

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

March 6, 2019

Laurie Finne called the meeting to order at 7:01 p.m. Theron Bradley, Vincent Licciardi, and Donald Pearson, were present. Sharon Kelley-Parrella, Laura T. deWahl, 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 (RDA) – Town of Wilmington – Town Wide Vegetation Management Plan

Documents: RDA, received February 15, 2019
"Town of Wilmington Preliminary Resource Area Map, ROW Vegetation Management RDA", dated February 8, 2019

Present in Interest: Jamie Magaldi, Town of Wilmington, Department of Public Works

J. Magaldi presented the request to determine wetland resource area boundaries Town-wide as required for the Department of Public Works (DPW) five (5) year Vegetation Management Plan (VMP). The new five (5) year plan will run from 2020 through 2024. The herbicide will help with weed management, specifically crab grass, bittersweet, Japanese knotweed, and poison ivy along roadsides, intersections, and sidewalks. The Rights of Way Management Regulations at 333 CMR 11.00 require the DPW to file a VMP to use herbicides in the rights of way. It is not possible to delineate wetland resource areas for the entire town so the DPW uses the Town's GIS map as a guideline, and actual boundaries are confirmed by the Conservation Agent prior to beginning vegetation management for the areas.

R. Hale advised that the species that will be removed are invasive and a nuisance. J. Magaldi agreed that the whole point of the plan is to remove nuisance and invasive species, even though some of the species are native. J. Magaldi noted that it is safer for DPW workers to use herbicides, especially at intersections, than to weed whack the vegetation. R. Hale recommends adding the special conditions that no one else can use this Determination for other purposes, and that he will field verify the wetland resource areas with DPW.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2a) Determination of Applicability for the Town Wide Vegetation Management Plan with the condition that the delineation be used only for this purpose/activity and that the Conservation Agent verify the wetland resource area boundaries prior to the commencement of work

REQUEST FOR DETERMINATION OF APPLICABILITY – 4 Lexington Street – Map 69 Parcel 1

Documents: RDA, received February 12, 2019
Sketch, undated
“Certified Plot Plan”, dated September 8, 2007
Pictures, undated
“Wilmington GIS Maps Online”, dated February 21, 2019

Present in Interest: Paul & Gail Cauldwell, owners

P. Cauldwell presented the removal of five (5) trees on his property that pose a danger to their home and family.

R. Hale advised that the diameter of the trees needs to be provided in order to determine tree replacement per the Tree and Vegetation Removal Policy. P. Cauldwell advised that they have planted several trees over the years and will plant more as the Conservation Commission requires. R. Hale asked if the stumps will be removed. P. Cauldwell would like to remove two (2) stumps that are not in the buffer zone and grind two (2) stumps that are in the buffer zone.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 4 Lexington Street – Map 69 Parcel 81 with the added condition to plant replacement trees according to the Tree and Vegetation Removal Policy

REQUEST FOR DETERMINATION OF APPLICABILITY – 19 Mill Road – Map 3 Parcel 94A

Documents: RDA, received February 19, 2019
“Plan of 19 Mill Road”, dated February 12, 2014
Pictures, undated

Present in Interest: Jay Donovan, owner

J. Donovan presented the removal of five (5) trees that pose a threat to power lines and his home. A crane will be used to remove the trees and he would like remove the trees while the ground is frozen to minimize damage to the ground.

R. Hale advised that the one (1) tree stump in the wetlands should remain. J. Donovan advised that he was going to leave all the stumps. R. Hale asked that the diameters of the trees be provided in order to replace the trees according to the Tree and Vegetation Removal Policy and J. Donovan agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) and a Negative (3) Determination of Applicability for 19 Mill Road – Map 3 Parcel 94A with the added condition to plant replacement trees per the Tree and Vegetation Removal Policy

REQUEST FOR DETERMINATION OF APPLICABILITY - 52 Agostino Drive – Map 53 Parcel 1D-4

Documents: RDA, received February 20, 2019
"Google map, 52 Agostino Drive", dated 2019
"Municipal Mapper", undated
"Gravito Residence Architectural Plans", 8 pages, dated February 8, 2019

Present in Interest: Robert Peterson, Attorney

R. Peterson presented the project to construct an 18' x 8' addition that will not extend any further into the backyard than the existing deck and will not be closer than 50' from the wetlands. There will be no trees removed and no disturbance to the wetlands.

