



TOWN of WILMINGTON
DEPARTMENT OF PLANNING & CONSERVATION

121 Glen Road, WILMINGTON, MA 01887 www.wilmingtonma.gov
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CONSERVATION COMMISSION MINUTES

March 14, 2018

Sharon Kelley-Parrella, Co-Chair, called the meeting to order at 7:01 p.m. Theron Bradley, Donald Pearson, and Laurie Finne were present. Vincent Licciardi, Michael McInnis, and Julie Flynn were absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 80
Main Street – Map 45 Parcel 137**

Documents: Site Plan, Glen Road, dated January 22, 2018

Present in Interest: Michael Newhouse, Center Development Corp.

M. Newhouse presented the residential part of the project on roughly 25,000 square feet of the property. No salt for snow melting will be used in the buffer zone and the Tree Removal Policy will be followed if they have to remove any trees.

R. Hale stated that only a portion of the driveway, infiltration trench, and some grading and loam/seed are proposed within the 100' buffer zone. He recommends a Negative (3) Determination for this project.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability with the conditions that if tree removal is required within the buffer zone that the Tree Removal Policy be followed and that sodium chloride and storage of snow treated with sodium chloride be prohibited from the 100' buffer zone for 80 Main Street – Map 45 Parcel 137

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 21
Shady Lane Drive – Map 80 Parcel 1A**

Documents: Subsurface Septic Disposal System Replacement Plan, dated January 29, 2018
Letter from Norse Environmental Services, Inc., dated March 5, 2018

Present in Interest: Eric Juergens, Homecraft Builders, LLC
Luke Roy, LJR Engineering

L. Roy presented the project of razing the existing single family home and building a new single family home on the 26,000 square foot lot. There are wetlands across the street and the proposed septic system and driveway are in the 100' buffer zone. There is a

non-jurisdictional isolated wetland area in the rear of the property that was confirmed in a letter from their wetland specialist. L. Roy feels all the work proposed will improve the conditions of the site.

R. Hale stated that the project would be an overall improvement to the property. R. Hale asked if the septic plan was approved by the Board of Health. E. Juergens confirmed that the septic plan has been approved. R. Hale stated that, if necessary, it could be put as a condition and that the applicant should give the Conservation Department a copy of the approved plan.

D. Pearson asked if there was a potential for a vernal pool. R. Hale said there was no evidence of standing water.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 21 Shady Lane Drive – Map 80 Parcel 1A

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY- 823 Main Street – Map 26 Parcel 9

Documents: Figures for USGS Request for Determination of Applicability to Wilmington Conservation Commission (Figs 1-6), dated February 21, 2018

Present in Interest: Dave Armstrong, US Geological Survey.

D. Armstrong stated that a new project between MassDEP and USGS will monitor the water quality in the Maple Meadow Brook. This site is one (1) of several picked throughout the state. They will install two (2) small galvanized stainless steel pipes in the brook. One (1) pipe will be to support the enclosure that will house the instrumentation and the other will be for the measuring device. The monitoring will be done monthly and last about one (1) year. Betty Bigwood of the Middlesex Canal Association provided USGS a letter stating that the Middlesex Canal Association was ok with the installation.

R. Hale agreed that putting 2" galvanized pipes driven into the water and installing the equipment is minimally invasive. Jeff Hull, Wilmington Town Manager, has been made aware and does not have any objections to the project.

S. Kelley-Parrella asked when the project would start. D. Armstrong stated that they would like to start in April which means the installation would take place in the next 2-3 weeks. R. Bradley asked what they are monitoring. D. Armstrong stated it is monitoring the pH, water temperature, and aluminum level

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (2) Determination of Applicability for 823 Main Street – Map 26 Parcel 9

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY –

Fordham Road – Map 99 Parcel 1

Documents: Partial As-Built Plan with Well Locations, dated February 20, 2018
AECOM Figure 2-4 Exploration Locations Plan, dated November 9, 2016
AECOM Figure 2-4 Annotated Blow Up Plan, dated February 20, 2018

Present in Interest: Richard O'Connell, RJ O'Connell & Associates, Inc.
G. Stanieich, Wilmington Realty Trust
Chris Lucas, Lucas Environmental

R. O'Connell stated that the monthly well monitoring has occurred for over 40 years, and is required by the MassDEP. The trail that leads to the wells, is in Bordering Vegetated Wetlands and Bordering Land Subject to Flooding. Pallets are used to line the path that leads to the wells. The applicant has agreed to build the pallets out of hardwood (not treated with harmful chemicals) and to replace them when they start to decay instead of leaving them there to decay.

