



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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(978) 658-8238

CONSERVATION COMMISSION MINUTES

April 4, 2018

Donald Pearson, called the meeting to order at 7:02 p.m. Vincent Licciardi, Theron Bradley, and Michael McInnis, were present. Julie Flynn, Laurie Finne, and Sharon Kelley-Parrella were absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY- 58 Jonspin Road – Map R1 Parcel 306A

Documents: Plan, Proposed Building Addition, 11 pages, dated March 7, 2018

Present in Interest: Andrew Pojasek, Dana F. Perkins, Inc.

A. Pojasek presented the construction of a 30,000 square foot, 2-story building for a total of 60,000 square feet. There is an existing wetland on the opposite side of Jonspin Road which is the result of a 40-year old drainage swale that has overgrown over the years. The only work within the 100' buffer zone is eliminating an existing driveway and constructing a new driveway area as well as a drain manhole in the Jonspin Road right-of-way. The work will have minimal impact to the existing wetlands on the other side of Jonspin Road. An additional wetlands area needs to be delineated on the northeast side of the property. If any work falls within the buffer, it will be in the area that is already paved where they will install new curbs and remove some of the pavement. A. Pojasek would like to continue the meeting on 58 Jonspin Road until the next Conservation Commission meeting so they can delineate the potential wetland on the northeast side of the property.

R. Hale agreed with A. Pojasek's assessment of impact to the known wetlands. The area in the northeast also has a proposed outfall that the Town's Engineering Division will need to look at. A. Pojasek agreed and stated that they are in front of the Planning Board for site plan review and stormwater permits and that will be handled through the Planning Department.

M. McInnis asked if just the northeast area will be delineated. A. Pojasek said yes, and the existing area on Jonspin has already been delineated.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the meeting for Determination of Applicability for 58 Jonspin Road – Map R1 Parcel 306A until the May 2, 2018 meeting

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PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY- 32 Cary Street – Map 67 Parcel 113C

Documents: Plan of Land, Certified Plot Plan, dated February 16, 2018
Wilmington GIS Maps with Overlays, 2 pages, dated March 15, 2018
FEMA Flood Map, dated July 16, 2016

Present in Interest: Fred Hancox, Hancox Kitchens

F. Hancox presented the project to construct an enclosed room on a portion of an existing deck that is within the 100' buffer zone. No excavation or disturbance of existing soils is proposed and he does not anticipate impact to the wetlands.

R. Hale said there would be a slight increase in impervious area, but it will have a negligible impact. F. Hancox stated that there will be a gravel pad and that the project is 70-90' feet from the wetlands.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 32 Cary Street – Map 67 Parcel 113C

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 11 Wilton Drive – Map 21 Parcel 3H

Documents: Google Earth Photo, undated

Present in Interest: Paul Sadowski, owner

P. Sadowski stated that a tree that was trimmed about six (6) weeks ago has split again and they would like to remove it.

R. Hale agreed with the homeowner that the tree is in rough shape and recommends leaving a standing snag and replacing it with a tree according to the Tree Removal Policy.

P. Sadowski agreed to plant a new tree.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 11 Wilton Drive – Map 21 Parcel 3H with the condition that a tree be planted in accordance to the Tree Removal Policy

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

Documents: Sanitary Disposal System Plan, 2 pages, revised March 6, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated March 6, 2018

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E-mail Request to Continue, dated March 30, 2018

Steve Lawrenson e-mailed a request to continue the Public Hearing for 93 McDonald Road until the May 2, 2018 meeting.

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 May 2, 2018 public hearing

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 101 McDonald Road – Map R2 Parcel 45 – DEP File #344-1388

Documents: Sanitary Disposal System Plan, 2 pages, revised March 6, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated March 6, 2018
E-mail Request to Continue, dated March 30, 2018

Steve Lawrenson e-mailed a request to continue the Public Hearing for 93 McDonald Road until the May 2, 2018 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 101 McDonald Road – Map R2 Parcel 45 – DEP File # 344-1388 until the May 2, 2018 public hearing

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

Documents: Site Plan, revised March 28, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018

Present in Interest: Steve Lawrenson

S. Lawrenson distributed copies of the plan showing the corrected distance between an infiltrator and the septic system as requested by the Engineering and Conservation Departments. He identified that this is one (1) of four (4) lots with frontage on Burlington Avenue and he is requesting approval for work within the 100' buffer zone. The septic and no-build setbacks have been met and the septic system has been approved.

