



## **TOWN of WILMINGTON**

### **DEPARTMENT OF PLANNING & CONSERVATION**

121 Glen Road, WILMINGTON, MA 01887 [www.wilmingtonma.gov](http://www.wilmingtonma.gov)  
(978) 658-8238

#### **CONSERVATION COMMISSION MINUTES**

May 2, 2018

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

#### **DISCUSSION – SILVER LAKE VEGETATION MANAGEMENT**

Present in Interest: Kara Sliwoski, Solitude Lake Management

K. Sliwoski did a site visit today and did not see much growth of invasive aquatic species. She will propose treating the lake this year as last year they just did some hand pulling. She will consult with Jamie Magaldi of Wilmington DPW and confirm that he is in agreement.

R. Hale asked what area they propose to treat, what was found, and what herbicide will be used. K. Sliwoski advised there is milfoil and curly leaf pondweed in a half-moon/crescent shaped area just out past the swim area that will be treated with Reward or Tribune. The herbicide will remain in the water 24-48 hours after treatment before it breaks down and becomes ineffective. V. Licciardi asked if the treatment will affect the seeds and K. Sliwoski said it does not.

#### **CONTINUED 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  
Letter, Request to Continue, dated April 18, 2018

Andrew Pojasek, Dana Perkins, Inc. submitted a letter requesting to continue the public meeting on 58 Jonspin Road until the June 6, 2018 Conservation Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Meeting for Determination of Applicability for 58 Jonspin Road – Map R1 Parcel 306A until the June 6, 2018 Conservation meeting

#### **PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY- 130 Glen Road – Map 55 Parcel 2**

Documents: Plot Plan, dated November 22, 2010

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Drawing of Proposed Work, undated

Present in Interest: Ray & Stephanie Lankford, owners

R. Lankford would like to convert their half size basement door to a full size basement door. This would entail building a new foundation with two (2) steps down on the side of the house.

R. Hale advised that it involves a 4' x 4' area that would go 4' deep. The area is currently paved so it would not increase the impervious area and that it is Riverfront area and possibly 100-year floodplain. The work would qualify as redevelopment of Riverfront Area should a Notice of Intent be required. It has not been confirmed that it is in the floodplain, but it would meet the floodplain requirements because it would not result in a net increase of fill in the floodplain. He recommends a Negative (2) Determination with the condition that erosion controls be used around the excavated material.

L. Finne cautioned the homeowner to be aware of flooding concerns – more as a neighbor, not as conservation concern.

S. Lankford asked about the culvert and who will clean it. R. Hale offered to speak to Engineering about it and that it will most likely fall under DPW.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) Determination of Applicability for 130 Glen Road – Map 55 Parcel 2 with the condition that erosion controls be placed around the work area.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 42 Towpath – Map 29 Parcel 42**

Documents: Drawings, undated

Present in Interest: Susan & Joshua Higgins, owners

J. Higgins advised that in 2013 they constructed a 25' x 27' patio off the back of their house. They removed a tree and a chain-link fence, dug up grass, and put sand and brick pavers down. In October 2017 it was determined that there is an intermittent stream within 30' of the patio and he needs an after-the-fact approval.

R. Hale explained that if it was 50' or more away, it would not have required approval. If it had gone through the approval process, pervious pavers would have been recommended. R. Hale has done a site visit and confirmed that the area is stable, vegetation is established, and it is not increasing any sedimentation or erosion. R. Hale recommends a Negative (3) Determination.

S. Kelley-Parrella commented that tearing up the existing patio and replacing it with pervious pavers would do more damage to the area and agrees with leaving the patio as is.

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Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 42 Towpath Drive – Map 29 Parcel 42

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 34 Mill Road – Map 3 Parcel 3E**

Documents: Plan of Survey, dated July 7, 2017

Present in Interest: Dominika Hudcova, representative

D. Hudcova, would like to build an in-ground pool and enclose the yard with a fence which is a requirement for the in-ground pool. A portion of the fence will fall in the 100' buffer.

R. Hale explained that the pool fence requirement is a 4" gap at the bottom, but Conservation requires a 6" gap from the ground to meet the minor activity status and asked if the fence had to go in the 100' buffer zone. R. Hale also asked the status of the Enforcement Order that was issued when the owners dug a well. D. Hudcova advised that grass seed was planted and that they are waiting for the grass to grow in. R. Hale mentioned that an Order of Conditions is still open and that the proposed fence will run parallel to the permanent demarcation required by the Order. R. Hale recommends a Negative (3) Determination with the condition that the demarcation fence be installed at the same time as the fence for the pool and that they close out the Order of Conditions within thirty days after the fence is installed.