At a previous meeting, the Wilmington Conservation Commission had asked that the applicant research accessing the wells from an upland route through North Reading. R. O'Connell researched this and advised that after walking the upland route he discovered that use of the trail is not practical. The trail leads to the Stickney Well, which has not been used in about 20 years. The trail has a gate at the entrance that is kept locked and they would have to go to the Town of North Reading to get the key every time they wanted to access the trail. In addition, the trail has not been maintained since the Stickney Well was closed. The applicant would have to go through North Reading's Conservation Commission to create and maintain the trail from the Stickney Well, as the mapped trail is no longer present. The North Reading Town Engineer prefers that access remain from the current Wilmington site.

R. Hale confirmed R. O'Connell's statements and agreed with using the current Wilmington access. R. Hale stated building hardwood pallets is better and asked about building a temporary wooden boardwalk instead of building the pallets. R. O'Connell stated that they were going to research both options and go with the most economical.

D. Pearson asked what was being monitored. R. O'Connell stated that a waste water treatment center was put in in 1968 and that the six (6) surrounding wells must be monitored per the permit with Mass DEP. L. Finne asked about the size of the pallets. R. Hale said that keeping to the proposed 5' width would be fine.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (2) Determination of Applicability for Fordham Road – Map 99 Parcel 1

CONTINUED PUBLIC HEARING – NOTICE OF INTENT - 4 Sgt. Veloza Way – Map R2 Parcel 43 – DEP File #344-1381

Document: Sanitary Disposal System Plan, 2 pages, revised March 6, 2018
Memorandum from Paul Alunni & William Holt, Town of Wilmington Engineers, dated March 6, 2018

Present in Interest: Stephen Lawrenson, Benchmark Properties

S. Lawrenson stated that this hearing was continued from February due to a lack of DEP file number and that a DEP file number has now been issued.

R. Hale stated that the Board of Health has approved the septic system plan. R. Hale recommends approving an Order of Conditions and that the limit of work, erosion controls, labeled compost area, and the permanent demarcation line be shown on revised plans for approval prior to construction, as conditioned in the Special Conditions. R. Hale reminded S. Lawrenson that all of these items are expected to be shown on future submittals for the Commission to review.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 4 Sgt. Veloza Way – Map R2 Parcel 43 – DEP File #344-1381

VOTED: To approve the Order of Conditions for 4 Sgt. Veloza Way – Map R2 Parcel 43 – DEP File #344-1381

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 6 Sgt. Veloza Way – Map R2 Parcel Parcel 42 – DEP File #344-1380

Documents: Sanitary Disposal System Plan, 2 pages, revised March 6, 2018

Present in Interest: Stephen Lawrenson, Benchmark Properties

S. Lawrenson stated that this hearing was continued from February due to a lack of DEP file number and that a DEP file number has now been issued.

R. Hale stated that the Board of Health has approved the septic system plan. R. Hale recommends approving an Order of Conditions and that the limit of work, erosion controls, labeled compost area, and the permanent demarcation line be shown on revised plans for approval prior to construction, as conditioned in the Special Conditions. R. Hale reminded S. Lawrenson that all of these items are expected to be shown on future submittals for the Commission to review.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 6 Sgt. Veloza Way – Map R2 Parcel 42 – DEP File #344-1380

VOTED: To approve the Order of Conditions for 6 Sgt. Veloza Way – Map R2 Parcel 42 – DEP File #344-1380

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 44 Shawsheen Avenue – Map 32 Parcel 3A – DEP File #344-1382

R. Hale stated that this hearing was continued from the February 2018 meeting due to lack of DEP file number, but had essentially been reviewed and approval pending the file

number agreed upon by the Commission. A DEP File number has been issued and the Order of Conditions is ready to issue.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 44 Shawsheen Avenue – Map 32 Parcel 3A – DEP File #344-1382