R. Hale confirmed that all setbacks have been met and the Engineering Division is satisfied. S. Lawrenson advised that the stormwater plan is prepared and will be submitted to the Planning Department after the Conservation Commission issues the Order of Conditions. R. Hale recommends issuing the Order of Conditions with the standard special conditions for new development.

Ron Escher, 35 Dell Drive, abutter to lots 3A, 4, and 5. He is concerned with the distance to the wetlands and how the water will runoff. He has a copy of the plans from September 2017 and is concerned how the water runoff be handled and where the septic system will be. There is standing water in his backyard four (4) to six (6) months

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of the year with ducks nine (9) months of the year. He is especially concerned with Builder's Lot 3A and the effect it will have on the wetlands and water runoff. A neighbor of his is concerned (who was unable to attend as she was in the hospital) as her house is level with the ground and she currently gets water in her house after heavy rain. He would like to see the wetlands line extended.

D. Pearson stated that all Conservation, Planning, and Board of Health setbacks have been met. R. Escher said he understood, and that he has a copy of the current drawings.

S. Lawrenson advised that the septic plan will be submitted to the Board of Health once the Conservation Commission issues the Order of Conditions.

Upon motion duly made and seconded, it was unanimously

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

VOTED: To approve the Order of Conditions for 230 Burlington Avenue – Map 6 Parcel 1, Builders Lot 3A – DEP File #344-1387 with the condition that Board of Health approve the septic system and the Planning Board issue a Simple Stormwater Permit

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

Documents: Site Plan, revised March 28, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018

Present in Interest: Steve Lawrenson

S. Lawrenson distributed the revised plans with corrections as requested by Engineering correcting the distance between the septic system and the infiltration system as well as the addition of porous paving to increase the distance to the septic system and eliminate the stone trench along the driveway. Engineering requested an increase in distance from the porous paving to the septic system.

D. Pearson asked if the previous plans had any porous paving. S. Lawrenson said previous plans did not have any porous paving.

R. Hale advised that Engineering had the same comments as the previous project (230 Burlington Ave – Map 6 Parcel 1, Builder's Lot 3A) as well as recording the Best Management Practice and operation maintenance plan for the porous paving in with the deed. He recommends approving an Order of Conditions with the conditions that it receives Engineering, Board of Health and Planning Board approvals.

D. Pearson asked if the septic system was moved at all. S. Lawrenson said no, it was the same as in previous plans.

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M. McInnis questioned the amount of bituminous paving and porous paving. S. Lawrenson stated that the porous paving only has to be 25' from the septic system and the rest is regular paving.

Upon motion duly made and seconded, it was unanimously

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

VOTED: To approve the Order of Conditions for 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot 4 – DEP File #344-1386 with the condition that Board of Health approve the septic system, the Planning Board issue a Simple Stormwater Permit, and the addition of an operation and maintenance plan for the porous pavement.

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

Documents: Site Plan, revised March 28, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018

Present in Interest: Steve Lawrenson

S. Lawrenson distributed the revised plans showing the infiltration trench along the southerly and easterly edge of the proposed driveway as requested by Engineering. R. Hale asked if the driveway grading was changed and S. Lawrenson confirmed that it was.