V. Licciardi, asked if there will be a secondary area for a possible future septic system. R. Hale stated that as the pool is outside the 100' buffer, it is out of jurisdiction.

D. Pearson questioned where the pool fence and demarcation fence will go and D. Hudcova pointed out where it will go on the plans. L. Finne stressed to not put yard waste down the hill behind the fence.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 34 Mill Road – Parcel 3 Map 3E with conditions for the demarcation fence/wall and submitting a Request for Certificate of Compliance 30 within days after the fence is installed.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 11 Clark Terrace – Map 43 Parcel 38**

Documents: Plot Plan, dated December 6, 2017  
Drawings, 2 pages, dated April 17, 2018

Present in Interest: Steven & Patty Kulka, owners

S. Kulka presented the shed they would like to install in their backyard. This was a discussion item at the April 4, 2018 Conservation Commission meeting where it was

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suggested that placement of the shed be shifted to meet the 25' no structure setback on one (1) side and the 15' no disturb setback on another side. He is asking for relief from the 25' no structure setback on one (1) side.

R. Hale confirmed that the appropriate setbacks are met on three (3) sides and that one (1) side does not meet the 25' no structure setback but meets the 15' setback. The shed's proposed placement lines up with the driveway. He recommends a Negative (3) Determination without additional conditions because the shed is prefabricated and no excavation will be required.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 11 Clark Terrace  
– Map 43 Parcel 36

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 21  
Green Meadow Drive – Map 3 Parcel 210**

Documents: Subsurface Sewage Disposal Plan, revised April 11, 2018

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.  
Joseph Langone, Duffer Realty Trust

M. Herald distributed colored plans and reviewed the new home project. The house is outside the 100' buffer, but the roof recharge system, infiltration area, minor grading, and a fence are in the 100' buffer.

R. Hale confirmed that all setbacks are met and that most of the work within the 100' buffer is for lawn work and is just barely inside the buffer zone. He recommends a Negative (3) Determination with a condition for erosion controls.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 21 Green  
Meadow Drive – Map 3 Parcel 210 with a condition for erosion controls.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 23  
Green Meadow Drive – Map 3 Parcel 211**

Documents: Subsurface Sewage Disposal Plan, dated March 27, 2018

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.  
Joseph Langone, Duffer Realty Trust

M. Herald distributed colored plans and reviewed the new home project. The proposed house is 94.4' away from the Bordering Vegetated Wetlands. The roof recharge, grading, infiltration, and a post and rail fence are also within the 100' buffer zone.

R. Hale asked if the infiltration system is maintained by the owner and if that is written in the deed. J. Langone advised that maintaining the infiltration system is part of the deed

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restriction. R. Hale recommends a Negative (3) Determination with a condition for erosion controls.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 23 Green Meadow Drive – Map 3 Parcel 211 with a condition for erosion controls

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 24 Green Meadow Drive – Map 3 Parcel 217**

Documents: Subsurface Sewage Disposal Plan, revised April 11, 2018

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.  
Joseph Langone, Duffer Realty Trust

M. Herald distributed colored plans and reviewed the new home project. The proposed dwelling is 97.7' from Bordering Vegetated Wetlands and the roof recharge, some grading, and the deck is 91.4' from the Bordering Vegetated Wetlands. The actual wetland is not on the property.

R. Hale recommends a Negative (3) Determination with a condition for erosion controls.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 24 Green Meadow Drive – Map 3 Parcel 217 with a condition for erosion controls.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 28 Green Meadow Drive – Map 3 Parcel 215**

Documents: Subsurface Sewage Disposal Plan, revised April 11, 2018

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.  
Joseph Langone, Duffer Realty Trust

M. Herald distributed colored drawings and reviewed the new home project. The proposed dwelling is 88.7' from wetlands, the driveway is 75.2' from the wetlands, and a deck with a set of stairs that are 88.1' from the wetlands. A post and rail demarcation fence will also be installed.

R. Hale recommends a Negative (3) Determination with a condition for erosion controls.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 28 Green Meadow Drive – Map 3 Parcel 215 with a condition for erosion controls.

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 18 Kilmarnock Street – Map 74 Parcel 3A**

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Documents: Wilmington On-Line Maps, dated 4/17/18  
Photographs, undated

Present in Interest: Stephen Palumbo, owner

S. Palumbo would like to remove four (4) trees from his property, one of which has already fallen. Three (3) of the trees are rapidly deteriorating and a hazard to his home and/or vehicles. On the north side of the property there are several trees along the demarcation line that are losing branches and he would like to cut the branches because they are almost touching the roof.