VOTED: To approve the Order of Conditions for 44 Shawsheen Avenue – Map 32 Parcel 3A – DEP File #344-1382

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 900 Salem Street – Map R1
Parcels 27A & 24 – DEP File #344-1379**

Documents: Letter from Division of Fisheries & Wildlife, dated February 9, 2018
Response to Comments for Proposed Process Discharge Relocation
From DSN 002 to DSN 006, dated February 21, 2018
Benevento Sand and Stone Process Discharge Relocation From DSN002
To DSN 006 Plans, 7 pages, revised February 19, 2018

Present in Interest: Frank Postma, EA Engineering, Science, and Technology, Inc.
Dylan Conlon, EA Engineering, Science, and Technology, Inc.
William Schneider, Benevento Sand & Stone
Robert Golledge, Benevento Sand & Stone

F. Postma stated that the project entails relocating the stone washing discharge currently discharging into Martins Pond to downstream Bordering Vegetated Wetlands on Martins Brook. The current discharge location was permitted by the EPA (with several stipulations) about two (2) years ago. Benevento washes some of its product. The water is pumped into settling ponds, filtered, and discharged into Martins Brook. The filtered water is essentially as clean as it can be. The existing pipe from the ponds to the discharge location is above ground and the heavy vehicle traffic going over it poses environmental concerns should it be breached. They would like to move the discharge pipe to the proposed location downstream to shorten it and to lower the discharge velocity of the treated water before entering Martins Pond via a level spreader. The project will take place in Bordering Land Subject to Flooding, the 100' Buffer Zone, and Natural Heritage and Endangered Species Program Priority and Estimated Habitats.

They are permitted to discharge up to 1.5 million gallons of water and the applicant is hoping to discharge that over a five (5) day period and over Phragmites. EA considers the additional water a benefit to the ecosystem.

Benevento would maintain a perimeter erosion control around the entire area. The proposed project is in Bordering Land Subject to Flooding and the cut and fill ratio has to match. To do that they will make a large cut along the Martins Brook area. The area would be circled with erosion controls and then vegetated post construction to stabilize the area.

R. Hale stated that his concern about Martins Pond is not a factor as it is Martin's Brook. R. Hale stated that the Natural Heritage and Endangered Species Program said the project will not have an adverse impact to rare species. He conducted a site visit last

week and understands how the current operation could pose a threat to the wastewater conveyance. Installing a conveyance underground is not realistic because it's only a temporary measure as needed. He asked if the Bordering Land Subject to Flooding impact area and compensation area could be clearly delineated on the plans. The 15' and 25' setbacks should also be shown on the revised plans. R. Hale asked where the water to wash the stone comes from. F. Postma showed the pump house that recycles the water, and said it comes from Martins Brook as needed. R. Hale clarified that the water is not additional to the ecosystem, but returned so there is no real benefit. They are allowed to pump 10,000 gallons of water. R. Hale asked for National Grid's opinion on the project since it takes place within their easement and at the base of their structures. S. Kelly-Parrella seconded that. F. Postma has reached out to them, but given the recent poor weather, they have not replied to yet.

R. Hale indicated he originally asked for the restoration seed mix to be native species, but after seeing how much Phragmites is out there he thinks it's unlikely it will ultimately take. He stated that it is worth a try either way. P. Alunni, Town Engineer did not have any comments as part of his review. He confirmed that the level spreader appeared mechanically sound.

R. Hale asked if the vegetation in the floodplain compensation area would hold up to flood flows, as opposed to a hardscape as originally proposed. F. Postma thinks it will and given the low cost, it is worth trying. R. Hale suggested continuing the hearing pending a response from National Grid and site plan revisions.

D. Pearson asked if Benevento is going to abandon anything given the new system. F. Postma stated that they have nothing in place right now since they haven't actually had to discharge, so nothing will be abandoned for this new infiltration system.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 900 Salem Street – Map R1 Parcels 27A & 24 – DEP File #344-1379 to the April 4, 2018 Conservation meeting

PUBLIC HEARING – NOTICE OF INTENT – 93 McDonald Road – Map R2 Parcel 38 – DEP File #344-1383

Documents: Sanitary Disposal System Plan (2 pages), dated March 6, 2018
Memorandum from Paul Alunni & William Holt, Town of Wilmington Engineers, dated March 6, 2018

Present in Interest: S. Lawrenson, Benchmark Properties

S. Lawrenson stated that the project is building a new single family home with a septic system within the 100' buffer zone.