R. Hale recommends approving the Order of Conditions with the conditions that it receives Board of Health and Planning Board approvals. S. Lawrenson agreed to the conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot 5 – DEP File #344-1385

VOTED: To approve the Order of Conditions for 230 Burlington Avenue – Map 6 Parcel 1, Builder's Lot 5 – DEP File #344-1385 with the conditions that Board of Health approve the septic system, the Planning Board issue a Simple Stormwater Permit

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 804 Woburn Street – Maps 46 & 47 Parcels 130 & 2 – DEP File #344-1384

Present in Interest: Amanda Houle, Tighe Bond

A. Houle advised that Joseph Pereschino of Tighe Bond, has met with the Town Engineer and there will be some revisions to the Stormwater Management Plan. J. Pereschino has also met with Agent Hale. They have relocated the underground

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infiltration and added two (2) rain gardens - one (1) next to the new building and one (1) to the south. In addition, they have added a gravel check dam to an existing basin to improve and modernize it.

R. Hale commented that it is great that the rain gardens are being added and the forebay is also great. The stormwater basin will be a constructed wetland stormwater basin. The overall water quality improvements will be significant. R. Hale recommends a continuance until the Town Engineer has reviewed and signed off on all the proposed changes.

A. Houle agreed to a continuance and Requested to table the Request for Certificate of Compliance for the existing Order of Conditions until this project is approved.

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 May 2, 2018

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 800-900 Salem Street –
Map R1 Parcels 27A & 24 – DEP File #344-1379**

Documents: Flood Capacity Figure, dated March 2018

Present in Interest: Frank Postma, EA Engineering, Science, & Technology, Inc.

F. Postma reviewed the proposed project of a level spreader for the discharge of the wash ponds that were previously permitted by DEP and EPA and has a water quality certification associated with it. Essentially, they drain the water out of the ponds approximately once a year so the ponds can be cleaned. The plan proposes discharging directly into the wetlands adjacent to the large pond and in doing so, realizing a structure that would dissipate the flow rate down to about 5 gallons/minute. Benevento is just waiting for approvals from National Grid and they are hoping to see that soon. F. Postma suggested adding EPA approval to the proposed Order of Conditions.

R. Hale commented that the proposed project will be a huge improvement of the water quality. R. Hale mentioned that Natural Heritage said it would not affect any rare species habitat out there. R. Hale asked if the wording in the proposed Order of Conditions would satisfy the EPA approval. F. Postma suggested that the EPA be specified separately as it is a separate wastewater permit. R. Hale read some of the highlights of the Order of Conditions Special Conditions. If National Grid asks for items to change, than Order of Conditions may have to be amended. The rest are standard conditions and he recommends approval.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 800-900 Salem Street – Map R1 Parcels
27A & 24 – DEP File #344-1379

VOTED: To approve the Order of Conditions for 800-900 Salem Street – Map R1
Parcels 27A & 24 – DEP File #344-1379

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CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 219 Andover Street – Map R1 Parcel 19A – DEP File #344-

Present in Interest: F. Postma, EA Engineering

F. Postma reviewed the proposed project which is a result of overburden materials that were pushed out, boulders have cascaded down the hill adjacent to the wetlands, and additional silt has entered the wetland system. He is hoping the contractor will be there on April 5, 2018 (weather permitting) to go over the proposed work and hopes to have something for R. Hale to review by the end of the week. Benevento has identified the area for the restoration. Dana Perkins will map the pre-construction topography. They are developing the cross sections for the multi-layered wetland system that Benevento wants to construct. Mason & Assoc. will make a determination if there is wetland in a small "finger" of land. They have done additional soil borings and conceded that a 3200 square feet of wetland does exist. Based on the 3200 square feet plus the 800 square feet within the boulder area, they will construct an area of 8000 square feet of new wetland, based on the 2:1 ratio. With all this new information, Benevento is requesting to continue the hearing until the May 2, 2018 meeting.