R. Hale agreed that the project is straight forward and meets applicable standards.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Positive (2b), a Negative (3), and a Negative (6) Determination of Applicability for 52 Agostino Drive – Map 53 Parcel 1D-4 with the added condition that erosion controls be installed and maintained during construction

REQUEST FOR DETERMINATION OF APPLICABILITY - 17 Murray Hill Circle – Map 4 Parcel 7E

Documents: RDA, received February 20, 2019
"Proposed Subsurface Septic Disposal System Plan", dated January 30, 2018
Drainage Calculation Letter from LJR Engineering, Inc., dated February 26, 2019
Engineering Division Email from Paul Alunni, dated March 6, 2019

Present in Interest: Kristen Costa, Newhouse Builders, LA Associates

K. Costa presented this request for after-the-fact review. The house was positioned and built differently than approved in the Superseding Order issued for the Murray Hill Subdivision. The garage and driveway are on the opposite side than previously approved and the driveway is now in the 100' buffer zone. LJR Engineering has provided stormwater calculations stating that the changes did not affect the approved stormwater plan.

R. Hale advised that the stormwater is now directed to a different catch basin and that the Town Engineering Division confirmed it meets the stormwater standards.

L. Finne cautioned that the builder seek R. Hale's advice prior to making any future changes in the subdivision plans.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 17 Murray Hill Circle – Map 4 Parcel 7E

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

Documents: "Site Plan", 15 pages, revised February 19, 2019
Letter from Benjamin Osgood, Ranger Engineering, dated February 19, 2019
Stormwater Management Report, dated February 19, 2019
Engineering Division Email from Paul Alunni, dated March 6, 2019

Present in Interest: Joseph Abesamra, Ranger Engineering & Design

J. Abesamra presented the requested minor changes to the plans which consist of revising the planting plan closest to the wetlands on the down slope, matching the trees on the plan, and changing rip rap to larger boulders with a seed mix to be applied between them. The draft Order of Conditions are acceptable to the applicant.

R. Hale advised that the revisions are suitable and that the seed mix, though not all native, is a reputable seed source and suitable for this application.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 196 Ballardvale Street – Map R2 Parcel 7E – DEP File #344-1421

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 196 Ballardvale Street – Map Rd Parcel 7# - DEP File #344-1421

PUBLIC HEARING - NOTICE OF INTENT (NOI) – 7 Kelley Road – Map 51 Parcel 106 – DEP File #344-1424

Documents: Notice of Intent, received February 11, 2019
Engineering Division Memorandum from William Holt, dated March 6, 2019
"Proposed Subsurface Sewage Disposal System Repair Plan", revised March 7, 2019

Present in Interest: Greg Saab, ESS

G. Saab presented the removal of the existing driveway, pool, septic system, and dwelling. The applicant proposes to fill 229 cubic feet of Bordering Land Subject to Flooding (BLSF) for the new single family dwelling, and will remove 278 cubic feet of fill below the Base Flood Elevation (BFE) of 80' along the wall.

R. Hale asked if G. Saab understood the Engineering Division's comments. G. Saab agreed that they will have the prints of the plans made first, then scan in the plans. He also confirmed a Simple Stormwater Management Permit (SSMP) was filed with

Planning, and that some "Conservation Signs" will be installed along some posts or trees. R. Hale asked if the signs could be placed at the wetland edge instead of the floodplain edge so the signs would not have to be moved if more earthwork was needed in the floodplain.

R. Hale advised that even if the wetland is big enough to be Isolated Land Subject to Flooding (ILSF), it cannot be both BLSF and ILSF. It is isolated, there is a driveway to the left side and no connection to the wetlands on the other side.

V. Licciardi asked to confirm if there is a septic system or town sewer. G. Saab advised that it is a septic system.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 7 Kelley Road – Map 51 Parcel 106 –
DEP File #344-1424

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 7 Kelley Road – Map 51 Parcel 106 –
DEP File #344-1424

**PUBLIC HEARING – NOTICE OF INTENT – 25 Adams Street – Map 51 Parcel 5A -
DEP File #344-1426**

Documents: Notice of Intent, received February 20, 2019
"Site Plan", dated September 4, 2018
Email from Commonwealth of Massachusetts, Department, Department
of Environmental Protection (DEP), dated March 4, 2019

Present in Interest: Patrick & Danielle Toomey, owners

P. Toomey presented the project to install an above ground 24' diameter pool in their backyard that will require BLSF compensation. The engineer provided a site plan showing the compensation they would need to do in the yard for the volume removed for the pool.

R. Hale advised that DEP had one (1) comment to direct pool discharge into a well-vegetated area, away from the Bordering Vegetated Wetlands. R. Hale will add that to the special conditions. P. Toomey was aware of that and agreed.