R. Hale asked if S. Lawrenson had spoken to Paul Alunni, Town Engineer about the comments in his March 6, 2018 memorandum. Specifically, the infiltration system is within 10' of the house and the septic system leach field is within 20' of the house. S. Lawrenson said the engineer had the wrong drawing and he will have it corrected. R. Hale suggested continuing the hearing until April 4, 2018 and S. Lawrenson agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 93 McDonald Road – Map R2 Parcel 38 – DEP File #344-1383 until the April 4, 2018 meeting

PUBLIC HEARING – NOTICE OF INTENT – 101 McDonald Road – Map R2 Parcel 45 – DEP File #

Documents: Sanitary Disposal System (2 pages), dated March 6, 2018
Memorandum from William Holt & Paul Alunni, Town of Wilmington Engineers, dated March 6, 2018

Present in Interest: S. Lawrenson, Benchmark Properties

S. Lawrenson stated that the project is building a new home with a septic system within the 100' buffer zone.

R. Hale stated that the Engineering Dept. had the same comment that the infiltration system is within 10' of the house. Also that DEP has not issued a file number yet. R. Hale suggested continuing the hearing until April 4, 2018 and S. Lawrenson agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 101 McDonald Road – Map R2 Parcel 45 until the April 4, 2018 meeting

PUBLIC HEARING – NOTICE OF INTENT – 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot #3A) – DEP File #344-1387

Documents: Site Plan, dated February 21, 2018
Memorandum from William Holt & Paul Alunni, Town of Wilmington Engineers, dated March 6, 2018

Present in Interest: Steve Lawrenson

S. Lawrenson presented the project consisting of building a new home with a septic and driveway within the 100' buffer zone. There are three (3) house lots connected on this parcel and he will present all three (3) houses at this meeting.

R. Hale stated that the parcel to the east side of the house has a wetland area and buffers that needs to be shown. The plans states silt sock and silt fence will be used and R. Hale asked which will be used. S. Lawrenson said he will use both to be cautious. The Town Engineer said the infiltration should be 25' from the septic system to meet Title 5. S. Lawrenson said he will address that. R. Hale asked that the compost area and permanent demarcation be called out on the plans. R. Hale recommends continuing the hearing until April 4, 2018 and S. Lawrenson agreed.

Ron Escher, 35 Dell Drive, is concerned about the roof runoff from the additional homes and if it will affect the wetlands. S. Lawrenson stated that they are not filling any

wetlands and that any roof drains must flow into an infiltration system. Nor will the stone trenches around the driveways go into the wetland. R. Escher questioned the standing water at 228 Burlington Ave. S. Lawrenson stated that the infiltration system at 228 McDonald is not live yet and that is causing the standing water. That will be corrected as soon as the infiltration system is connected.

Carol Jaques, 27 Dell Drive, voiced concerns about 228 McDonald Road. S. Kelley-Parrella stated that the hearing is on 230 Burlington only. C Jaques questioned where the water is coming from and where it will flow into. Her concern is if the foundation raises the water table, will the water will flow into her basement during heavy rain. C. Jaques feels the new houses will impact the wetlands and doesn't see any proof that it won't. She also stated that the area smells of waste in the spring. S. Lawrenson advised that the building code states that the basement floor must be at least 2' above the water table. They must adhere to that minimum of 2' and try to go as high above it as possible because they don't want water coming in the houses either. S. Lawrenson stated that no work will be done in the wetlands. S. Lawrenson stated that the area has been researched by a wetland specialist.

R. Hale stated that he recently walked the site with the same wetland specialist and some minor changes will be made on the plans, but the wetland boundary is correct. R. Hale stated that the Commission looks at the project per the Wetlands Protection Act. The septic system is 50' from the wetlands and meets Title 5, the basement and septic system is at least 2' above the water table, and the Commission setbacks are also met. A stormwater permit must be obtained which requires no change in water coming off the site. The Conservation Commission must base the decision on the regulations. C. Jaques asked if she should seek legal action. R. Hale advised that any Commission approval could be appealed to DEP.

