

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

May 20, 2020

RECEIVED
 TOWN CLERK
 2020 JUL -2 AM 11:06
 TOWN OF WILMINGTON, MA

Donald Pearson called the meeting to order at 7:02 pm and stated the following:

"Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, members of the public who wish to watch and listen to the meeting may do so in the following manner: WCTV (Channel 9 – Comcast Xfinity; Channel 37 Verizon Fios, and live stream wctv.org). 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 listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 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."

Donald Pearson, Vincent Licciardi, Laura deWahl, Theron Bradley, Alexander Rittershaus, and Michael McInnis were present. Valerie Gingrich, Director of Planning & Conservation, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

378 - 384 Middlesex Avenue & 200 Jefferson Road - Map 89 Parcels 7, 8, 8A, 9, 10, 13A, & 13B

Documents: Abbreviate Notice of Resource Area Delineation, received May 7, 2020
 "Partial Existing Conditions Plan of Land in Wilmington, MA", 2 pages, dated May 5, 2020
 Letter from Headwater Stream Team, dated May 20, 2020

Present in Interest: David Cowell, Hancock Associates
 Joe Peznola, Hancock Associates
 Dan Endyke, Princeton Properties
 Andrew Chabin, Princeton Development, LLC
 Andrea Lathrop, Princeton Development, LLC

D. Cowell reviewed the submitted Abbreviated Notice of Resource Area Delineation (ANRAD) to verify the extent of wetland boundaries and associated buffer zones for a total of seven (7) lots on Middlesex Avenue and Jefferson Road. The submitted plan shows Bordering Vegetated Wetlands (BWWs), Mean

Annual High Water (MAWH) in regards to Riverfront, and associated mapped flood plain. D. Cowell advised that the MAWH is detailed on the "Partial Condition Plan of Land" plan that was submitted with the ANRAD. There is a mapped perennial stream in the middle of a large wetland area which makes it a complicated site. In certain cases, the MAWH can exceed bank full conditions and that is happening on this property. D. Cowell reviewed the A100 flag series and the Z flag. J. Peznola advised that the original ORAD was issued in 2002-2003 and that the ORAD was appealed and adjudicated in 2003.

D. Cowell has received a copy of the May 20, 2020 letter from the Headwater Stream Team (HST). He would like to review the letter and respond to it in writing. J. Peznola advised that Hancock Associates recently met and walked the subject lots with HST. He also acknowledged that a peer review was suggested by the Town and that the applicant agrees to engaging BSC for the peer review.

D. Cowell reviewed the intermittent stream that runs through the culvert under Jefferson Road and out to another wetland area on the other side of the culvert. D. Cowell's vegetated line was based on a vegetated break where Sweet Pepper Bush was dominate in both the upland and the wetland side of the proposed line. He advised that High Bush Blueberry bushes are dominant on the wetland side of the proposed wetland line.

V. Gingrich advised that the Town of Wilmington has recommended a peer review of all the resource lines. The Town has been in touch with BSC Group who will write up a scope of work for the peer review. The applicant has agreed to having BSC Group do the peer review. V. Gingrich also advised that a letter was received today from a private group called Headwater Stream Team (HST). This letter can be reviewed and discussed in more detail at the next meeting.

V. Licciardi asked if the project would be on a septic system or on town sewer. J. Peznola confirmed that the project would be on town sewer and that applicant would install a pump station that would later be turned over to the Town once the project is completed.

A. Chapin presented the proposed construction of two (2) buildings for a total of 108 apartments. Eighty percent of the proposed units will be at market rate and twenty percent of the proposed units will be affordable.

D. Endyke advised that they would like to get through the local approval process by the end of July 2020 so the Town of Wilmington can apply for a MassWorks Infrastructure Grant for the sewer line extension needed for this project.

V. Licciardi asked if the Town's Water Department and Fire Departments will be involved in the project. D. Endyke advised that they would be involved in the approval process.

V. Gingrich advised that there will be peer reviews on the water capacity, sewer capacity and the proposed sewer extension, a traffic study, and the civil engineering and stormwater in addition to the Town's reviews. BSC Group has agreed to review the stormwater and wetland piece of this Project and plans to have a report in time for the next meeting.

T. Bradley asked if mapping was based on vegetation and not on hydrology. D. Cowell advised that the wetland data sheets documented his findings. T. Bradley noted that Sweet Pepper Bush is seen in both wetlands and highlands and questioned why it was used to map the wetland. D. Cowell advised that they are found along the wetland line and that his delineation was based on other supporting wetland vegetation as well.

L. deWahl asked if wetland soils samples were taken. D. Cowell confirmed that soils samples

were taken looking for hydric soil indicators. L. deWahl asked where the two (2) proposed buildings will be constructed on the property. J. Peznola advised that one (1) building, Building A, will go where the existing retail building is on Jefferson Road. Building B will be redeveloping the existing paved parking lot and moving out into the some of the buffer zone and a little bit of Riverfront. D. Peznola also advised that elevation and the muck line were used for the delineation instead of using just the elevation. L. de Wahl agreed to the peer review and voiced concerns about the public safety service piece of the project.

A. Rittershaus agreed to the peer review and asked for a brief history of the 2002 appeal. D. Peznola advised that the appeal was based on a difference of opinion regarding the science in regards to the setting of Riverfront. DEP sided with the channel proper which was appealed to adjudication and resulted in a compromise between a concerned citizen group and DEP.

M. McInnis asked if the Peer reviewer will get a copy of the letter from HST. V. Gingrich stated that the letter would be forwarded to BSC for them to review. M. McInnis asked if Hancock Associates will give a written response to the submitted comments in addition. D. Cowell stated that he would give a written response to the May 20, 2020 letter from HST.

D. Pearson asked how often the intermittent stream flows from the brook through the culvert. D. Cowell advised that when he was out delineating in the spring, he barely saw a trickle. D. Endyke noted that it was deemed an intermittent stream during the 2002 ORAD and was not contested. D. Cowell advised that he did his delineation during a wet time of the season and barely saw a trickle and that the stream was deemed intermittent in the 2003 adjudication.

D. Pearson asked if it would have any bearing on the determination of the MAHW. D. Endyke and D. Cowell agreed that it has no bearing on the project.

V. Gingrich acknowledged Suzanne Sullivan from HST on yhe meeting. S. Sullivan clarified that the dark staining on the bridge abutment was a settlement in the 2003 – 2006 settlement. HST viewed a steady stream of what the applicant calling the intermittent stream. HST believes the MAWH should not end at flag #31. It should continue down further. Their main concern is protecting the river.

D. Pearson asked when HST observed flow of the intermittent stream. S. Sullivan advised it was April 1st or 2nd of this year (2020).

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 378-384 Middlesex Avenue & 200 Jefferson Road – Map 89 Parcels 7, 8, 8A, 9, 10, 13A, & 13B to the June 3, 2020 Conservation Commission Meeting

MINUTES – March 4, 2020

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the March 4, 2020 Conservation Commission meeting as amended

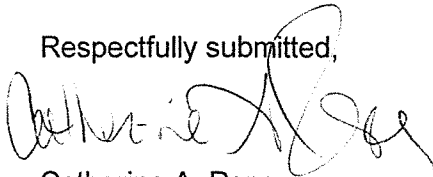
NEXT MEETING – June 3, 2020

ADJOURN

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

VOTED: To adjourn the meeting at 8:03 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe", written over the typed name.

Catherine A. Pepe
Senior Clerk