R. Hale advised that no more impacts are to occur to wetlands because if impacts get to 5000 square feet the Commission will not be able to issue an Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 219 Andover Street – Map R1 Parcel 19A – DEP File #344- until the May 2, 2018 meeting

PUBLIC HEARING – NOTICE OF INTENT – 24 Hobson Avenue – Map 45 Parcel 7A – DEP File #344-

Documents: Plot Plan of Land, dated November 25, 2016
E-mail Request to Continue, dated March 29, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018

Present in Interest: Kevin Mansfield, owner

Rachel and Kevin Mansfield e-mailed a request to continue the Public Hearing for 24 Hobson Avenue – Map 45 Parcel 7A until the May 2, 2018 public hearing

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 24 Hobson Avenue – Map 45 Parcel 7A until the May 2, 2018 meeting

PUBLIC HEARING – NOTICE OF INTENT – 228 Burlington Avenue – Map 6 Parcel 1A – DEP File #344-1389

Documents: Site Plan, dated March 20, 2018

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Memorandum from Paul Alunni & William Holt, Town Engineering
Division, dated April 3, 2018

Present in Interest: Steve Lawrenson

S. Lawrenson reviewed the comments and changes requested by the Engineering Division. Engineering requested that the height of the retaining wall that runs along the driveway be put on the plans. Engineering would also like to know what type of retaining wall is proposed and how it will interact with the proposed porous pavement. S. Lawrenson will work with the Engineering Division to get the specifics they are looking for so it can be approved.

R. Hale advised that this is an after the fact Notice of Intent. There is a wetland area on an adjacent property that was not flagged or noticed at the time the building permit was issued. There is a very small swale that connects it to an existing wetland. The existing design meets the required setbacks. R. Hale asked if the septic had to be redesigned after finding the wetland. S. Lawrenson advised that they have a septic permit, but they have to submit a new cover page to the Board of Health whenever any changes are made so that all the departments have the same set of plans.

R. Hale recommends approving the Order of Conditions with the special condition stating that S. Lawrenson get approval from the Board of Health for the septic system and the Planning Board for the Simple Stormwater Management Permit. D. Pearson asked if the Engineering Division had any comments. R. Hale advised that the Engineering Division had questioned the setbacks. S. Lawrenson stated that the Engineering Division wants all roof drain infiltration trenches moved to meet the 10' setback from the foundation and the property line. Engineering also wants soil testing done to ensure that proper soil conditions are met. R. Hale commented that moving the infiltration trench will be going further into the buffer zone and R. Hale recommends continuing the hearing until the May 2, 2018 meeting. This will allow S. Lawrenson time to make the changes, test the soils, and get comments back from the Engineering Division.

Ron Escher, 35 Dell Drive, asked if there is ledge on the property. S. Lawrenson does not believe there is ledge less than 2' down as they did not hit any during excavation for the foundation. They will test the area. R. Escher was wondering if there is ledge near the leeching field if that would cause the water to run onto his property. S. Lawrenson explained that the infiltrators are installed to diffuse the water and prevent the water from running off the property. The septic system was redesigned due to the ledge and the house was changed to a three (3) bedroom to accommodate the change in the septic plan.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 228 Burlington Avenue – Map 6 Parcel
1A – DEP File #344-1389 until the May 2, 2018

**PUBLIC HEARING – NOTICE OF INTENT – 33 West Street – Map 59 Parcel 1A –
DEP File #344-1390**

Documents: Plan of Land, 2 pages, revised October 2, 2013

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Memorandum from Paul Alunni & William Holt, Town Engineering
Department, dated April 3, 2018

Present in Interest: Richard Stuart

R. Hale stated that this project had been approved two (2) times prior. R. Stuart cleared the site then stopped work. The Order of Conditions have expired and a Notice of Violation was issued. R. Stuart will eventually build a house, he's just not sure when. This proposal is the same as the previous one and approval will give him some time to build.

