

**TOWN of WILMINGTON****DEPARTMENT OF PLANNING & CONSERVATION**121 Glen Road, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov) (978) 658-8238**CONSERVATION COMMISSION MINUTES**

March 20, 2019

Laurie Finne, Vice-Chair, called the meeting to order at 7:01 p.m. Theron Bradley, Vincent Licciardi, Donald Pearson, and Michael McInnis were present. Laura T. deWahl was absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

**REQUEST FOR DETERMINATION OF APPLICABILITY - 24 Murray Hill Circle – Map 4 Parcel 7G**

Documents: RDA, received March 5, 2019  
“Proposed Subsurface Septic Disposal System Plan”, dated March 15, 2018  
Email from William Holt, Town of Wilmington, Engineering Division, dated March 20, 2019

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the proposed construction of a single family home in a subdivision approved under a Superseding Order of Conditions (SSOC) issued by DEP. The proposed house on Lot 30, 24 Murray Hill Circle has deviated from the original DEP approved plan and is now 54' from the wetlands. A portion of the home and a portion of the septic system are in the 100' buffer zone. A smaller deck, 12' x 12', is now proposed for the rear of the house instead of the 12' x 24' deck that DEP approved in SOOC. The orientation of the septic system has changed, but it is still 74' from the wetlands. The driveway and garage have changed from a front load garage to a side load garage which increased the driveway surface. The driveway is outside the 100' buffer. The change in the driveway does affect the water runoff but does not change how the stormwater system will operate.

R. Hale advised that the Engineering Division had no comments.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 24 Murray Hill Circle – Map 4 Parcel 7G

**REQUEST FOR DETERMINATION OF APPLICABILITY – 26 Murray Hill Circle – Map 4 Parcel 7H**

Documents: RDA, received March 5, 2019  
“Proposed Subsurface Septic Disposal System Plan”, dated March 26, 2018

Email from William Holt, Town of Wilmington, Engineering Division, dated March 20, 2019

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the proposed construction of a single family home in a subdivision approved under a SSOC issued by DEP. The proposed house on Lot 31, 26 Murray Hill Circle has deviated from the DEP approved plan. The house is now 50' from the wetlands, which is slightly further away from the wetlands than DEP approved. This application includes a 12' x 12' deck on the rear of the house that was not on the approved subdivision plan. The septic system is 65' from the wetlands, which is slightly further than shown on the approved plans. The roof drain system was moved from the front of the house, as previously approved in the subdivision plans, to the rear of the house to facilitate the grading and the piping of the entire roof area. Putting the system in the front of the house would have meant putting it very deep in the ground. Moving it to the rear made more sense from a construction feasibility.

R. Hale advised that the Engineering Division had no comments. Also, that the silt fence was missing from the bottom of the slope during R. Hale's site visit on March 19, 2019. R. Hale spoke to the foreman who will re-install the erosion controls.

Upon motion duly made and seconded, it unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 26 Murray Hill Circle – Map 4 Parcel 7H

**REQUEST FOR DETERMINATION OF APPLICABILITY – Salem Street Rear (773 Salem Street) – Map 101 Parcel 3**

Documents: RDA, received March 6, 2019  
"773 Salem Street, Wilmington GIS Map", dated March 4, 2019

Present in Interest: Greg Stratis, Shea Concrete Products

G. Stratis presented the proposal to restore the two (2) Town owned wetland areas, (labeled Area A1 and Area A2).

R. Hale advised that snow plowing operations pushed material into the wetlands. The material will be pulled back and they will restore the areas with a native wetland seed mix. Area A1 is up by the road and shrubs could be planted, but R. Hale feels a native seed mix is sufficient. Area A2 is so wet, that once the material is pulled out, it does not make sense to apply a seed mix or plant shrubs as it will likely revegetate on its own.

R. Hale read recommended conditions:

- 1) maintain the erosion controls that were installed
- 2) all equipment used to remove the material be staged upland
- 3) Area A1 to be seeded with a native seed mix and possibly shrubs
- 4) Re-vegetation of Area A2 will have to be determined in the field after the materials are pulled out

- 5) The restoration shall occur no later than May 31, 2019 and shall be monitored for two (2) years in accordance with the BVW replication standards

G. Stratis asked about putting barriers up to avoid this from happening again. R. Hale advised waiting on that since it is on Town-owned land. There is going to be an agreement associated with the Town on another piece of the property that is going to be vacated and the barriers could be enveloped into that agreement.