R. Hale recommends that the three (3) dead trees be taken down and possibly put one (1) of the trees in the adjacent woods for habitat. He also recommends the removal of the minimal number of branches on the north side of the house. He does not recommend tree replacement as they are dead and are not currently providing the function of a live tree. He also recommends grinding the stumps as they are partially in maintained lawn. R. Hale recommends a Negative (3) Determination with the added condition that one (1) downed tree be placed in the adjacent natural area.

D. Pearson asked if the tree removal company could place a tree near the wetlands. S. Palumbo said yes, it is so light, it could be pushed into the wetlands. L. Finne stated that it should not be placed in the wetlands, but right near the wetlands. R. Hale clarified there is a natural upland area between the tree and the adjacent wetland where the tree could be placed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 18 Kilmarnock Street – Map 74 Parcel 3A with the condition that a dead tree be placed in the adjacent upland area

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 11  
Towpath Drive – Map 28 Parcel 31**

Documents: Plan of Lot, revised 9/21/95

Present in Interest: Laura Bray, owner

L. Bray would like to remove a 12' x 24' deck and build a new 14' x 20' deck.

R. Hale stated that the previous deck received approval and the new deck is at least a 35' from the wetlands and meets the 25' setback. He recommends a Negative (3) Determination with the added condition for erosion controls during construction.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 11 Towpath Drive – Map 28 Parcel 31 with a condition for erosion controls

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 24 Hobson Avenue – Map  
45 Parcel 7A – DEP File #344-1394**

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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  
Plot Plan, revised April 13, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018

Present in Interest: Kevin Mansfield, owner

K. Mansfield presented his project of 23' x 24' garage addition that falls within the 100' buffer zone. He will also remove a large concrete slab that was installed by the previous owner. This will reduce his current impervious area by about 1,200 square feet.

R. Hale noted that 100-year floodplain wraps around the concrete slab and has an elevation of 94'. R. Hale asked if grass will be planted and K. Mansfield said yes, except where the garage will be. R. Hale mentioned that the Engineering Division would like to see what kind of erosion controls will be used and that straw wattles or a silt fence would be adequate.

R. Hale recommends approving an Order of Conditions with the standard special conditions for new house construction.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 24 Hobson Avenue – Map 45 Parcel 7A – DEP File #344-1394

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 24 Hobson Avenue – Map 45 Parcel 7A – DEP File #344-1394 with standard special conditions for new house construction

**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  
E-mail Request to Continue, dated March 30, 2018  
Sanitary Disposal System Plan, 2 pages, revised March 26, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018

Present in Interest: Stephen Lawrenson

S. Lawrenson advised that the requested revisions were made to the plans and submitted to Engineering for approval. The revisions consisted of: moving the infiltrators for the roof drains as they were too close to the property line, the buffer zone and

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erosion control were not shown, and the size of the stone along the driveway needs to be 3" and also added to the plans. S. Lawrenson stated that the stone was not shown on the plan, but that Engineering agreed to have it added as a condition. R. Hale advised that the driveway is out of the 100' buffer zone and is not part of the Conservation Commission decision.

R. Hale noted that everything was addressed as far as Conservation required and asked if the septic system had also been moved to meet the proper setback. S. Lawrenson confirmed that it had. R. Hale stated that this lot is part of a larger subdivision that has already received approval for its infrastructure. R. Hale recommends approving the Order of Conditions with the standard special conditions for new house construction.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 93 McDonald Road – Map R2 Parcel 38 – DEP File #344-1383

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 93 McDonald Road – Map R2 Parcel 38 – DEP File #344-1383 with the standard special conditions for new house construction

**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  
 Sanitary Disposal System Plan, 2 pages, revised March 26, 2018  
 Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018

Present in Interest: Stephen Lawrenson

S. Lawrenson advised that the requested revisions were made to the plans and submitted to Engineering for approval and that they were similar to the changes requested in 93 McDonald Road.

R. Hale asked about the as-built silt fence as the limit of work. S. Lawrenson advised that the silt fence was done for the entire subdivision and roadwork. R. Hale noted that the silt fence should be on the project side and that it could be conditioned in the Order of Conditions to go along the property line. R. Hale recommends approving an Order of Conditions with the standard special conditions for new house construction.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 101 McDonald Road – Map R2 Parcel 45 – DEP File #344-1388



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Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 101 McDonald Road – Map R2  
Parcel 45 – DEP File #344-1388 with standard special conditions for new  
house construction

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

Documents: Site Plan, dated March 20, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering  
Division, dated April 3, 2018  
Site Plan, 2 pages, revised April 11, 2018

Present in Interest: Stephen Lawrenson

S. Lawrenson advised that the following changes were made per the Town of Wilmington's Engineering Division request: the retaining wall was redrawn to show weep holes at the end of the driveway and more detail on the layers of material behind the wall. The driveway heads down to the garage and part of the pavement will be pervious pavement. This is an after the fact filing for a wetland area that was found after the construction had begun. The house is constructed but all work has stopped pending issuance of the Order of Conditions. Erosion controls were installed and were reinforced with additional wattles and minor grading to direct the water into the trench originally dug for the stone wall.

