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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

June 2, 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/88521518116?pwd=VUZ2R0tmcVp2MEZaS3pvcERScDJqdz09>

9. 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 885 2151 8116 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, and Laura deWahl. Alexander Rittershaus and Michael McInnis were absent. 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 – 6 Towpath Drive – Map 28 Parcel 7

Present in Interest: John Rooker, owner

Documents: Request for Determination of Applicability application, received April 29, 2021

"Certified Plot Plan", dated March 3, 2016

J. Rooker is seeking approval for an after the fact request to remove two (2) trees within the 100-foot buffer zone.

C. Lynch suggested planting one (1) tree to replace the two (2) trees that were removed.

Upon motion duly made by V. Licciardi and seconded by L. deWahl,

V. Licciardi, T. Bradley, L. deWahl, and D. Pearson voted 4 - 0 to issue a Negative (3) Determination of Applicability for 6 Towpath Drive – Map 28 Parcel 7 with the added condition that the species and location of the one (1) replacement tree be approved by the Conservation Agent prior to planting

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 23, 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
Letter from Scott L'Italien, Town of Wilmington, Engineering Division, dated April 21, 2021
Amended Notice of Intent Application, received April 21, 2021
"Proposed Site Plan Shady Lane Sidewalk Extension Plan", dated April 20, 2021
Email from Paul Alunni, Town of Wilmington, Engineering Division, dated May 5, 2021

Present in Interest: Paul Alunni, Town of Wilmington, Engineering Division

P. Alunni reviewed the project to extend the sidewalk 1200 feet between Birchwood Road and Whitefield Terrace and to replace the culvert on Shady Lane Drive. This project is the second phase of a three (3) phase sidewalk extension project. The 12" twin CMP culvert will be replaced with a pipe arch culvert. The wetland scientist added the requested details to the plan and the applicant addressed the comments from the Planning & Conservation Department.

P. Alunni agreed with all of the Special Conditions in the draft Order of Conditions. The applicant would like to begin the sidewalk extension construction in July and the culvert replacement in August.

V. Gingrich confirmed that the Town has complied with all the requested changes. She advised that one (1) of the special conditions is to have the wetland scientist oversee the wetland replication.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Bradley, L. deWahl, and D. Pearson voted 4 - 0 to close the Public Hearing for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461

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

V. Licciardi, T. Bradley, L. deWahl, and D. Pearson voted 4 - 0 to approve the Order of Conditions for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Salem Street Rear – Map 101
Parcels 3 & 5 – DEP FILE #344-1477**

Documents: Notice of Intent, page 3, received May 19, 2021
 Technical Memorandum from Kirsten Ryan, Kleinfelder, dated May 19, 2021
 Letter from Michael Seekamp, Seekamp Environmental Consulting, Inc., dated May 19, 2021
 "Proposed Site Plan", sheet C-2, dated May 2021
 "Existing Conditions Plan", sheet C-1, dated May 18, 2021
 "Proposed Site Plan", sheet C-2, dated May 18, 2021
 Email from Valerie Gingrich, dated May 21, 2021
 Notice of Intent, page 3, received May 24, 2021
 Letter from Wayne Castonguay, Ipswich River Watershed Association, dated May 26, 2021
 Letter from Suzanne Sullivan, Headwaters Stream Team, dated June 1, 2021
 "Existing Conditions Plan", sheet C-1 dated May 18, 2021
 "Proposed Site Plan", sheet C-2, dated May 18, 2021

Present in Interest: Joseph Lobao, Town of Wilmington, Utility & Business Manager
 Paul Alunni, Town of Wilmington, Engineering Division
 Tyler Bernier, Kleinfelder
 Kirsten Ryan, Kleinfelder
 Mike Cunningham, Kleinfelder

J. Lobao reviewed the proposed limited project and temporary activities related to the replacement of three (3) existing wells in the Salem Street well field that are within Riverfront. This well field has been active since 1969 with latest well replacement in 2007. The water from this well field is transported to the Sargent Street treatment plant before distribution to the Wilmington residences and business throughout Wilmington. The Town also purchases water from the Massachusetts Water Resource Authority (MWRA) during the warm weather months to meet the Town's usage requirements. J. Lobao advised that without the use of the local sources, like the Salem Street well field, the Town cannot meet the additional water demand for drinking water for homes, schools, and businesses during

the warm weather months. Nor will the Town be able to fill their storage tanks, properly provide adequate fire protection, or keep rates reasonable for ratepayers.

