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TOWN OF WILMINGTON, MA

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DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

March 3, 2021

Donald Pearson called the meeting to order at 7:07 pm after stating the following:

"Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place. This meeting of the Wilmington Conservation Commission is being conducted via remote participation. **No in-person attendance of members of the public will be permitted,** but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to participate in the meeting via Zoom can do so by clicking on this link:

<https://us02web.zoom.us/j/85233013899?pwd=UVQ3d3RWbzBOMkd4eCtFVGt4UVhIQTO>

9. Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 852 3301 3899 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by following the steps previously noted then press *9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. All callers using this feature will be placed in queue in the order they entered the prompt. In the event that despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able."

The following members were in attendance: Donald Pearson, Theron Bradley, Vincent Licciardi, Laura deWahl, Alexander Rittershaus, Michael McInnis and Thomas Ollila. Valerie Gingrich, Director of Planning and Conservation, Cameron Lynch, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

PUBLIC HEARING - ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 71 & 73 Marion Street – Map 5 Parcels 1J, 3, & 3A – DEP File #344-1474

Documents: Abbreviated Notice of Resource Area Delineation Application, received February 16, 2021

"Plan to Accompany Abbreviated Notice of Resource Area Delineation", dated February 12, 2021

Present in Interest: Craig S. Newhouse, Eagleview Realty Trust
Kristen Costa, LA Associates

K. Costa, representing the applicant for the Abbreviated Notice of Resource Area Delineation (ANRAD), advised that the applicant was surprised that the Conservation Commission requested a peer review. The applicant would like an explanation for the request.

V. Gingrich advised that staff will review the line, once more snow melts but neither she nor C. Lynch are wetland scientists and not qualified to determine the wetland line for this application. A peer review of the wetland line is common practice and the Commission has requested it for several recent ANRADs.

K. Costa asked why the Town does not employ a wetland scientist, if part of the filing fee could be used to fund the peer review, and if not, why. V. Gingrich advised that the fees taken in are used to fund resource conservation and conservation efforts in town. By law, the Town cannot use Town funds to fund private projects. K. Costa asked if that was a Town regulation. V. Gingrich advised that it is State law. K. Costa asked if the peer review quotes have an hourly rate and if the applicant could select the peer reviewer. V. Gingrich advised that the Commission would determine how involved the applicant could be with the peer reviewer selection. Typically, the Town requests quotes from three (3) wetland scientists. The peer reviewer usually gives an estimated fee, but bills by the hour. Typically, the peer reviewer will review the area involved, put up any new flagging, and then contact the applicant's wetlands scientist to review their findings. K. Costa asked the time frame of the bid and review process. V. Gingrich advised that staff hopes to have a report back by the next meeting. Unless the Commission wishes to do the review, the staff usually reviews the quotes and selects the lowest quote.

K. Costa advised that Mill Brook was not included in the original ANRAD and asked if the peer reviewer would delineate Mill Brook as well. V. Gingrich advised that the applicant would have to amend the filing and send that information to the Department of Environmental Protection (DEP). V. Gingrich also advised that the legal advertisement did not include Mill Brook and would have to seek guidance as it relates to the project and the legal advertisement of it.

L. deWahl asked why wetland flags 35, 36, and 37 terminate near the existing dwelling on 73 Marion Street. She would like to see that line continue a bit further and show where it is on 73 Marion Street. K. Costa advised that there is a house currently on 73 Marion Street and that the applicant is proposing to take a piece of 73 Marion Street and make it part of 71 Marion Street.

V. Gingrich asked for permission to have Town staff send the request for quotes, review the quotes, and select the reviewer. V. Gingrich advised that if the applicant wanted to include Mill Brook, it would delay the peer review until the applicant files an amended ANRAD. K. Costa would like to move forward with the existing ANRAD delineation as it is. D. Pearson asked if the Commission supports a peer review of the application. V. Licciardi asked what is in question with this application. V. Gingrich advised that there are low lying areas on the property that require more than just looking at vegetation to determine the wetland line. All Commissioners support a peer review. T. Bradley asked for confirmation that the applicant just wants the BVW delineated and then possibly have

another peer review if they add in Riverfront. K. Costa confirmed that they want BVW delineated now and the Riverfront later. L. deWahl asked that the request for quote include a separate line item advising that the Riverfront and Bordering Land Subject to Flooding (BLSF) may eventually be included in the review process.