R. Hale stated that all setbacks are met. R. Hale recommends weekly erosion control monitoring reports be sent to the Planning & Conservation Department. There are no additional Engineering comments and the Board of Health has approved the septic design. R. Hale recommends approving the Order of Conditions with the standard special conditions for new house construction and the added condition of weekly erosion control monitoring and reporting to the Planning & Conservation Department.

Ron Escher, 35 Dell Drive, abutter, stated that weekly monitoring will help with their concerns. S. Lawrenson showed where the retaining wall will go and explained that the purpose is to slow down the water flow by putting the water into the ground and recharging it, and preventing it from going onto another property.

C. Jacques, 27 Dell Drive, abutter, asked how the wetlands were originally missed. S. Lawrenson advised that the wetland appeared isolated because the connection to other wetlands is a well maintained lawn that did not look like wetlands, and the scientist did not see it when the study was done. C. Jacques questioned whether the time of year the wetland assessment was done was a factor. R. Hale commented that the time of year and the direct observation of water do not determine wetlands. It is partially determined by soil characteristics. R. Hale commented that the wetland scientist did not have access to the wetland as it is private property and that the wetland connection is a well maintained lawn. R. Hale commented that he noted it by chance when he went to check the wetland lines for adjacent properties and noted the possibility of wetland connection. Test soil pits were dug and that's when it was discovered the wetland is connected, and therefore regulated. C. Jacques asked if the proposed changes will take care of the problem. R. Hale stated that the water from the area will be infiltrated.

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Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 228 Burlington Avenue – Map 6 Parcel 1A – DEP File #344-1389

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 228 Burlington Avenue – Map 6 Parcel 1A – DEP File #344-1389 with the standard special conditions for new house construction and the additional condition of weekly erosion control monitoring

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

Documents: Analog Devices Campus Expansion Plan, 26 pages, dated February 7, 2018  
Pre-Development Watershed Plan, 2 pages, dated February 7, 2018  
Memorandum from William Holt & Paul Alunni, Town of Wilmington Engineering Division, dated March 5, 2018  
Analog Devices Campus Expansion Plan, 26 pages, dated April 20, 2018  
Stormwater Calculations, received April 23, 2018

Present in Interest: Joseph Pereschino, Tighe & Bond  
Craig Bergeron, Analog Devices

J. Pereschino reviewed the building, stormwater, and parking lot project. The Town of Wilmington Engineering Division had comments including the requirement for additional test pits in areas proposed for infiltration. To meet stormwater standards, they are adding some forebays to the existing stormwater basins, installing two (2) rain gardens, and other stormwater related items. Based on the test pit results, areas proposed for infiltration systems are acceptable. Wilmington's Engineering Division is satisfied with the revised plan and has no other questions.

R. Hale stated that overall the project will be good for water quality and asked what will be planted in the proposed constructed wetland stormwater basin. J. Pereschino advised that wildlife and hydric friendly plants will be planted. R. Hale asked that native, non-invasive species be planted. R. Hale recommends approving the Order of Conditions with the added condition that the plantings be native and non-invasive species in and around the stormwater basin. J. Pereschino asked if the planting condition would apply to the overall project. R. Hale advised that it would be a condition just in the basin itself and would not apply to the landscape areas outside the basin area.

J. Pereschino asked that we correct spelling of Brad Mezquita's last name.

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

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Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 804 Woburn Street – Maps 46 & 47 Parcels 130 & 2 – DEP File #344-1384 with the added condition of planting non-invasive species in the new stormwater basin.

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393**

Documents: Existing & Proposed Conditions Plan, 2 pages, dated January 2018  
Conceptual Design for Wetlands & Buffer Infringement Corrective Actions Stockpile Area Along Northern Quarry Face, dated February 2018  
Memorandum from William Hold & Paul Alunni, Town of Wilmington Engineering Division, dated March 6, 2018  
Technical Memorandum from EA Engineering, Science, & Technology, Inc., dated August 24, 2011  
E-mail Request to Continue, dated April 26, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018

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

F. Postma reviewed the project consisting of grading and stabilizing an unapproved overburden stockpile and the restoration of a wetland area. There is about 3,800 square feet of wetland disturbance. Additional filling and grading recently occurred within the 100' buffer zone to establish access to drop off erosion controls, which were then installed. The additional filling and grading was not approved, and compromised slope stability in the area.