R. Hale had drafted an Order of Conditions similar to the previous one that was issued. The erosion controls are still up. He recommends approving the Order of Conditions as they are essentially the same as the last ones.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 33 West Street – Map 59 Parcel 1A –
DEP File #344-1390

VOTED: To approve the Order of Conditions for 33 West Street – Map 59 Parcel
1A – DEP File #344-1390

**PUBLIC HEARING – NOTICE OF INTENT – 10 West Street – Map 75 Parcel 8 – DEP
File #344-**

Documents: Proposed Subsurface Sewage Disposal System Plan, dated March 14,
2018
Memorandum from Paul Alunni & William Holt, Town Engineering
Division, dated April 3, 2018

Present in Interest: Greg Saab, ESS

G. Saab presented the project of removing the existing dwelling and constructing a new dwelling further back due to ledge and to accommodate all the setbacks. They will dig further test pits after the existing house is removed and hope to move the house slightly forward, which will bring house further away from the wetlands and more in line with other homes in the neighborhood. The proposed house is currently 70' from the wetlands and proposing a stone trench along the driveway that is 1' deep. He spoke to Engineering, who asked for a 2' deep trench, but after discussion with W. Holt of Engineering agreed, they agreed to a 1' deep trench. W. Holt had a comment on the size of the stone at the end of the driveway. The applicant will make it larger and that detail will be handled through the Stormwater permitting process. DEP has not issued a file number yet.

R. Hale stated that he did not have any significant comments. It appears that all setbacks met, that a potential vernal pool is on the adjoining property, but it is not a regulated feature in and of itself. If the house is moved up, it would be better for the vernal pool because it would leave more habitat behind the house.

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G. Saab mentioned he would like the demarcation to be placed further back on the property to allow more yard. R. Hale asked about putting it along the existing tree line. G. Saab said he will show it along the tree line, leaving room for a potential swimming pool while leaving the forested area behind it.

G. Saab requested to continue the hearing until the May 2, 2018 meeting due to lack of DEP File number.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 10 West Street – Map 75 Parcel 8 –
DEP File #344- until the May 2, 2018

PUBLIC HEARING – NOTICE OF INTENT – 58 Chestnut Street – Map 29 Parcel 19C – DEP File #344-

Documents: Topographic Plan of Land, dated March 19, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering
Division, dated April 3, 2018

Present in Interest: Brent Marks, owner
Richard Kirby, LEC Environmental Consultants

R. Kirby presented the after the fact Notice of Intent for work that was done in the back and side yards at 58 Chestnut Street. There is a grass swale that extends from a culvert beneath the gravel driveway going through the property to the north, going off site and presumably converging with a wetland to the north of the property. He also presumes that there is a wetland to the south of the property which renders the swale jurisdictional as an intermittent stream. B. Marks was unaware there were wetlands on the property because an Order of Conditions was never issued for the property or recorded on the deed so he never knew there were jurisdictional resources. The grass swale has been mowed and maintained, but it does convey stormwater from one (1) wetland to another and makes it jurisdictional as Bank and Land Under Water. B. Marks did some excavating to re-grade the rear and side yard. Presumably, the builder who built the house left some stones and boulders in the back and never did final grading of the lawn area. B. Marks cleared out all rubble, stones, and boulders and to regrade the yard. This resulted in filing a Notice of Intent and a Stormwater Management Permit at the same time for after the fact approval. B. Marks proposes to add fill to make the lawn more usable, re-align the swale, and add vegetation to the swale, essentially recreating the 2' wide swale, vegetating the banks and embankments, and maintaining the swale. The design does not meet the setbacks, but is a vast improvement over what was there. A 10' section of culvert pipe was added to existing pipe because snow removal contractors would push snow into the swale. Extending the pipe will give the place for the snow to go and not have it go into the swale. The planting plan proposes vegetating both sides of the swale and along with a portion of the rear of the property that is also in the buffer zone. A civil engineer was hired because the area is greater than 20,000 square feet which triggers a Stormwater Management Permit (not a Simple Stormwater Management Permit).

R. Hale commented that R. Kirby gave a comprehensive summary and that overall the project will result in an improvement. He asked if the snow could go anywhere else,

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maybe out to where the driveway shoots off to avoid the need for the culvert. R. Kirby advised that the homeowner stated that no matter who he hires for snow removal, they plow it into an area they are not supposed to. R. Hale suggested trying to find a solution with the snow removal contractor.