Patricia Romano, 247 Burlington Avenue voiced a concern about the deer crossing and where does the wildlife go? C. Jaques voiced the same concern.

Michael Welch, agreed that it is very wet and that the engineer and the botanist the developer must hire are very costly. M. Welch stated that the Town and the Conservation Commission do a good job and that the neighbors should have faith in the guidelines and systems that the Town has in place. M. Welch went on to say that the Town will monitor all phases of the project to ensure that other properties are not damaged. He also commented on the Town's lack of affordable housing.

Mary Escher, 35 Dell Drive, asked why the house is so close to the wetlands. S. Lawrenson stated placement of the house is a result of adhering to septic system guidelines that must be followed. M. Escher asked why the flags are so close to the structure. R. Hale stated the Commission has a 25' structure set back that is met by this design. This project is 43' from wetlands. C. Jacques brought up Walnut Street and the discussion was ceased due to irrelevance.

R. Hale stated that there are no direct wetland impacts and since work is only proposed in the 100' buffer zone and meets Conservation setbacks from the wetland, S. Lawrenson does not have to do an alternative analysis of different locations on the lot for the house. If the project meets Title 5, Conservation setbacks and all other regulatory standards, it is approvable assuming construction period BMPs and the Commission

does not find the project would alter or otherwise impact the adjacent wetland. The Engineering Division may have input on the septic system location.

Sharon McDonald, 28 Dell Drive, asked what the drainage system will be. S. Lawrenson stated that the roof runoff goes into an infiltration system that must be 2' above water level and is approved by the Planning Department. S. McDonald voiced her concern that the house being added will lower/displace the water and is concerned that it will flow into her home. R. Hale recommended speaking to the Town Engineer who is better qualified to answer these questions.

S. Kelley-Parrella suggested that C. Jaques speak to the Board of Health and the Town Engineer for the educated answers. C. Jaques still disputed this and S. Kelley-Parrella stated that the Commission cannot answer these questions.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot #3A – DEP File #344-1387 until the April 4, 2018 meeting

PUBLIC HEARING – NOTICE OF INTENT – 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot #4) – DEP File #344-1386

Documents: Site Plan, dated February 21, 2018
Memorandum from William Holt & Paul Alunni, Town of Wilmington Engineers, dated March 6, 2018

Present in Interest: Steve Lawrenson

The septic system still needs to be approved. S. Lawrenson agreed to continue this hearing until the April 4, 2018 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot #4 – DEP File #344-1386 until the April 4, 2018 meeting

PUBLIC HEARING – NOTICE OF INTENT – 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot #5) – DEP File #344-1385

Documents: Site Plan, dated February 21, 2018
Memorandum from William Holt & Paul Alunni, Town of Wilmington Engineers, dated March 6, 2018

Present in Interest: Steve Lawrenson

The septic system still needs to be approved. S. Lawrenson agreed to continue this hearing until the April 4, 2018 meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot #5 – DEP File #344-1385 until the April 4, 2018 meeting

**PUBLIC HEARING - NOTICE OF INTENT – 804 WOBURN STREET – MAPS 46 & 47
PARCELS 130 & 2 – DEP FILE #344-1384**

Documents: Analog Devices Campus Expansion Plan (24 pages), dated February 7, 2018
Pre-Development Watershed Plan, 2 pages, dated February 7, 2018
Memorandum from William Holt & Paul Alunni, Town of Wilmington Engineers, dated March 5, 2018

Present in Interest: Amanda Houle, Tighe & Bond
Joseph Persechino, Tighe & Bond

J. Pereschino presented the project which consists of adding an access road, a building, parking garage, and stormwater improvements. This same site has an open Order of Conditions from 2016 for roadway and parking lot improvements. Analog will close out the open Order of Conditions after the Order of Conditions for this Notice of Intent is approved. Part of the proposed new road will go into the 100' buffer zone, but will not impact the wetlands. They have pulled some parts of the project away from the wetlands in other areas. The proposed removal of pavement in the 100' buffer zone will decrease the impervious area, the existing stormwater will be reconfigured and improved to meet current stormwater standards, and the proposed the parking garage will be built over an existing parking lot. The proposed stormwater basin is considered one of the best in the industry and Tighe & Bond is working closely with the Town Engineer to provide the necessary information. J. Pereschino then explained the construction of and functions the gravel wetland will provide.