F. Postma requested to continue the hearing so they can research the best way to proceed. He also requested that an Enforcement Order be issued to stabilize the slope as quickly as possible. F. Postma is working with the Town's Engineering Division to determine the proper slope. F. Postma is also concerned with potentially having to blast some of the area where approximately 8,000 square feet of wetland mitigation is proposed.

R. Hale stated that there has been ongoing work with the stockpile that is within the 100' buffer zone. The only option is to issue an Enforcement Order that allows the work to stabilize the slope. R. Hale read the draft of the Enforcement Order. F. Postma said that Benevento could accomplish the work in three (3) weeks and R. Hale put a completion date of June 6, 2018 for that work on the Enforcement Order.

R. Hale recommended hand raking the sediment out of the wetlands and to seed it, with a deadline of May 23, 2018, which was also included in the Enforcement Order. Also a restoration plan for the remainder of the work should be submitted to amend the current Notice of Intent.

S. Kelley asked if the concerns will be addressed at the June 6, 2018 Conservation Commission meeting and F. Postma confirmed that they would be.

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VOTED: To continue the Public Hearing for 219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393 until the June 6, 2018 Conservation Commission Meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order for 219 Andover Street - Map R1 Parcel 19A

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 10 West Street – Map 75 Parcel 8 – DEP File #344-1392**

Documents: Proposed Subsurface Sewage Disposal System Plan, dated March 14, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018  
Proposed Subsurface Sewage Disposal System Plan, revised April 10, 2018

Present in Interest: Greg Saab, ESS

G. Saab discussed the changes made to the plan: the permanent demarcation line was added along the woods line, and the grading was moved away from the abutter on the north side of the property, satisfying questions raised by the Town of Wilmington's Engineering Division regarding the crushed stone at the entranceway.

R. Hale stated that the crushed stone is out of the 100' buffer zone and that the applicant voluntarily put the demarcation fence in an area well in front of where it is typically required along the 15' no disturb setback. All setbacks were met and R. Hale recommends issuing the Order of Conditions with the standard special conditions for new house construction

L. Finne asked about putting a note in the file advising that the owner voluntarily placed the demarcation fence in front of where it needed to be to avoid potential questions in the future.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 10 West Street – Map 75 Parcel 8 – DEP File #344-1392

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 10 West Street – Map 75 Parcel 8 – DEP File #344-1392 with the standard special conditions for new house construction

**PUBLIC HEARING – NOTICE OF INTENT – 1 Hudson Street – Map 70 Parcel 82A – DEP File #**

Documents: Existing Conditions Plan, dated April 9, 2018

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NOI Plan, dated April 9, 2018  
 Existing Conditions Plan, 2 pages, dated April 26, 2018  
 Response to Regulation 10.58, received April 26, 2018  
 Memorandum from Paul Alunni & William Holt, Town Engineering  
 Division, dated May 1, 2018

Present in Interest: Patrick Grant, Nativetec  
 Richard Rapacki, owner

P. Grant distributed amended plans showing the delineated wetlands and the tributary stream to Lubbers Brook for the proposed 16' x 14' deck and extended driveway. Both are in the Riverfront Area and the 100' buffer zone. The work brings the mitigation slightly above the 2:1 ratio.

R. Hale stated that no DEP # has been issued and therefore the Commission cannot issue an Order of Conditions. In addition to that, the wetland line appears to go thru the backyard, which raises additional questions. P. Grant advised that the hydric soils begin in front of the fence. R. Hale advised that the deck encroaches on the 15' and 25' setbacks and asked if the deck could be smaller to at least meet the 15' no disturb zone. R. Hale acknowledged that there are already double doors on the second floor that lead onto the existing deck. P. Grant stated they only found out about the need for an alternatives analysis two days prior to the hearing. R. Hale clarified an alternatives analysis is not required to meet the setbacks, but rather the Riverfront Area performance standards. R. Hale explained that Riverfront Area section 10.58(4) requires an alternative analysis and does not require mitigation if less than 10% of the outer 100' of Riverfront Area is disturbed. Riverfront Area section 10.58(5), which is redevelopment, may require mitigation only if certain thresholds are exceeded. If restoration of wetlands is required, R. Hale recommends that plantings go in the wetland area to restore what was previously disturbed to avoid taking away a portion of the existing lawn.