R. Hale stated the new swale is straight vs. the meandering swale that was originally designed. He cautioned that the flow must meet the pre-construction conditions for Stormwater approval. If it doesn't, then it may have to meander a bit. He thought the proposed planting species is excellent and he will wait for further comments until the calculations are received from the civil engineer. R. Hale commented that the Commission will decide and does not think it will be a huge encumbrance.

D. Pearson asked R. Kirby to confirm the 3:1 slope. R. Kirby confirmed that it was and that an erosion control blanket will be installed until after the area is seeded to keep the area stabilized until the vegetation begins to grow.

Josh Higgins, 42 Towpath Drive, presented pictures to the Commission. He finds the work that has taken place so far has been reckless. The swale is now a trench and the pipe proposed to be laid goes to within 30 feet of his property. He does not feel that he should take the stormwater runoff from 58 Chestnut Street onto his property. R. Hale stated that the applicant is proposing to keep the culvert extension off the existing driveway culvert. The rest of the swale will be restored to pre-construction conditions with trees and shrubs, not just grass.

John Lee, 38 Towpath Drive, asked where the swale is. R. Kirby showed where the swale will be and how it takes the water from one side of the property through the pipe and into the swale on the other side of the property. J. Lee is happy that B. Kirby improved his property, and asked if grading is changed will it change the amount of water on his property. B. Kirby stated no. J. Lee asked where the water will flow to.

V. Licciardi asked where Towpath Drive is in relation to the project address. J. Lee showed that it is behind 58 Chestnut Street. R. Hale stated that the Civil Engineer will address these concerns in the Stormwater Permit process as the water flow cannot change from pre-construction conditions. The Town's Engineer will review the calculations as part of the permitting process.

J. Higgins stated that this year, he has standing water and the ground is soggy and believes it is a result of the removal of the trees. J. Higgins asked if the proposed vegetation resolve that. R. Hale commented that the area mentioned is mapped wetlands and that he has dug some test holes to confirm it. The proposed changes need to meet the former conditions based on the Town's 2000 flyover aerials and topography. R. Kirby stated that the rate of runoff is determined by pitch and slope. The rate of the runoff will decrease with a flatter slope because it will slow the water flow and allow more of the water to absorb into the land. The civil engineer will take all of that into consideration.

B. Marks asked if the water is a concern, why didn't J. Higgins worry about when he did it on his own land. Discussion was ceased due to irrelevance.

Upon motion duly made and seconded, it was unanimously

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VOTED: To continue the Public Hearing for 58 Chestnut Street – Map 29 Parcel 19C – until the May 2, 2018 meeting

DISCUSSION - 11 Clark Terrace – Map 43 Parcel 38

Steve Kulka, owner started the permitting process to put a \$21,000 oversized shed on his property and wants the Commission's advice on placement. He mapped the property showing the placement of the shed between the trees. R. Hale advised that he did a site visit and confirmed a conservative wetland boundary. The proposed placement of the shed is in the 15' no-disturb and 25' no-structure setbacks and the homeowner is asking for relief from those setbacks. D. Pearson asked if the trees are the wetland boundary and R. Hale confirmed they are. R. Hale asked if the shed could be moved 3' to get out of the 15' no-disturb setback and the homeowner agreed. D. Pearson if the rock wall is also the boundary for the wetlands and R. Hale confirmed that it is. R. Hale stated that the shed will be placed on existing lawn without any vegetation disturbance. If aesthetics is the main objective, R. Hale suggests moving it a bit. D. Pearson asked about rotating it 90 degrees. Steve said it has an entry door and an overhead door and that rotating it would not work for them.

R. Hale asked if the owner could move the shed to meet the 15' and 25' setbacks. D. Pearson asked if there is any demarcation and R. Hale stated no because there weren't any previous wetland filings so none has been required. R. Hale mentioned the Japanese knotweed that is in the wetland. S. Kulka said they have been removing it slowly over the years as well as other debris and that they have been good stewards of the land. R. Hale agreed and that removing the invasive species is important to the vernal pool that is in in the rear of the property.

