway in that spot in the future – pavement or gravel? L. deWahl suggested allowing the stone pad. R. Hale suggested considering it an insignificant change and adding an additional ongoing condition in the Certificate of Compliance limiting storage of fuel over the stone pad. T. Bradley, V. Licciardi are ok with the added condition of no oil or fuel (gas or diesel) or long term storage of motorized equipment that contains fuel or oil.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 4 Ledgewood Road – Map 57 Parcel 14 – DEP File #344-1333 with the added condition that no long term parking or storage of petroleum products or hazardous materials over the stone pad

GIRL SCOUTS DISCUSSION

Valerie Mollo, introduced Tanya Mollo and Taylor Mills, two (2) Girl Scouts that are working on their Silver Project that involves aiding the waterways and conservation areas in Wilmington. They would like to introduce themselves, become familiar with the Conservation Commission Meeting process with the hope that they will present a project to the Commission in the near future. T. Mollo advised that they are concerned about the pollution getting into waterways and how it could affect plant and animal life. They would like to help educate the public on how pollution affects the waterways and help with cleaning up some areas. R. Hale advised that he has worked with a few Boy Scouts doing similar projects for their Eagle Projects badge and offered to help them wherever he could.

EMERGENCY CERTIFICATION

Adjacent to 60 Clark Street, west of Ipswich River – R. Hale advised that the request came in from Jamie Magaldi of DPW. R. Hale confirmed that the tree was damaged and/or diseased, and should be removed.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for a damaged/diseased maple tree on Town of Wilmington property (adjacent to 60 Clark Street)

DISCUSSION

Massachusetts Association of Conservation Commissions Annual Conference, March 2, 2019 – R. Hale reminded the Conservation Commission members that the Planning & Conservation Department will pay for Commissioners to attend.

Snow Disposal Guidance Notices – R. Hale advised that DEP issued revised snow disposal guidelines. The Planning & Conservation Department sent out letters to the appropriate property owners advising that changes were made and to contact the Department with any questions or assistance they may need.

April Earth Day Events Reminder – If anyone would like to help out with the events planned the week before Earth Day let R. Hale know. He has plans for a Nature walk, another Town Clean-Up Day, and some informational meetings at the Wilmington Library. L Finne suggested a Business Clean-Up Day for the businesses to clean up their area.

R. Hale advised that the revised Land Stewardship Handbook will be unveiled that week.

MINUTES – January 2, 2019

Upon motion duly made and seconded, it was unanimously

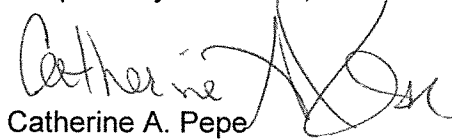
VOTED: To approve the minutes for the January 2, 2019 Conservation Commission Meeting after correcting the Library Board of Trustees to read Board of Directors

ADJOURN

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

VOTED: To adjourn the meeting at 9:04 pm.

Respectfully submitted,


Catherine A. Pepe
Senior Clerk