D. Pearson asked if the bushes would be at the Commission's discretion. R. Hale recommended just a seed mix. L. Finne asked if bushes would help prevent the snow being pushed into the wetlands. R. Hale suggested adding another condition stating that a demarcation barrier to be determined by the Town at a later date.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) Determination of Applicability for Salem Street Rear (773 Salem Street) – Map 101 Parcel 3 with the above added conditions

**REQUEST FOR DETERMINATION OF APPLICABILITY – 29 Eleanor Drive – Map 4 Parcel 22**

Documents: RDA, received March 6, 2019  
"Sketch of proposed fence on Plot Plan", undated  
Sketch/estimate of proposed fence by DiPesa Fence, dated June 21, 2018

Present in Interest: Nicole & Mark Silberman

M. Silberman presented the proposed installation of a fence in the backyard that would go to the ground (no 6" gap at the bottom) and would not connect to any other fences that would create a barrier to wildlife trying to get around.

R. Hale advised that there is plenty of open space in the back as well as a drainage easement that allows plenty of room for wildlife to get around.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability – 29 Eleanor Drive  
- Map 4 Parcel 22 with the added condition that erosion controls be installed and maintained per the manufacturer's specifications

**CONTINUE PUBLIC HEARING – NOTICE OF INTENT – 100-110 Fordham Road - Map 91 Parcel 121 – DEP File #344-1425**

Documents: Email from Jason Lopez, Keach-Nordstrom Associates, Inc., dated March 20, 2019

J. Lopez emailed a request to continue to the April 3, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 100-110 Fordham Road – Map 91 Parcel 121 – DEP File #344-1425 until the April 3, 2019 Conservation Commission Meeting

#### **NOTICE OF VIOLATION/ENFORCEMENT ORDER UPDATES**

**18 Biggar Avenue – Map 82 Parcel 29-129** – An Enforcement Order was issued at the last meeting. The applicant responded the day after receiving the Enforcement Order and has submitted a Notice of Intent for the April 3, 2019 Conservation Commission Meeting.

**140 Lowell Street – Map 49 Parcel 1-** R. Hale met with the president of D&D Mulch and Landscaping and the property owner to resolve closing out the two (2) previous Orders of Conditions and to submit a new Notice of Intent for the current/proposed use of the site.

The post & rail fence that was required in a previous Order of Conditions, which was never installed, will be installed next week. The landscape bins that are within the 25' no structure setback and Riverfront Area have to be addressed. They offered to plant some shrubs in the 15' setback. The property owner and D&D Mulch and Landscape are willing to resolve the issues and will submit a Notice of Intent.

#### **DISCUSSION**

**Open Meeting Law and Public Records Law Session** – L. Finne reminded the commission members attend the Open Meeting Law Seminar on April 11, 2019 and to respond to the email invitation.

**Earth Day Events** – R. Hale distributed the 2019 Earth Day Events flier.

**4 Lexington Street** – The homeowner received a Determination of Applicability at the March 6, 2019 meeting and wants to replace the pine trees he is removing, with pine trees instead of native deciduous trees that can be planted closer to the wetlands. The Commissioners agreed to the homeowner planting pine trees.

**Conservation Commission Policies** - L. Finne mentioned discussing at a future meeting, changing/clarifying some of the existing policies with the thought to improve the Town's Conservation Land.

**ELECTION OF CHAIR AND VICE-CHAIR** – Sharon Kelley-Parrella has resigned from the Conservation Commission. The Commissioners agreed to postpone voting in a new Chair Person and Vice-Chair Person to the April 3, 2019 meeting in the hopes that all the Commissioners will be in attendance. D. Pearson stated he is interested in the Vice-Chair position.

#### **MINUTES – March 6, 2019**

Upon motion duly made and seconded, it was unanimously

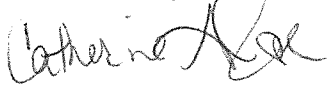
VOTED: To approve the minutes for the March 6, 2019 with the additional wording on Page 6

**ADJOURN**

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

VOTED: To adjourn the meeting at 8:05 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine A. Pepe".

Catherine A. Pepe  
Senior Clerk