M. McInnis asked if the tree line is an accurate wetland delineation. R. Hale said that it is a conservative estimate and that the wetlands may actually be further back. R. Bradley would like the shed to be at the 15' no-disturb setback. If homeowner is insistent on keeping the shed where it is, than the owner should bring in a wetland scientist. Homeowner agreed to move the shed 3' both directions. R. Hale asked if the Commission would like to see a Request for Determination or a Notice of Intent. The Commission agreed to a Request for Determination would be sufficient.

DISCUSSION - 219 Andover Street – Map R1 Parcel 19A

Frank Postma, EA Engineering, stated that DEP issued an Enforcement Order in 1997 for eliminating some small wetlands during the mining process at Benevento Sand & Stone. The Army Corps of Engineers found the removal of peat bogs exempt and is non-jurisdictional. He is researching further the history of the replication that was done for the Enforcement Order. R. Hale found some documentation that might be helpful to EA Engineering and will forward it to F. Postma. F. Postma found a report done in 2011 showing all the work that was done for the DEP Enforcement Order, but a formal request for Compliance was never requested from DEP. EA Engineering did a habitat and vegetation analysis to see if the areas were functioning properly. Out of the 229,000 square feet of wetland on As-Built, it was found that in 2011, 225,000 square feet of wetland was functioning as designed and that were small amounts of invasive species was found that and removed. F. Postma mentioned that R. Hale had asked questions about the floodplain in Area 7 and once he can determine where Area 7 is, he will answer that. He thinks it was a 3:1 restoration over all the areas and that they should be all set with stormwater. R. Hale said that if that area was altered, there should have been an initial filing, but if the performance standards are met than it may not matter. F.

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Postma hopes to have more answers later in the week. R. Hale mentioned that he has found a report that mentions the Area 7 and they agreed to exchange paperwork to help piece the delineation all together.

DISCUSSION - Keolis 2018 Yearly Operational Plan – R. Hale advised that this is Keolis' Yearly Operation Plan for 2018 and that he is satisfied with what is proposed. He asked if any of the commissioners had any comments on the plan to submit to Keolis. None of the Commissioners had any questions or comments.

Ipswich River Watershed Association's Paddle-a-thon 2018 – R. Hale explained that the Ipswich River Watershed Association is holding a Paddle-a-thon to raise asked that the information be shared with the Commission to help spread the word.

DISCUSSION –Open Space Inventory and the Land Stewardship Program

R. Hale's springtime project is to re-inventory all the Town's open space and to get the Land Stewardship Program up and running again. He would like to inventory the open space before he assigns a volunteer from the Land Stewardship to monitor a particular area. R. Hale would appreciate any help with this process as the Town owns over 1000 acres. There is an area off Shawsheen Avenue that would support kayaking. Tewksbury has a few of the kayaking areas on the Shawsheen River and he has spoken to the Tewksbury Conservation Agent and Planner about connecting with them. He would like to set up a formal program. D. Pearson offered to help with inventory project.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 29 North Street – Map 88 Parcel 43A – DEP File #344-1183

Documents: As-Built Plan, dated October 15, 2012

R. Hale stated that this request is several years old, all requirements have been satisfied and recommends issuing the Certificate of Compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance – 29 North Street – Map 88 Parcel 43A – DEP File #344-1183

REQUEST FOR CERTIFICATE OF COMPLIANCE – North Washington Avenue – Map 53 Parcel 115 – DEP File #344-1212

Documents: As-Built Plan, dated March 28, 2018

R. Hale stated that this is a DPW project where they replaced some culvert headwalls. There are two (2) outstanding items on the Order of Conditions. One (1) is installing Reduced Salt Use signs and the other is maintaining the inlet to the culvert. The culvert is pretty damned up now and learned from a neighbor that it sometimes floods her yard. He has spoken to both Engineering and DPW who will clean the culvert and install the signs as soon as possible. He recommends tabling the Request for Certificate of Compliance until the culvert is cleaned and the signs are installed.