R. Hale asked about the paving by the hydrant. D. Pearson asked when the wetlands were delineated. P. Grant stated in early April 2018. L. Finne commented that she would like to see the deck stay out of the 15' no disturb setback. S. Kelley asked how much of the back corner is in the 15' no-disturb area. P. Grant said it was an area of about 1.5' x 1.5' and that they could cut it back.

Donald Pane, 6 Jordan Street, advised that there is a problem with runoff onto the unpaved area. Also that in the winter, the plows push the dirt and he is surprised the hydrant has not been damaged. He would like to know who owns the paper street. R. Hale advised that typically, the adjacent owners own ½ of the paper street, but it's still a right-of-way and cannot be obstructed.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 1 Hudson Street – Map 70 Parcel 82A to the June 6, 2018 Conservation Commission Meeting due to lack of DEP File # and additional information needed

**PUBLIC HEARING – NOTICE OF INTENT – 70 Taplin Avenue – Map 44 Parcel 72 – DEP File #344-1398**

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Documents: Site Plan, dated April 16, 2018  
Pictures, undated  
Letter from Collings Co. Tree Service, undated  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018

Present in Interest: Greg Saab, ESS  
Dion DeJesus, Three D Builders, LLC, owner

G. Saab presented the project to remove the existing dwelling and build a new single family dwelling with town water and sewer. The Zoning Board of Appeals gave relief to the side setbacks so they can build to those setbacks, though the elevations could change. The elevation of existing basement is 93 and they have designed the house to meet that.

The Town of Wilmington's Engineering Division has asked the applicant to dig a test pit. The limit of work will not change and they will stay outside the 25' no-build setback and the 15' no-disturb setback.

D. DeJesus distributed pictures of ten (10) trees they would like to remove for this project. Two (2) trees are where the proposed house will be built and three (3) trees overhang the existing dwelling and will pose a problem to the new house. There is another tree that is dead and another tree that is just off the property has a rotted base and will hang over the new dwelling. There is also a tree that hangs over the abutter's driveway that has limbs that have fallen on the abutter's car. There are two (2) additional trees that are dead. D. DeJesus would also like to remove the trash from the wetlands.

R. Hale, stated that a DEP File # has not been posted on the DEP web site and reminded the applicant that Zoning Board of Appeal's setbacks are not the same as Conservation's setbacks. G. Saab advised that if the setbacks can't be met because of Conservation, they will have to go back to the Zoning Board of Appeals. R. Hale advised that the tree recommendations were not made by a certified arborist. He does not disagree with the comments made by the tree removal company, but the Commission may request a statement from a certified arborist. R. Hale reviewed the following outstanding items: the soil pit, a statement from a certified arborist, and a plan for tree replacement. G. Saab asked what trees should be planted and R. Hale recommended red maple because they grow almost anywhere. D. Pearson asked if planting shrubs are a possibility given the restrictions. R. Hale confirmed that it is possible and that a mix of trees and shrubs is acceptable and suggested planting them along the fence line to serve as a barrier to the wetland.

S. Kelley-Parrella is ok with the trees coming down without an arborist's statement and asked if some of the stumps could stay and would like to see D. DeJesus review the removal and plantings with R. Hale. V. Licciardi, T. Bradley, and L. Finne agreed with S. Kelley-Parrella's suggestion. L. Finne thought some shrubs might be a better fit with a couple of maple trees and leaving about a 4' stump on the trees in the paper street to not pose a safety hazard.

Upon motion duly made and seconded, it was unanimously

May 2, 2018 Conservation Commission Meeting

VOTED: To continue the Public Hearing for 70 Taplin Avenue - Map 44 Parcel 72  
- DEP File # 344-1398 to June 6

**PUBLIC HEARING – NOTICE OF INTENT – 25 Green Meadow Drive – Map 3 Parcel 212 – DEP File #344-1397**

Documents: Subsurface Sewage Disposal Plan, revised April 11, 2018

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.

M. Herald distributed colored plans for the construction of a new single family dwelling, noting that the house is 60.9' from Bordering Vegetated Wetland and that the house, deck, roof recharge, and grading are within the 100' buffer zone. All structures will be at least 35' from the Bordering Vegetated Wetland.

R. Hale noted that all setbacks are met for this project and asked about bringing the demarcation fence to extend along the 200' Riverfront Area to the property line then along the property line, or along the erosion control line. M. Herald is hesitant to do it along the straw wattle line as it limits the homeowner's future use and suggested extending it to the property line.