D. Pearson asked about the shed on the plans. P. Toomey advised that the shed was there when they bought the house two (2) years ago and is unsure when it was built.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 25 Adams Street – Map 51 Parcel 5A -
DEP File #344-1426

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 25 Adams Street – Map 51 Parcel 5A – DEP File #344-1426

PUBLIC HEARING – 100-110 Fordham Road – Map 91 Parcel 121 – DEP File #344-1425

Documents: Notice of Intent, received February 20, 2019
“Non-Residential Site Plan 100-110 Fordham Road”, 13 pages, dated February 15, 2019
Stormwater Pollution Prevention Plan, dated February 14, 2019
Stormwater Management Report, dated February 15, 2019
Engineering Division Memorandum from Paul Alunni, dated March 6, 2019

Present in Interest: Jeffrey Merrit, Keach-Nordstrom Associates, Inc.
Adam Binnie, Fordham Park, LLC, owner
Gary Thomas, Northpoint Construction Management
Bill Frisella, Northpoint Construction Management

J. Merrit introduced G. Thomas, B. Frisella, and A. Binnie. J. Merritt presented the project of adding a second story and ten (10) loading docks to Building D, parking lot improvements to allow vehicles to access the new loading docks, and stormwater improvements. The primary wetland on the site is located north of the parking lot. The parking lot improvements are in the 100' buffer zone. The parking lot grade will be raised in order to upgrade the stormwater system. The edge of pavement will be moved away from the wetlands and onsite impervious area will be decreased.

The construction area is in FEMA's mapped Zone A, which does not have an established Base Flood Elevation (BFE). R. Hale helped the applicant find the BFE on some nearby properties that range from 77.1' to 78.1'. J. Merritt will request a Letter of Map Amendment from FEMA to officially establish the BFE on this property, but the applicant has demonstrated the project will not occur within BLSF.

R. Hale reviewed the Engineering Division's comment regarding diverting the rooftop runoff to the proposed underground recharge system, which is also a standard condition. A small corner of the roof falls in the 100' buffer zone. J. Merritt is seeking relief from that requirement considering the stormwater management improvements already being made to the parking lot.

D. Pearson and T. Bradley is in favor of waiving that due to the other improvements being made to the parking lot. R. Hale and L. Finne asked if the applicant had submitted a Stormwater Application to Planning. J. Merritt advised that they will submit that the following day and asked that the Public Hearing be continued to the March 20, 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 to the March 20, 2019 Conservation Commission Meeting

**REQUEST FOR INSIGNIFICANT CHANGE – 804 Woburn Street – Maps 46 & 47
Parcels 130 & 2 – DEP File #344-1384**

Documents: Letter from Tighe & Bond, dated February 20, 2019
"Roadway & Garage Shift Buffer Exhibit Plan", Dated February 20, 2019
"Overall Site Plan", revised February 20, 2019
Engineering Division Memorandum from Paul Alunni, dated March 6, 2019

Present in Interest: Joseph Persechino, Tighe & Bond

J. Persechino presented the proposed change to the plans approved in DEP File #344-1384. The proposed changes will move the parking garage 13' further from the wetlands and include some minor changes to the drainage. Moving the garage by 13' pulls the building outside the 50' no structure setback and reduces the impervious area by over 800 square feet. R. Hale advised that a small portion of the access road would be 6' closer to the wetlands, but still outside the 50' no structure setback.

R. Hale advised that the revised Stormwater Management Plan needs to be submitted and approved by Engineering. J. Persechino advised that the revised Plan will be submitted to Planning Board on March 7, 2019. R. Hale advised that overall, the proposed changes appear to be an improvement on what was approved.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Insignificant Change for 804 Woburn Street – Maps 46 & 47 Parcels 130 & 2 – DEP File #344-1384 with the added condition that the Town of Wilmington's Engineering Division approve the stormwater changes.

EXTENSION PERMIT FOR ORDER OF CONDITIONS – Town of Wilmington, Silver Lake Vegetation Management – DEP File #344-1139

Documents: Letter from Solitude Lake Management, dated February 21, 2019

R. Hale advised that this Order of Conditions is for the ongoing treatment of the invasive species in Silver Lake. They have requested a three (3) year extension.

L. Finne asked if the invasive species and vegetation will be treated more aggressively this year. C. Pepe advised that Solitude will come before the Conservation Commission in April or May of 2019 with an update on the invasive species in Silver Lake. R. Hale will reach out to Solitude to confirm their proposed treatment.