Upon motion duly made and seconded, it was unanimously

April 4, 2018 Conservation Commission Meeting

VOTED: To table the Request for Certificate of Compliance – North Washington Avenue – Map 53 Parcel 115 – DEP File #344-1212

REQUEST FOR CERTIFICATE OF COMPLIANCE – Butters Row Culvert – Maps 29 & 27 Parcels 11S & 1 – DEP File #344-1308

Documents: As-Built Plan, dated March 28, 2018

R. Hale stated that the center piece of the culvert had to be replaced as the headwalls were replaced several years ago. There was no impact to the wetlands. The Reduced Salt signs still need to be installed and he has spoken to Engineering about the installation. He recommends tabling the Request for Certificate of Compliance until the Reduced Salt signs are installed.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for Certificate of Compliance for Butters Row Culvert – Maps 29 & 27 Parcels 11S & 1 – DEP File #344-1308

REQUEST FOR CERTIFICATE OF COMPLIANCE – Beeching at Cunningham Street – Map 69 Parcel 119 – DEP File #344-1312

Documents: As-Built Plan, dated March 21, 2018

R. Hale reviewed the in-road improvements and stormwater basin. Everything looks good and the area is vegetated, The Engineering Division still needs to submit water volume calculations to make sure everything matches up and to install Reduced Salt Use signs. He recommends tabling the Request for Certificate of Compliance until the calculations are submitted and the signs are installed.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for Certificate of Compliance for Beeching at Cunningham Street – Map 69 Parcel 119 – DEP File #344-1312

REQUEST FOR CERTIFICATE OF COMPLIANCE – 9 Cross Street – Map 39 Parcel 5 – DEP File #344-1313

Documents: As-Built Plan, dated March 28, 2018

R. Hale stated that the volume calculations for the rain guards remain outstanding. He recommends tabling the Request for Certificate of Compliance until the calculations are received.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for Certificate of Compliance for 9 Cross Street – Map 39 Parcel 5 – DEP File #344-1313

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATES - 911 Main Street – Map 25 Parcel 4

April 4, 2018 Conservation Commission Meeting

R. Hale reviewed the history of the landscaping company at this address and that they paved an area that should have been pervious, put in some landscape bins, filled a portion of a stormwater basin, and built a retaining wall in a stormwater basin without any approvals. A Notice of Violation has previously been issued. At the last meeting, the Commission agreed to wait to issue an enforcement order providing they submit a Notice of Intent for the April 4, 2018 meeting. They did not submit the Notice of Intent and R. Hale recommends issuing an enforcement order with a \$50 fine for a first offense and that the Notice of Intent be filed by April 18, 2018.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Enforcement Order and issue a \$50 fine for 911 Main Street
– Map 25 Parcel 4

NOTICE OF VIOLATION UPDATE - 14 Jewel Drive – Map 24 Parcel 209A

R. Hale stated that Eugene Sullivan spoke to the Engineering Division about the pipe at the bottom of the infiltration system that was not supposed to be there. Engineering said they would like to see a seep collar that would prevent water from going around the pipe and around eroding around the pipe. Then both ends of the pipe can be capped. It holds a fair amount of water and there is vegetation around it, but it is not functioning properly. R. Hale expects E. Sullivan to have all the necessary information and submit an NOI for the next meeting to do the additional work, if needed.

D. Pearson asked if Engineering was satisfied with the wall construction. R. Hale advised that it is currently doing the job it was intended for, but cannot say if it is “built to last”. He will inquire with Engineering about that.

MINUTES – January 3, 2018

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the minutes for January 3, 2018 meeting

MINUTES – March 7, 2018

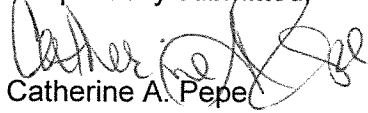
March 7, 2018 minutes could not be voted on as a quorum from the March meeting was not present at this meeting

ADJOURN

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

VOTED: To adjourn the meeting at 9:24 pm.

Respectfully submitted


Catherine A. Pepe
Senior Clerk