R. Hale stated that the existing stormwater basin meets the definition of a wetland but since it's not directly connected to other wetlands or waters, that it's not a Bordering Vegetated Wetland. It's also not Isolated Land Subject to Flooding based on calculations by an engineer, so it is non-jurisdictional. The Town Engineer calls the proposed stormwater basin the "Cadillac" of stormwater basins. R. Hale addressed the tree removal and would like to do a site visit after the area is surveyed and marked to review what trees can be kept per the Tree Removal Policy. The only other outstanding items of concern are the stormwater comments and asked when that information will be ready to submit. J. Pereschino will meet with Paul Alunni, Town Engineer, soon and will have information ready to submit for the April 4, 2018 Conservation meeting and the Planning Board meeting on April 3, 2018.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 804 Woburn Street – Maps 46 & 47
Parcels 130 & 2 – DEP File #344-1384 until the April 4, 2018

**PUBLIC HEARING - NOTICE OF INTENT – 219 ANDOVER STREET – MAP R1
PARCEL 19A**

Documents: Existing Conditions Plan, Figure 1, dated February 2018

Proposed Conditions Plan, Figure 2, dated February 2018
Conceptual Design for Wetlands & Buffer Infringement Corrective Actions
Stockpile Area Along Northern Quarry Face, dated February 2018
Memorandum from William Holt & Paul Alunni, Town of Wilmington
Engineers, dated March 6, 2018

Present in Interest: Frank Postma, EA Engineering, Science & Technology
William Schneider, Benevento Sand & Stone
Robert Golledge, Benevento Sand & Stone

F. Postma, stated that the Notice of Intent was submitted as a result of observations made by R. Hale. A large stockpile area was created and large boulders were pushed into a ravine and wetland area. There is an additional wetland area that is impacted. Benevento would like grade back the wetland side of the stockpile to create a 2:1 slope over the 3,000 square feet of impacted area so it can be vegetated. They propose to create a wetland mitigation area and remove invasive species to compensate for the impacts. There is an intermittent stream nearby that was determined to not have Riverfront Area. An 8,000 square feet replication area was created in the early 2000's elsewhere on the site per a DEP Enforcement case and they may need to add to that for this project.

F. Postma requested a continuance to the April 4, 2018 meeting to answer the Town Engineer's comments and to wait for DEP File #.

R. Hale stated that the Town engineer requested a 3:1 slope and suggested that F. Postma contact P. Alunni, Town Engineer for further clarification. One of the impacts is on land owned by the Town of Wilmington and the other is on land owned by Mass DOT. F. Postma stated the boulders on the Mass DOT land will be removed either by breaking them or pulling them out, but access to that area will be a challenge. They will hopefully use rubber track equipment for the work to minimize the impact to the wetland. R. Hale asked if the access road will be temporary. F. Postma said it could be temporary, but it will depend on further discussions with the Town Engineer, especially if the Town Engineer requires a 3:1 slope. Access to the area will be as restricted as possible. R. Hale asked how many trees will be impacted. F. Postma said 12 trees so far.

R. Bradley asked if they will be ready for April 4, 2018 Conservation meeting. F. Postma is hoping so as they would like to start the project in May.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 219 Andover Street – Map R1 Parcel 19A until the April 4, 2018 meeting

DISCUSSION – Eversource Energy Right-of-Way Maintenance Project – A standard notification was sent to the Conservation Department that Eversource will be doing vegetation maintenance and tree trimming. R. Hale will reach out to Eversource to make sure the contractors doing the work understand the limitations they have to work within.

DISCUSSION – Benevento Sand & Stone Quarry Sump Retention Basin

F. Postma presented the retention basin. A basin was created between 1995 and 2001. The basin was likely created after November 18, 1996 in relation to the stormwater regulations. A 1995 aerial from DEP doesn't show its existence, but it does appear in a 2001 aerial. The basin was created for additional water storage in the event the quarry floods. It is not a stormwater structure that was permitted. It appears that the structure is 100'-125' from the wetland based on aerial photos. The question now is, is it a pond? Benevento does not consider it a pond as it is part and parcel of the mining operation and is exempt.