T. Bradley asked if the drainage pipe going into Silver Lake (on the south side/Lake Street side), could be carrying anything into the lake that could be contributing to the invasive species/vegetation concerns. R. Hale stated he would look into it.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Extension Permit for Order of Conditions – Town of Wilmington, Silver Lake Vegetation Management – DEP File #344-1139

NOTICE OF VIOLATION UPDATES

18 Biggar Avenue – Map 82 Parcel 29-129 – R. Hale advised that the violation issue has been ongoing since early 2018. The owners have not submitted a Notice of Intent by the specified deadline and deadline extensions. R. Hale assisted the homeowner with the NOI, and it is administratively complete and ready for submittal. The Conservation Commission decided to issue an Enforcement Order with a March 20, 2019 submittal deadline for the April 3, 2019 Conservation Commission Meeting. The possibility of fines if the owner does not respond to the Enforcement Order was also discussed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order for 18 Biggar Avenue – Map 82 Parcel 29-129 with a deadline of March 20, 2019 to submit the NOI.

140 Lowell Street – Map 49 Parcel 1 – R. Hale advised that a meeting is set up between the owner and the tenant for the week of March 11, 2019 to discuss closing out the (2) existing Orders of Conditions and then submitting a Notice of Intent to correct the violations that currently exist on the property and bring it into compliance.

773 Salem Street – Map 101 Parcel 3 – R. Hale advised that the RDA was submitted March 6, 2019 for the March 20, 2019 meeting.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 100, 102, & 104 West Street – Map 71 Parcels 3, 4, & 5 – DEP File #344-774

Documents: Request for Certificate of Compliance, received February 5, 2019

R. Hale advised that work was never started.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 100, 102, & 104 West Street – Map 71 Parcels 3, 4, & 5 – DEP File #344-774

REQUEST FOR CERTIFICATE OF COMPLIANCE – 100 West Street – Map 71 Parcel 3 – DEP File #344-782

Documents: Request for Certificate of Compliance, received February 5, 2019

R. Hale advised that work was never started.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 100 West Street – Map 71 Parcel 3 – DEP File #344-782

REQUEST FOR CERTIFICATE OF COMPLIANCE – 100 West Street – Map 71 Parcels 3, 4, & 5 – DEP File #344-1063

Documents: Request for Certificate of Compliance, received February 5, 2019

R. Hale advised that work was never started.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 100 West Street – Map 71
Parcels 3, 4, & 5 – DEP File #344-1063

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 39, 41, & 43 Jacquith Road –
Map 20 Parcels 25, 25A, & 25C – DEP File #344-1303**

Documents: Request for Certificate of Compliance, received February 15, 2019
“As-Built Plan”, dated February 13, 2019

R. Hale advised that the Order of Conditions was issued for three (3) parcels, but this is a Request for a Partial Certificate of Compliance just for 43 Jacquith Road. R. Hale advised that the house and developed portion of the lot is fine, but the wetland restoration does not meet the replication standards. The monitoring was not done, the area is over run by purple loosestrife, and the hand pulling of invasive species was not done as required during the monitoring period. R. Hale recommends a partial Certificate of Compliance just for the developed part of the property.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Partial Certificate of Certificate for only the developed portion
of 43 Jacquith Road, excluding the wetland restoration area – Map 20
Parcel 20

DISCUSSIONS

Massachusetts Association of Conservation Commissions Annual, March 2, 2019 Summary – D. Pearson attended and found it very interesting and informative. He attended Reviewing Wetland Mitigation Plans, Wetland Mitigation Success Report, Massachusetts State Hazard Mitigation and Climate Adaptation Mitigation Plan, and Incorporating Climate Change Resilience into Local Wetland Bylaws and Regulations. D. Pearson has a link to the presentations and can share them with the other Conservation Commission members.

April Earth Day Events Reminder – R. Hale reviewed the tentative plans and will email the Commission a flier. The first spring Town Clean Up Day will be held this spring. R. Hale wants to get a group of people together to survey vernal pools, which can be difficult as it's often a short notice thing depending on weather and conditions.

D. Pearson advised that he suggested that the Wilmington Library contact R. Hale to coordinate some nature walks and include the Library's outdoor seating that is planned for the spring. R. Hale advised that there is a certified vernal pool behind the library.

MINUTES – February 6, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the February 6, 2019 Conservation Commission Meeting

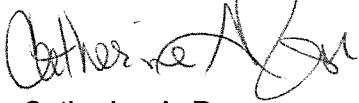
NEXT MEETING – March 20, 2019

ADJOURN

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

VOTED: To adjourn the meeting at 8:29 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe", written over a horizontal line.

Catherine A. Pepe
Senior Clerk