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TOWN OF WILMINGTON, MA



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

April 7, 2021

Donald Pearson called the meeting to order at 7:06 pm after stating the following:

"Pursuant to Governor Baker's COVID-19 Orders Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, sec 18, 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/83953570486?pwd=Njg3b1hqRnRCNzIFSFZkU1MlhtZz09>.

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 839-5357 0486 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 MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 298 Shawsheen Avenue – Map 22 Parcel 15

Documents: Request for Determination of Applicability Application, received March 24, 2021
"Shawsheen Elementary School Tennis Court Reconstruction Plan", dated
March 5, 2021

Present in Interest: Colleen Fowler, Gale Associates, Inc.
Peter Spanos, Gale Associates, Inc.
Jamie Magaldi, Town of Wilmington, Department of Public Works

J. Magaldi advised that the existing tennis and basketball courts at Shawsheen Elementary School are currently bituminous pavement and severely cracked. The cracks in the courts were filled and re-cracked shortly thereafter. Replacing the courts now vs. continually filling the cracks seems to be the most practical.

P. Spanos presented the tennis and basketball courts replacement project. The courts will be reconstructed in the same footprint as the existing, with drainage flowing into the vegetated swale. The tennis courts will be reduced from three (3) to two (2) courts and the basketball court will be increased from one (1) to two (2) courts. The overall footprint for the courts will remain the same, but be re-graded for proper drainage into the catch basins that will be installed.

C. Lynch requested that the stockpile be moved as far from the vegetated swale as possible. He will approve the location in the field prior to the start of construction. He also asked that silt fence be used for erosion control in areas where stakes can be installed and silt sock where stakes cannot be driven into the ground.

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

V. Licciardi, L. deWahl, M. McInnis, A. Rittershaus, T. Bradley, T. Ollila, and D. Pearson voted 7 - 0 to issue a Negative (3) Determination of Applicability for 298 Shawsheen Avenue – Map 22 Parcel 15 with the added conditions that the stockpile area and erosion controls be approved by the Conservation Agent in the field.

**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 March 24, 2021
Amended Notice of Intent Application, received March 24, 2021
Letter from Michael Seekamp, Seekamp Environmental Consulting, Inc., dated March 11, 2021
Construction Site Erosion & Sediment Control with Operation and Maintenance Plan (O & M Plan), dated March 23, 2021
"Proposed Site Plan Shady Lane Sidewalk Extension, dated March 23, 2021
Letter from Paul Alunni, Town of Wilmington, Engineering Division, dated April 2, 2021

C. Lynch advised that P. Alunni has requested to continue the Public Hearing for Shady Lane Drive to the May 5, 2021 Conservation Commission meeting.

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

T. Bradley, V. Licciardi, T. Ollila, L. deWahl, 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 to the May 5, 2021 Conservation Commission meeting

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

Documents: Letter from Attorney John McKenna, dated March 30, 2021

C. Lynch advised that Attorney J. McKenna has requested to continue the public hearing for 687 Main Street to the May 5, 2021 Conservation Commission meeting.

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

T. Bradley, V. Licciardi, T. Ollila, L. deWahl, 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 May 5, 2021 Conservation Commission meeting

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 March 23, 2021

C. Lynch advised that A. Pojasek has requested to continue to the Public Hearing for 6 Tobin Drive to the May 5, 2021 Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by M. McInnis,

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, A. Rittershaus, M. McInnis, 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 May 5, 2021 Conservation Commission meeting

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

Documents: Letters from Mary Trudeau, Wetlands Consultant, dated March 22, 2021
Amended Notice of Intent Application, dated March 16, 2021
Field Data Forms, received March 23, 2021
“Plan to Accompany Abbreviated Notice of Resource Area Delineation”, dated March 15, 2021
Email from Kristen Costa, C.S. Newhouse Builders, Inc.

C. Lynch advised that K. Costa has requested to continue the Public Hearing for 71 & 73 Marion Street to the May 5, 2021 Conservation Commission meeting.

V. Gingrich advised that the peer reviewer and the applicant’s wetland scientist met at the site on April 6, 2021. A full peer review report will be submitted. D. Pearson noted that

the applicant has expanded the delineation to include Riverfront. V. Gingrich confirmed that the report will include the BVW and Riverfront

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

A. Rittershaus, M. McInnis, T. Ollila, V. Licciardi, T. Bradley, L. deWahl, 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 May 5, 2021 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 900 Salem Street, Map R1 Parcel 28 – DEP File #344-1326

Documents: Request for Certificate of Compliance, received March 23, 2021

C. Lynch advised that the work was never started for this Order of Conditions and that the Certificate of Compliance can be issued.