D. Pearson suggested continuing the Public Hearing to the April 7, 2021 Conservation Commission meeting.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Ollila, L. deWahl, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 7 – 0 to continue the Public Hearing for 71 & 73 Marion Street – Map 5 Parcels 1J, 3, & 3A – DEP File #344 -1474 to the April 7, 2021 Conservation Commission meeting

PUBLIC HEARING – REQUEST TO AMEND ORDER OF CONDITIONS – Brentwood Avenue ROW – Map 48 ROW Parcel Near 57 – DEP File #344-1469

Documents: Letter from Paul Alunni, Town of Wilmington, Engineering Division, to MassDEP, dated February 15, 2021
Letter from Paul Alunni, Town of Wilmington, Engineering Division, dated February 16, 2021
Notice of Intent Revised Documents, received February 17, 2021
“Proposed Drainage Improvement Project Brentwood Ave Plan”, dated February 16, 2021

Present in Interest: Paul Alunni, Town of Wilmington, Engineering Division

P. Alunni presented the Town’s request to amend the Order of Conditions. P. Alunni explained that DEP appealed the Order of Conditions the Commission approved in December 2020. DEP cited the need for more information on the stormwater and to better quantify the temporary impacts to the intermittent stream resource area at the inlet along Holt Street.

P. Alunni advised that a filter berm has been added at the discharge point to collect some of the sediment that may wash off roadway surfaces. In addition, after meeting with DEP, the resource area originally thought to be BVW was identified by DEP and the Town’s wetland specialist, as an intermittent stream created by surface stormwater run-off. DEP also requested adding a note to the plan stating that any sediment in low-lying areas be removed by hand. DEP approved the plan changes and agreed to withdraw their appeal if the Town requested an amendment to the Order of Conditions.

V. Gingrich advised that a draft Order of Conditions has been prepared incorporating the revised plan set as approved by DEP.

D. Pearson asked if the outlet is taking a piece of the private road. P. Alunni advised the Commission that that area is currently a pile of yardwaste. The yardwaste will be removed by hand and the boulders re-aligned to create a barrier from Woodside Avenue and the outlet.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Ollila, L. deWahl, A. Rittershaus, M. McInnis, T. Bradley, and D. Pearson voted 7 – 0 to close the Public Hearing for Brentwood Avenue ROW – Map 48 ROW Parcel Near 57 – DEP File #344-1469

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Ollila, L. de Wahl, A. Rittershaus, M. McInnis, T. Bradley, and D. Pearson voted 7 – 0 to approve the Amended Order of Conditions for Brentwood Avenue ROW – Map 48 ROW Parcel Near 57 – DEP File #344-1469

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF AREA RESOURCE
AREA DELINEATION – 6 Tobin Drive – Map 16 Parcel 22A – DEP File #344-1470**

Documents: Letter from Andrew Pojasek, Dana Perkins, Inc., dated February 18, 2021

D. Pearson advised that the applicant has requested to the April 7, 2021 Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

V. Licciardi, T. Ollila, L. deWahl, A. Rittershaus, M. McInnis, T. Bradley, and D. Pearson voted 7 - 0 to continue the Public Hearing for 8 Tobin Drive – Map 16 Parcel 22A – DEP FILE #344-1470 to the April 7, 2021 Conservation Commission meeting

**CONTINUED PUBLIC HEARING NOTICE OF INTENT – Deming Way – Map 30 Parcel
1 – DEP File #344-1472**

Documents: Letter from John Getherall, GCG Associates, Inc., dated February 8, 2021

Present in Interest: John Getherall, GCG Associates, Inc.

V. Gingrich advised that GCG Associates submitted a letter advising that using pervious pavers in the existing laundry drying areas. J. Getherall explained that pavers would cost about \$84,000.00 vs the expected \$21,000.00 for bituminous pavement. The draft Order of Conditions is ready for the applicant and the Commission to review.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Ollila, A. Rittershaus, L. deWahl, M. McInnis, T. Bradley, and D. Pearson voted 7 – 0 to close the Public Hearing for Deming Way – Map 30 Parcel 1 – DEP File #344-1472

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Ollila, L. deWahl, A. Rittershaus, M. McInnis, T. Bradley, and D. Pearson voted 7 - 0 to approve the Order of Conditions for Deming Way – Map 30 Parcel 1 – DEP File #344-1472

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461

Documents: Letter from Scott L'Italien, Town of Wilmington Engineering Division, dated February 25, 2021
"Proposed Site Plan Shady Lane Sidewalk Extension Plan", dated February 24, 2021

Present in Interest: Paul Alunni, Town of Wilmington, Engineering Division

P. Alunni reviewed the proposed sidewalk extension and culvert replacement on Shady Lane Drive. DEP has requested additional information regarding the culvert crossings and meeting the stream crossing standards. P. Alunni advised that they are still working through the changes, but are getting closer to a resolution. DEP, V. Gingrich, C. Lynch, and P. Alunni had a Zoom meeting to review the requested changes. P. Alunni will meet with Michael Seekamp of Seekamp & Associates to review the requested changes. P. Alunni requested to continue to the April 7, 2021 Conservation Commission meeting with the hope that all the changes will be made by then.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

L. deWahl, T. Ollila, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 7 – 0 to continue the Public Hearing for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461 April 7, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING NOTICE OF INTENT – 687 Main Street – Map 31 Parcel 11A – DEP File #344-1473

Documents: Letter from Stephen Dresser, Dresser, Williams & Way, Inc., dated February 16, 2021
"Existing Watershed Plan", dated February 12, 2021
Letter from Valerie Gingrich, Town of Wilmington, Planning & Conservation Department, dated February 25, 2021
Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated February 26, 2021

Present in Interest: Attorney John McKenna
Stephen Dresser, Dresser, Williams & Way, Inc.