J. Lobao advised that this well field has an existing DEP registration that defines the allowable amount of water that can be withdrawn. He stated that the Town cannot and will not withdraw additional water than is currently allowed under the registration as issued by the State (Mass DEP). J. Lobao advised that this project has received Mass DEP approval to proceed in accordance with Mass DEP's replacement well guidelines.

J. Lobao advised that the Town and their consultants have incorporated some of the requests made by the Commission at the last meeting. This includes additional project mitigation, which exceeds the request of the Commission.

K. Ryan advised that the well field has operated under DEP guidelines since 1969 and that the replacement wells will operate under those same guidelines. She stated that the project meets all the performance standards as outlined in the submitted supplemental information. K. Ryan also advised that the revised plan has the field delineation of the Mean Annual High Water Line (MAHW) the Commission requested and a proposed restoration area. In addition, the fence will be extended to go around one (1) of the proposed new wells. Installation of the fence requires the removal of two (2) trees. The replication will include planting three (3) trees and six (6) shrubs chosen from the native species list.

V. Gingrich recommended planting five (5) additional bayberry bushes and five (5) additional sweet fern bushes. She also recommended that a wetland scientist be present to oversee the restoration work to ensure that the soils, plantings, and elevations are correct. The wetland scientist will then monitor the plantings for two (2) full growing seasons. V. Gingrich recommended substituting, a Northern Red Oak tree and a White Pine tree for two (2) gray birch trees. V. Gingrich advised that Jamie Magaldi, (Town of Wilmington, Department of Public Works) recommended not planting the aspen as it would not last as long as a gray birch.

D. Pearson asked for clarification on when the Town decides to draw water from MWRA. J. Lobao advised that as the warm weather increases, the productivity from the wells decreases and the Town increases their MWRA usage. The increase in MWRA usage is usually between mid-April into September. J. Lobao stated that the Town does not use or pump water unnecessarily and that the Town received a conservation award from DEP as recently as 2018. He emphasized that the Town takes water conservation very seriously and takes great care to educate the Town's residences on how to conserve water.

D. Pearson commented on the Ipswich River Watershed Association's (IRWA) concern that the River is pumped dangerously low during times of drought and their suggestion that the withdrawal from the wells be tied to the USGS flow gauge in South Middleton. K. Ryan advised that Mass DEP authorizes the well withdrawals and that today, DEP released proposed regulations to further condition this type of authorization related to outdoor water use. D. Pearson asked if the Town actually observes the water level of the River, switches to MWRA when it's low and goes back when the River becomes more full. D. Pearson also asked if Town published that information. J. Lobao advised that the Town has treatment operators that go to the wells on a daily basis and that they do not pump unnecessarily. D. Pearson asked if the observed low water level correlates with the decrease in well productivity. J. Lobao advised there are times that the wells look dry, but

still supply water to a degree. K. Ryan advised that there is a complex interaction between groundwater and the level of the stream water is affected by several factors, including vegetation and that the visual water level does not automatically correlate with low water levels. J. Lobao advised that the Town publishes comprehensive information that goes out on a yearly basis, including water quality reports along with indoor and outdoor water conservation information to residences. T. Bradley asked if the stream is dry, if the Town would purchase MWRA water instead. J. Lobao advised that the Town does not have the capability. V. Gingrich reminded the Commission that many towns draw water from the Ipswich River (River) that potentially affect the River. DEP is looking into ways to change the regulations and that it may be handled better by DEP. D. Pearson acknowledged the difficulty in operating wells and keeping the River alive at the same time.

J. Magaldi reiterated that this is a maintenance project to restore the existing well field's efficiency. It is not a new well field. His interpretation of 310CMR10.53 is that it is more sediment and erosion control and not withdrawal control.