R. Hale discussed the three items F. Postma presented. He stated there is no proof the basin was constructed after November 18, 1996 nor that it was constructed in accordance with the Stormwater Management Standards, to which F. Postma said he conceded. Therefore, it is not exempt as a stormwater management system. He also questioned the distance to the existing wetlands area. R. Hale requested a delineation and F. Postma agreed. R. Hale stated that the basin appears to meet the definition of a Pond in the Wetlands Protection Act. R. Hale stated he believes the intent of the individual gravel pit or quarry exemption is for when those features flood because of collected stormwater, so they do not become jurisdictional features and the water can be pumped to continue operations without approvals or mitigation.

B. Golledge stated that the construction of the temporary basin occurred within the active footprint of a mining operation. The question is the interpretation of a mining operation. R. Hale didn't interpret the basin as an individual gravel pit in which mining operations were occurring but rather a stormwater basin. F. Postma countered that the basin was originally excavated and the material was sold so it could be considered a gravel pit. R. Hale responded that even if it was considered a gravel pit when excavated, it was not an active gravel pit within the last 5 years that would meet the exemption, based on aerial photos.

B. Golledge stated that Benevento is trying to upgrade and become a state of the art operation and questions the definition of a pond. The perimeter road is the perimeter of the mining operation and Benevento is looking at the entire project. R. Hale stated that the jurisdiction of the basin must be established so the Commission can make an educated decision. B. Golledge stated that the area was not connected to anything, it was scraped off, and mined. R. Hale asked what the perimeter road establishes and that it doesn't mean everything within the perimeter road is non-jurisdictional since it's a line drawn by Benevento and not a legal boundary. B. Golledge stated that the Commission needs to understand what a mining operation is and asked what additional information the Commission needs to help decide if it is jurisdictional. R. Hale mentioned another pond on the site that Benevento claims was considered non-jurisdictional by DEP. If Benevento could provide information as to that determination, it may help with this determination. B. Golledge stated that a mining operation should not be viewed as creating a depression that may later become a pond. R. Hale stated he will look at the definition of mining operation again. R. Hale stated he viewed this similar to a parking lot with an adjacent stormwater basin. The parking lot and quarry are man-made impervious surfaces graded so that water collects in a low point, which is then conveyed to a stormwater basin via pipes or pump. The only difference is one is active conveyance and one is passive.

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 4 ISABELLA WAY – MAP 74
PARCEL 1D – DEP FILE #344-1317**

R. Hale stated that a stone pad was installed for parking and a chain link fence was installed where post and rail was required. R. Hale asked if the Commission wants to ask the homeowner to remove the stone pad and vegetate the area, and remove the chain link fence and install a post and rail fence. If the Commission allows the chain link fence to stay, then the Order of Conditions should technically be amended. The Commission decided to allow the chain link fence to stay without amendment. The Commission also decided to have the applicant remove the stone pad and vegetate the area.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for Certificate of Compliance for 4 Isabella Way – Map 74 Parcel 1D – DEP File #344-1317

REQUEST FOR CERTIFICATE OF COMPLIANCE – 2 HILLCREST STREET – MAP 30 PARCEL 34 – DEP FILE #344-1304

R. Hale stated that all conditions have been met

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance – 2 Hillcrest Street – Map 30 Parcel 34 – DEP File #344-1304

REQUEST FOR CERTIFICATE OF COMPLIANCE – 804 WOBURN STREET – MAPS 46 & 47 PARCELS 130 & 2 – DEP FILE #344-1304

The applicant requested to table the Certificate of Compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Certificate of Compliance – 804 Woburn Street – Maps 46 & 47 Parcels 130 & 2 – DEP File #344-1304

REQUEST FOR CERTIFICATE OF COMPLIANCE – 201 SALEM STREET – MAP 81 PARCEL 4 – DEP FILE #344-1038

R. Hale stated that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance – 201 Salem Street – Map 81 Parcel 4 – DEP File #344-1038

REQUEST FOR CERTIFICATE OF COMPLIANCE – 613 MAIN STREET – Map 40 Parcel 1 – DEP File #344-449

R. Hale state that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 613 Main Street – Map 40
Parcel 1 – DEP File #344-449

ENFORCEMENT ORDERS/VIOLATION UPDATES/Emergency Certificates

911 Main Street – Map 25 Parcel 4 – Enforcement Order – R. Hale stated that Atty. R. Peterson contacted him to review the requirements for a Notice of Intent submittal. R. Peterson stated that the applicants will submit the proper Notice of Intent application for the April 4, 2018 Conservation Commission meeting.