L. Finne asked about putting some shrubs along the property line to prevent the homeowner's yard waste and trash from the others going into the Open Space. M. Herald agreed with planting shrubs.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 25 Green Meadow Drive – Map 3 Parcel 212 – DEP File #344-1397

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 25 Green Meadow Drive – Map 3 Parcel 212 – DEP File #344-1397 with the standard special conditions for new house construction and additional condition to use shrubs for demarcation.

**PUBLIC HEARING – NOTICE OF INTENT – 27 Green Meadow Drive – Map 3 Parcel 213 – DEP File #344-1396**

Documents: Subsurface Sewage Disposal Plan, dated March 27, 2018

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.

M. Herald distributed colored plans for the construction of a single family dwelling that will be 82.4' from wetlands and the driveway 65.2' from wetlands, along with roof top infiltration and grading. The wetlands are offsite on the adjacent lot. All structures will be at least 35' from the wetland and a post and rail demarcation fence will be installed.

R. Hale asked if the demarcation could go along the top side of the property line and ideally have it go parallel to the proposed erosion control line along the backside.

May 2, 2018 Conservation Commission Meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 27 Green Meadow Drive – Map 3 Parcel 214 – DEP File #344-1396

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 27 Green Meadow Drive – Map 3 Parcel 214 – DEP File #344-1395 with the standard special conditions for new house construction

**PUBLIC HEARING – NOTICE OF INTENT – 30 Green Meadow Drive – Map 3 Parcel 214 – DEP File #344-1395**

Documents: Subsurface Sewage Disposal Plan, dated March 20, 2018

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.

M. Herald distributed colored copies for the construction of a single family dwelling that will be 82.4' from the wetlands, the deck will be 69.3' from the wetlands, and a driveway that will be 67.4' from the wetlands. All structures will be at least 35' from the wetlands.

R. Hale had the same comment as 25 and 27 Green Meadow Drive about extending the demarcation to where the erosion controls are.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 30 Green Meadow Drive – Map 3 Parcel 214 – DEP File #344-1395

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 30 Green Meadow Drive – Map 3 Parcel 214 – DEP File #344-1395 with the standard special conditions for new house construction

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 58 Chestnut Street – Map 29 Parcel 19C– DEP File #344-1391**

Documents: Topographic Plan of Land, dated March 19, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018  
Summary Letter for Notice of Intent & Simple Stormwater Permit, dated April 23, 2018  
Site Plan, 2 pages, revised April 20, 2018  
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018

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



May 2, 2018 Conservation Commission Meeting

R. Kirby presented the application for the after the fact approval required for grading that exceeded 20,000 square feet that was done on the property. The culvert carries water beneath the driveway and through a grass swale that extends off to the north and connects to wetlands off the property. The homeowner would like to complete the re-grading and restore the grass swale with planting seven (7) trees and forty-seven (47) shrubs. The homeowner would also like to extend the culvert beneath the driveway to provide land area for the snowplows to pile up the snow. The Town Engineering Division has reviewed the plans and asked that the applicant submit hydraulic calculations and other requested revisions to meet the requirements of the Stormwater Management Permit.

R. Hale asked about putting the snow on the left hand side of the driveway and putting a fence at the edge of the driveway. R. Kirby felt the snow would get plowed up against the fence, then eventually it would knock the fence down. R. Hale would like to make sure that the culvert extension is actually needed and advised that the Town's Engineering Division wants additional calculations.

L. Finne commented that she has concerns regarding extending the culvert.

D. Pearson asked what measures would be put in place to avoid the snow being plowed into the swale. L. Finne suggested installing a seasonal snow fence to prevent the snow from being plowed into the wetlands and to keep the snow from going down the slope and out of the wetlands. S. Kelley-Parrella asked the applicant to consider signs for snow removal.

Josh Higgins, owner, 42 Towpath Drive, feels that the digging has created a deeper trench and is concerned that his young children could fall into the trench and drown. J. Higgins would like to see the path changed to go away from his home. R. Hale stated that this application is to restore to its original conditions. Susan Higgins, owner, 42 Towpath Drive, is concerned with the depth of the trench and the amount of water that is there. R. Kirby indicated that the restored design will allow the water to flow, not pool as the grade will be one-half foot lower giving it positive drainage and that any water, whether it is snow or rain, will go to the same place. R. Hale commented that the Town's Engineer still has to complete his review pending additional information needed from the applicant.

Nestor Salizar, owner, 43 Towpath Drive, has noticed significant pooling of water on his property and in the easement on his property and wants to make sure that what is proposed will alleviate that. R. Kirby noted that the swale was the low point before any re-grading began and it will remain that way when the work is complete.