Suzanne Sullivan expressed appreciation to the Town for making some of the changes Headwaters Stream Team (HST) requested. In her opinion, the Town and the Commission should do more to protect the Ipswich River.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Bradley, L. deWahl and D. Pearson voted 4 – 0 to close the Public Hearing for Salem Street Rear – Map 101 Parcels 3 & 5 – DEP File #344-1477

Upon motion duly made by L. deWahl and seconded by T. Bradley,

V. Licciardi, T. Bradley, L. deWahl, and D. Pearson voted 4 - 0 to approve the Order of Conditions for Salem Street Rear – Map 101 Parcels 3 & 5 – DEP File #344-1477

**PUBLIC HEARING – NOTICE OF INTENT – Middlesex Avenue – Near Maps 88 & 89
Parcels 12, 13, & 13B – DEP File #344-1478**

Documents: Letter from Paul Alunni, Town of Wilmington, Engineering Division

V. Gingrich advised that the applicant has requested to continue the Public Hearing for Middlesex Avenue – Near Maps 88 & 89 Parcels 12, 13, & 13B – DEP File #344-1478, to the July 7, 2021 Conservation Commission meeting.

Upon motion duly made by V. Licciardi and seconded by L. deWahl,

T. Bradley, V. Licciardi, L. deWahl and D. Pearson voted 4 - 0 to continue the Public Hearing for Middlesex Avenue – Near Maps 88 & 89 Parcels 12, 13, & 13B – DEP File #344-1478 to the July 7, 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 May 5, 2021

V. Gingrich advised that the applicant requested to continue the Public Hearing for 687 Main Street – Map 31 Parcel 11A –DEP File #344-1473 to the July 7, 2021 Conservation Commission meeting.

Upon motion duly made by V. Licciardi and seconded by L. deWahl,

V. Licciardi, L. deWahl, T. Bradley, and D. Pearson voted 4 - 0 to continue the Public Hearing for 687 Main Street – Map 31 Parcel 11A.– DEP File #344-1473 to the July 7, 2021 Conservation Commission meeting

PUBLIC HEARING – NOTICE OF INTENT – 157 Shawsheen Avenue – Map 33 Parcel 57 – DEP File #344-1481

Documents: Notice of Intent application, received May 12, 2021
“Site Plan to Accompany a Notice of Intent Application”, dated April 29, 2021
Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated June 1, 2021

Present in Interest: Maureen Herald, Norse Environmental Services, Inc.
Anita Gottschalk, Stark Group Realty, LLC

M. Herald presented the proposed razing of an existing single-family dwelling, driveway, and shed and construction of a single-family dwelling, driveway, deck, patio, and related site work. The 15’ no disturb zone will be maintained. Erosion controls and a demarcation fence will be installed. No work is proposed in the floodplain.

V. Gingrich reviewed the following comments from the Town’s Engineering Division:

1. The applicant should provide the percentage of impervious area.
2. The infiltrator will have to meet the 10’ from property line and the foundation, 25’ from the septic system, and 2’ above groundwater setbacks.
3. The infiltrator system storage needs to be provided and confirm that all rooftop runoff goes to infiltrator.

V. Gingrich advised that the remaining comments could be addressed in the Special Conditions section of the Order of Conditions. M. Herald confirmed that the infiltrator can shift and also feels the remaining Engineering Division’s comments could be addressed in the Special Conditions.

D. Pearson commented that moving the infiltrator may bring it closer to wetlands and the 50’ setback. V. Gingrich agreed that it could all be conditioned in the Order of Conditions. If any other special permits are involved, the applicant will come back in front of the Commission.

V. Gingrich reviewed the potential changes to the Special Conditions and read Condition #22 which addresses the plan revisions to show total impervious area, proposed infiltrator relocation and confirmation that the roof runoff will be directed to the infiltrator,

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

L. deWahl, T. Bradley, V. Licciardi and D. Pearson voted 4 - 0 to close the Public Hearing for 157 Shawsheen Avenue – Map 33 Parcel 57 – DEP File #344-1481

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

L. deWahl, T. Bradley, V. Licciardi and D. Pearson voted 4 - 0 to approve the Order of Conditions for 157 Shawsheen Avenue – Map 33 Parcel 57 – DEP File #344-1481 as amended

PUBLIC HEARING – NOTICE OF INTENT – 201 Lowell Street – Map 48 Parcel 73A – DEP File #344 -1480

Documents: Notice of Intent application, received May 12, 2021
Stormwater Management Report, dated May 2021
"Site Plan" set, 25 pages, dated May 12, 2021
Letter from Valerie Gingrich, Town of Wilmington, Planning & Conservation Department, dated May 25, 2021
"Site Plan" set, 25 pages, dated May 27, 2021
Memorandum from Paul Alunni, Town of Wilmington, Engineering Division and Christopher Pozzi, Town of Wilmington, Fire Department, dated June 1, 2021
VHB Power Point Presentation, dated June 2, 2021