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

A. Rittershaus, M. McInnis, T. Ollila, T. Bradley, L. deWahl, V. Licciardi, and D. Pearson voted 7 - 0 to issue the Certificate of Compliance for 900 Main Street – Map R1 Parcel 28 – DEP File #344-1326

ADMINISTRATIVE TREE OR SHRUB REMOVAL

26 North Street – Map 78 Parcel 29A – C. Lynch advised that a large pine tree fell and damaged another pine tree. In addition, three (3) additional trees were dead that should be taken down.

27 Towpath Drive – Map 29 Parcel 38 – C. Lynch advised that three (3) trees located close to the house are diseased and hollow at the bottom.

NOTICE OF VIOLATION

66 Lawrence Street – Map 80 Parcel 39 – C. Lynch advised that the resident removed vegetation and was re-grading within the 100' buffer zone and potentially in the wetlands. He advised the resident and the workers to stop but the resident continued the grading and finished the work.

Attorney Phil Taylor, the owner's attorney, advised that the resident did not realize that there were wetlands. The resident was advised by Kelly Malatesta of the Building Department, that they are allowed to replace soil without a building permit provided they did not fill any wetlands.

Attorney Taylor has contacted a wetland scientist to delineate the wetlands and to assist the resident with submitting a Request for Determination of Applicability (RDA). D. Pearson confirmed that the owner will submit the RDA for the May 5, 2021 Conservation Commission meeting. Attorney P. Taylor confirmed that an RDA will be submitted providing the wetland scientist can delineate the wetlands in time.

C. Lynch advised that the resident would like to install a fence and a patio. D. Pearson confirmed that the fence, patio, and correcting the violation can all be put on the same Request for Determination of Applicability.

Upon motion made by M. McInnis and seconded by V. Licciardi,

V. Licciardi, M. McInnis, T. Ollila, A. Rittershaus, T. Bradley, L. deWahl, and D. Pearson voted 7 - 0 to ratify the Notice of Violation for 66 Lawrence Street – Map 80 Parcel 39

5 Oxbox Drive – Map 47 Parcel 38 - C. Lynch advised that two (2) dead trees and one (1) live tree were removed within the buffer zone. The applicant will file an after the fact RDA and add more trees to that application.

J. Lavorato clarified that one (1) tree fell into the next tree, which fell into the third tree. A tree service advised that another tree should be removed as well. He intends to file an RDA for the trees.

Upon motion made by T. Bradley and seconded by M. McInnis,

V. Licciardi, T. Bradley, L. deWahl, M. McInnis, T. Ollila, A. Rittershaus, and D. Pearson voted 7 – 0 to ratify the Notice of Violation for 5 Oxbow Drive – Map 47 Parcel 38

DISCUSSION

MACC Annual Environmental Conference, April 6–17, 2021 – Let the Planning & Conservation Department know if any Commissioners would like to attend.

Vegetation Management Plan for Keolis Commuter Services – The Department of Agricultural Resources has approved the Vegetation Management Plan for Keolis Commuter Services. A hard copy is available if anyone would like to see it.

Conflict of Interest Course – All commissioners have completed the online course and their certificates of completion submitted to the Town Clerk's office.

MINUTES – March 3, 2021

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

M, McInnis, A. Rittershaus, T. Ollila, L. deWahl, T. Bradley, V. Licciardi, and D. Pearson voted 7 - 0 to accept the minutes for the March 3, 2021 Conservation Commission meeting with one (1) amendment

D. Pearson acknowledged that this is T. Ollila's last meeting as a member of the Conservation Commission and thanked him for his service. T. Ollila thanked the Commission members for their efforts and wished them well.

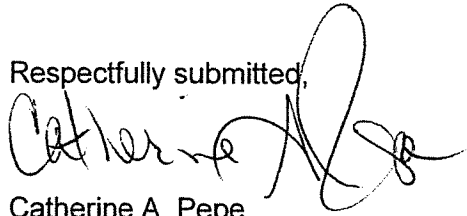
Next meeting – May 5, 2021

There being no additional business to come before the Conservation Commission, the Commission voted to adjourn the meeting at 8:00 pm

Upon motion duly made by M. McInnis and seconded by V. Licciardi,

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe". The signature is fluid and cursive, with a large loop at the end.

Catherine A. Pepe
Senior Clerk