John Spizuoco, owner, 41 Towpath Drive, questioned the sequence of events for this project. R. Hale clarified that this is an after the fact submittal to restore a violation.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 58 Chestnut Street – Map 29 Parcel 19C – DEP File #344-1391 to the June 6, 2018 Conservation meeting

**DISCUSSION – Clifton/Marion Street**

May 2, 2018 Conservation Commission Meeting

Maureen Herald from Norse Environmental Services, Inc. distributed colored plans showing the driveway on the opposite side of the lot than what was previously approved in the Order of Conditions issued February 15, 2018. An active well was recently discovered across the street and regulations state that the leech field must be 100' from the well. This prompted the applicant to move the driveway to the opposite side of the house so they could move the leech field. The revised plan causes approximately 150 square feet of disturbance within the 15' no-disturb setback and the applicant would like to add approximately 175 square feet of upland buffer replication on the left hand side of the lot to compensate for the necessary changes. M. Herald asked if the Commission will allow the disturbance in the 15' no-disturb area and if yes, would it be an insignificant change or an amendment to the Order of Conditions?

R. Hale said it would be at least an amendment, if not a new Notice of Intent. R. Hale asked if there was an alternative septic system option to avoid changing the house design. M. Herald stated she will investigate that possibility.

D. Pearson asked if they were putting a driveway in the 25' no structure and M. Herald confirmed they were. V. Licciardi asked if the well was recently discovered and M. Herald confirmed that it was. S. Kelley-Parrella asked the distance from the well to the leach field and Jonathan Langone, applicant, confirmed it is 88'. R. Hale recommended speaking to the Town of Wilmington's Engineer about an alternative septic system. R. Hale stated that DEP has a list of reasons for an amendment and he is not sure if the changes meet the amendment criteria. L. Finne would like to see an alternative septic system and D. Pearson asked about removing the deck and shifting the house back. L. Finne asked if a paver driveway would be an option. M. Herald will research the offered options and understands that the Conservation Commission wants a new Notice of Intent.

**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 commented that salt signs were installed and that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the 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 advised that salt signs were installed and all conditions have been met.

Upon motion duly made and seconded, it was unanimously

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

May 2, 2018 Conservation Commission Meeting

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

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

R. Hale advised that salt signs were installed, stormwater calculations were submitted, and all other conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for Beeching Street 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 advised that salt signs were installed, stormwater calculations were submitted, and all other conditions have been met.

Upon motion duly made and seconded, it was unanimously

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

CERTIFICATE 804 Woburn

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 804 Woburn Street – Map 46 & 47 Parcels 130 & 2 – DEP File #344-1338**

R. Hale advised that the Order of Conditions for DEP File #344-1338 needs to be closed out as an Invalid Order of Conditions so Analog can move forward with the new Order of Conditions for 804 Woburn Street, DEP File #344-1384.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 804 Woburn Street – Map 46 &  
47 Parcels 130 & 2 – DEP File #344-1338

**REQUEST FOR CERTIFICATE OF COMPLIANCE– 33 West Street – Map 59 Parcel 1A- DEP File #344-1273**

R. Hale advised that this request was tabled at a previous Conservation Commission meeting and is now ready to issue a partial Certificate of Compliance.

Upon motion duly made and seconded, it was unanimously

May 2, 2018 Conservation Commission Meeting

VOTED: To issue the Certificate of Compliance for 33 West Street – Map 59  
Parcel 1A – DEP File #344-1273

**NOTICE OF VIOLATION UPDATE – 131 Salem Street – Map 82 Parcel 7-107**

R. Hale noticed that three (3) trees had been cut down without approval. R. Hale notified the homeowner of the violation and stated that the homeowner has been very cooperative. R. Hale is working with the homeowner to submit a Request for Determination to replace the trees in time for the June 6, 2018 Conservation Commission Meeting.

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

Maureen Herald from Norse Environmental Services, Inc. advised that they received all the information for the Notice of Intent the day before and Norse Environmental did not have the time to submit a Notice of Intent in time for the June 6, 2018 meeting. R. Hale advised that the owner has not complied with the original Enforcement Order and missed all deadlines so far. The Commission agreed to issue an Enforcement Order with a \$200 fine.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order with a \$200.00 fine for 911 Main Street – Map 25 Parcel 4

**MINUTES – March 7, 2018**

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the minutes for the March 7, 2018 meeting

**MINUTES – April 4, 2018**

April 4, 2018 minutes could not be voted on as a quorum from the April meeting was not present at this meeting.

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

VOTED: To adjourn the meeting at 10:42 pm.

Respectfully submitted,

  
Catherine A. Pepe  
Senior Clerk