Present in Interest: Eric Olson, VHB
David Fenstermacher, VHB
Rich Hollworth, VHB

D. Pearson suggested presenting both Notices of Intent (NOIs) at the same time.

E. Olson advised that Textron is planning to divide the site into two (2) parcels, which is the reason for the two (2) NOIs. Textron will remain on Parcel A and National Development will occupy Parcel B. Textron is proposing changes to the existing building that they will remain in and National Development is proposing to raze some existing buildings and construct a warehouse building in the same area. The existing site is 61 acres and has six (6) buildings totaling 724,338 square feet. Parcel A will be approximately 23.36 acres and Parcel B will be approximately 36.69 acres. The majority of the property is in the Groundwater Protection District with Maple Meadow Brook running through the west side of the property. The 100-year Flood Plain, the 200-foot Riverfront Area (RFA), and Mean Annual High Water, and the 100-foot buffer are noted.

E. Olson stated that Building 9 (209,608 square feet) on Parcel A will remain and that the buildings on Parcel B will be demolished and a 305,325 square foot warehouse building will be constructed in its place. The total new building square footage for both sites will be 514,933, a reduction of 209,405 square feet.

E. Olson reviewed the Parcel A project, which consists of remodeling the existing building, improvements to the existing parking area, stormwater and landscape improvements, as

well as access and traffic circulation improvements. All proposed alterations to the resource areas will take place on existing paved parking areas, maintained lawn, and landscaped areas. This will reduce the impervious area within the 100' buffer to BVW and the Bordering Land Subject to Flooding (BLSF) by 7,617 square feet. The RFA will have a reduction of 869 square feet as well with an overall reduction of impervious area in Parcel A of 0.78 acres. The project will not result in any alterations to BVW and work within the 100-foot buffer zone on existing disturbed areas will result in a reduction of impervious surface within the buffer zone of 12,850 square feet.

E. Olson advised that the Parcel B project, which consists of the demolition of five (5) buildings, construction of a new 305,325 square foot warehouse, parking, grading, stormwater, landscape, utility, vehicle access and traffic circulation improvements. This project will impact 16,875 square feet of BLSF and 25,350 of buffer zone with all alterations to the resource areas taking place on existing paved parking areas, maintained lawn, and landscaped areas. This will result in a decrease of impervious area within BLSF of 16,756 square feet and an overall reduction of impervious surface within Parcel B of 0.75 acres. Erosion and sediment controls and dewatering controls will be used during the construction of both projects.

D. Fenstermacher clarified that the work within the 100-foot BVW buffer zone is limited to restoration, water quality improvements, and removal of impervious surface. The project will eliminate one of the entryways on Lowell Street (on Parcel B) and construct a gravel wetland on Parcel A. D. Fenstermacher said he received comments from the Planning & Conservation Department and the Engineering Division and will submit the requested revisions.

V. Gingrich advised that the Planning & Conservation Department, the Engineering Division and the Deputy Fire Chief all sent comments to the applicant's team. The Conservation comments included the need for the resource areas be put on the plans, some MAHW flags were not connected, the flood plain was not shown on the "Proposed" plan sheets, and more detail should be shown regarding the proposed outfall work as some of them are within BVW. V. Gingrich also recommended a peer review to ensure an accurate delineation of the Riverfront and other resource areas.

V. Licciardi asked what the new storage building will be used for. R. Hollworth advised that the new building will not be owned by Textron. S. Clancy advised that there is no specific tenant and that the building is designed to function as a warehouse and distribution facility that could work for a variety of tenants.

All Commission members and S. Clancy agreed to a peer review of the resource areas at 201 Lowell Street.

Upon motion duly made by T. Bradley and seconded by L. deWahl,

V. Licciardi, L. deWahl, T. Bradley, and D. Pearson voted 4 - 0 to continue the Public Hearing for 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1480 to the July 7, 2021 Conservation Commission meeting

PUBLIC HEARING – NOTICE OF INTENT – 201 Lowell Street – Map 48 Parcel 73A – DEP File #344 - 1479

Documents: Notice of Intent application, received May 12, 2021
Stormwater Management Report, dated May 2021
"Site Plan" set, 25 pages, dated May 12, 2021
Letter from Valerie Gingrich, Town of Wilmington, Planning &
Conservation Department, dated May 25, 2021
"Site Plan" set, 25 pages, dated May 27, 2021
Memorandum from Paul Alunni, Town of Wilmington, Engineering
Division and Christopher Pozzi, Town of Wilmington, Fire
Department, dated June 1, 2021
VHB Power Point Presentation, dated June 2, 2021

Present in Interest: David Fenstermacher, VHB
Rich Hollworth, VHB
Eric Olson, VHB
Sherry Clancy, National Development

See above minutes for 201 Lowell Street as both projects were presented jointly.