Attorney J. McKenna reviewed the several meetings he and S. Dresser had with various Town departments and Boards in order to resolve the comments regarding the unpermitted paving done on the site.

S. Dresser reviewed the changes to the plan. Most significantly, the buffer zone on the southeasterly side where the perennial stream is went from 15' to 25' and extended down the side towards Main Street. The infiltration system in the back was eliminated due to the

Olin Chemical superfund site that borders this project. There is also an AUL (Activity and Use Limitation), soil polluted area on the adjacent parcel. They will install a drywell infiltration system for roof runoff from the existing building instead. By eliminating the infiltration system in the back, it allows the applicant to propose a gravel wetland as preferred by the Town. Internal islands and some openings to allow for emergency vehicle access were added to the vehicle storage area. The applicant will remove the trailers currently on the site. The number of plantings in the buffer zone areas will be increased and other minor details will be added to the plan as suggested by the Town.

D. Pearson asked if the Town's comments could be conditioned into the Order of Conditions. V. Gingrich advised that the Town's comments have to be amended on the plans and not just conditioned in the Order of Conditions. Also that the applicant will have to apply for local permits, specifically, the Groundwater Protection Special Permit to have over 15% impervious use, before the Commission can approve the Order of Conditions. Attorney J. McKenna committed to applying for the necessary permits in the next week or so. V. Gingrich would like to see the other plan changes made and submitted for the next meeting in the hopes that a draft Order of Conditions be reviewed at that meeting.

V. Licciardi voiced concern about vehicles parking in no parking areas. S. Dresser advised that the no parking areas will be striped and U Haul will monitor the parking. Attorney McKenna advised that the no parking area is used strictly by U Haul and no customers will park in that area. Attorney McKenna advised that U Haul realizes the no parking area is for fire safety concerns and the proximity to the wetlands. T. Bradley would like to see some no parking signage in addition to the striping.

Upon motion duly made by V. Licciardi and seconded by L. DeWahl,

V. Licciardi, T. Ollila, L. deWahl, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 7 - 0 to continue the Public Hearing for 687 Main Street – Map 31 Parcel 11A – DEP File #344-1473 to the April 7, 2021 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 2 Nunn Road – Map 51 Parcel 86 – DEP File #344-1445

Documents: Request for Certificate of Compliance Application, received February 16, 2021
"Subsurface Sewage Disposal System (As-Built) Plan, dated January 26, 2021

C. Lynch advised that all conditions were met.

Upon motion duly made by L. deWahl and seconded by M. McInnis,

V. Licciardi, T. Ollila, L. deWahl, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 7 - 0 to issue the Certificate of Compliance for 2 Nunn Road – Map 51 Parcel 86 – DEP File #344-1445

REQUEST FOR CERTIFICATE OF COMPLIANCE – 10 Fernbanks Road – Map 15 Parcel 107 – DEP File #344-1450

Documents: Request for Certificate of Compliance application, received February 17, 2021
"As-Built Site Plan", dated February 8, 2021

C. Lynch advised that all conditions were met.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Ollila, M. McInnis, T. Bradley, L. deWahl, A. Rittershaus and D. Pearson voted 7 - 0 to issue the Certificate of Compliance for 10 Fernbanks Road – Map 15 Parcel 107 – DEP File #344-1450

DISCUSSION

Butters Row Replacement Bridge: The 25% design for the Butters Row Bridge has been completed by Mass DOT. An electronic copy will be available in the near future, if anyone wishes to review it.

Appeal: The Order of Conditions for 378 – 384 Middlesex Avenue & 200 Jefferson Road – DEP File #344-1467 was appealed to DEP.

Conflict of Interest Training: V. Gingrich reminded the Commissioners to complete the Conflict of Interest Online Training and submit the certificate to our office or the Town Clerk's office.

MINUTES – February 3, 2021

Upon motion duly made by L. deWahl and seconded by T. Bradley,

V. Licciardi, T. Ollila, T. Bradley, L. deWahl, A. Rittershaus, and D. Pearson voted 6 - 0 to accept the minutes for the February 3, 2021 Conservation Commission meeting with one (1) amendment

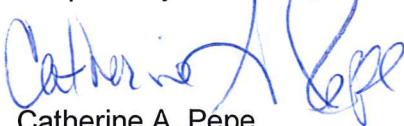
Next meeting – April 7, 2021

There being no additional business to come before the Conservation Commission, the Commission voted to adjourn the meeting at 9:14 pm

Upon motion duly made by L. deWahl and seconded by M. McInnis,

V. Licciardi, T. Ollila, M. McInnis, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 7 - 0 to adjourn the meeting

Respectfully submitted,



Catherine A. Pepe
Senior Clerk