58 Chestnut Street – Map 29 Parcel 19C – Notice of Violation – R. Hale stated that the owners are required to submit a Notice of Intent for the following hearing. They have submitted weekly schedules of updates, but not an overall project schedule as required. R. Hale recommends that if they do not submit a Notice of Intent for the next meeting than an Enforcement Order should be issued. The Commission agreed.

33 West Street – Map 59 Parcel 1A – Notice of Violation – The Order of Conditions has expired for this site. Richard Stuart will file another Notice of Intent for constructing a home on the site.

14 Jewel Drive – Map 24 Parcel 209A – Notice of Violation – Eugene Sullivan distributed 11"x 17" drawings. He requested a Certificate of Compliance for an Order of Conditions that was issued in 2008. The building itself was built in the late 1980's. In 2008 an Order of Conditions was issued to extend the parking lot along the back of the building. A drainage basin was constructed, but changes were made to the basin during construction which resulted in the basin being built incorrectly. E. Sullivan showed the gabion wall on the northern side of the basin that was left in place during construction. He feels it was discussed (at that time) with the Conservation Agent and the Town Engineer. A guard rail was installed instead of a chain link fence. The owner has now agreed to put up a chain link fence for safety purposes. Next to the gabion wall there is a 6" PVC pipe that should not be there that drains the basin. E. Sullivan said the pipe will be filled and capped to stop it from draining into the wetlands. Other minor changes were made to the As Built Plan.

R. Hale stated that the stormwater basin is functioning, but not as designed because of the pipe. R. Hale asked E. Sullivan's thoughts on possible seepage after the pipe is capped and if it will erode over time and flow into the wetlands. R. Hale suggested removing the pipe, and that E. Sullivan should discuss this more with P. Alunni, Town Engineer to come up a plan to leave it or remove it depending on what's agreed. R. Hale asked that any changes should be well documented. R. Hale would like to continue the discussion after E. Sullivan speaks to P. Alunni.

11 Wilton Drive – Map 21 Parcel 3H – Emergency Certificate

R. Hale was called to the site to look at a tree that had fallen into the roadway and issued an Emergency Certificate for its removal.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for 11 Wilton Drive – Map 21 Parcel 3H

159R Lake Street – Map 35 Parcel 23K – Emergency Certificate

R. Hale was called to the site to look at a tree that had fallen on power lines and issued an Emergency Certificate for its removal.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for 159R Lake Street – Map 35 Parcel 23K

10 Christine Drive – Map 53 Parcel 14K – Emergency Certificate

R. Hale was called to the site to look at a tree that had fallen in the backyard and was threatening the house and issued an Emergency Certificate for its removal.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for 10 Christine Drive – Map 53 Parcel 14K

18 Lawrence Street – Map 66 Parcel 70 – Emergency Certificate

R. Hale was called to the site to look at the removal of a diseased tree on the north side of the house, adjacent to the back deck and issued an Emergency Certificate for its removal.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for 18 Lawrence Street – Map 66 Parcel 7

MINUTES – January 3, 2018

January 3, 2018 minutes could not be voted on as a quorum from the January meeting was not present at this meeting

MINUTES – February 7, 2018

Upon motion duly made and seconded, it was unanimously

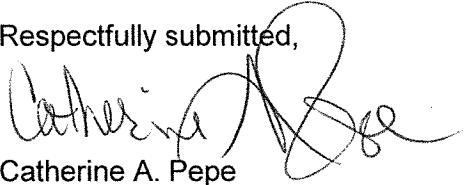
VOTED: To approve accept the minutes for the February 7, 2018 Conservation Commission Meeting

ADJOURN

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

VOTED: To adjourn the meeting at 10:17 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Catherine A. Pepe', with a large, stylized flourish at the end.

Catherine A. Pepe
Senior Clerk