Upon motion duly made by T. Bradley and seconded by L. deWahl,

V. Licciardi, L. deWahl, T. Bradley, and D. Pearson voted 4 - 0 to
continue the Public Hearing for 201 Lowell Street – Map 48 Parcel
73A – DEP File #344-1479 to the July 7, 2021 Conservation
Commission meeting

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 375 Ballardvale Street – Map R3
Parcel 50A – DEP File #344-1363**

Present in Interest: Drew Garvin, Meridian Associates

C. Lynch D. Gavin to clarify the reasons there is water rushing out of the pipes. He will
ask D. Garvin to clarify that process.

D. Garvin advised that it is functioning as designed to deal with a perched groundwater
and preventing water from undermining the pavement above. The stormwater is captured,
infiltrated and moved through some of the pipes and out the rip rap so it does not
undermine the pavement as previously occurred.

C. Lynch confirmed that all conditions have been met.

Upon motion duly made by T. Bradley and seconded by L. deWahl,

V. Licciardi, T. Bradley, L. deWahl, and D. Pearson voted 4 - 0 to issue the
Certificate of Compliance for 375 Ballardvale Street – Map R3 Parcel 50A –
DEP File E344-1363

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 377 Ballardvale Street – Map R3
Parcel 50B – DEP File #344-1418**

Present in Interest: Drew Garvin, Meridian Associates

C. Lynch advised that all conditions have been met.

Upon motion duly made by T. Bradley and seconded by L. deWahl,

V. Licciardi, T. Bradley, L. deWahl, and D. Pearson voted 4 - 0 to issue the Certificate of Compliance for 375 Ballardvale Street – Map R3 Parcel 50A – DEP File E344-11418

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 24 Hobson Avenue – Map 45
Parcel 7A – DEP File #344-1394**

Documents: Request for Certificate of Compliance application, received May 4, 2021
“Plot Plan of Land”, dated April 28, 2021

C. Lynch advised that all conditions have been met.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

L. deWahl, T. Bradley, L. deWahl, And D. Pearson voted 4 - 0 to issue the Certificate of Compliance for 24 Hobson Avenue – Map 45 Parcel 7A – DEP File #344-1394

ADMINISTRATIVE TREE OR SHRUB REMOVAL

Shady Lane Drive ROW – C. Lynch advised that there were no concerns with the Administrative Tree or Shrub Removal application.

20 Suncrest Avenue – Map 57 Parcel 12 – C. Lynch advised that there were no concerns with the Administrative Tree or Shrub Removal application.

UPDATE

66 Lawrence Street – Map 28 Parcel 7 – The applicant is making some changes to the RDA and will submit it for the July 7, 2021 Conservation Commission meeting.

5 Oxbow Drive – Map 47 Parcel 38 – The applicant is making some changes to the RDA and will submit it for the July 7, 2021 Conservation Commission meeting.

MINUTES – May 5, 2021

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, T. Bradley, L. deWahl and D. Pearson voted 4 - 0 to accept the minutes for the May 5, 2021 Conservation Commission meeting as amended

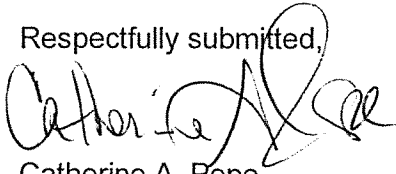
Next meeting – July 7, 2021 – V. Gingrich advised that the next meeting will be in person in the Town Hall Auditorium with public invited per Governor Baker and Open Meeting Law. Election of officers will be on the July 2021 agenda

There being no additional business to come before the Conservation Commission, the Commission voted to adjourn the meeting at 8:55 pm

Upon motion duly made by D. Pearson and seconded by L. deWahl,

L. deWahl, T. Bradley, V. Licciardi, and D. Pearson voted 4 - 0 to adjourn
the meeting

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe", written in a cursive style.

Catherine A. Pepe
Senior Clerk

