



**TOWN OF WILMINGTON
121 GLEN ROAD
WILMINGTON, MA 01887**

**PLANNING and CONSERVATION
DEPARTMENT**

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**CONSERVATION COMMISSION MINUTES
June 7, 2017**

Julie Flynn, Chair, called the meeting to order at 7:01 p.m. Laurie Finne, Vincent Licciardi, Donald Pearson, Theron Bradley, and Michael McInnis, were present. Sharon Kelley-Parrella was absent. Winifred McGowan, Assistant Director of Planning and Conservation, and Cathy Pepe, Senior Clerk of Planning and Conservation, and Valerie Gingrich, Director of Planning and Conservation were also present.

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –
25 School Street – Map 66 Parcel 45**

Documents: Sketch Plan, dated 5/19/17

Present in Interest: Vladimir Stoev & Velina Stoeva, owners

V. Stoev would like to remove the existing driveway and replace it, expanding part of driveway up to 9' wide for 51'. J. Flynn suggested a low stone/rock berm filter strip at the end of the driveway to filter any sediment from the driveway runoff. J. Flynn requested that the contractor speak to or meet with W. McGowan to review the size and type of berm.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 25 School Street – Map 66 Parcel 45

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –
9 Ogunquit Road – Map 50 Parcel 73A**

Documents: Plan of Land with Proposed Work Hand Sketched, undated
Pictures, undated

Present in Interest: Ann Marie Marino, owner

A. Marino would like to remove four (4) trees that are in the buffer zone that have limbs coming down during storms. W. McGowan noted the Commission's tree policy and that the trees be replaced with native trees and asked that the homeowner let Conservation know what species will be planted and where she will plant them. W. McGowan suggested placing stakes to show where they will be planted.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 9 Ogunquit Road – Map 50 Parcel 73A

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –
25 North Street – Map 88 Parcel 42**

Documents: Construction Plans, dated 9/27/16
Plot Plan, dated 10/17/16
Proposed Subsurface Sewage Disposal System, Repair Plan, dated 4/26/17

Present in Interest: Mark & Lilia Maselli, owners

M. Maselli submitted a proposal to raze the existing garage and deck then construct a 16'6"x 38' garage addition, a new 18'x 25'5" L-shaped deck, and a new septic system. The owner said that the house was moved from another lot to this lot and placed in the buffer zone. The addition and deck will be about 65' from the wetlands and the septic system will be out of the buffer zone. The infiltration system for the addition will direct the water into the ground.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 25 North Street – Map 88 Parcel 42

**ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 27 Boutwell
Street – Map 18 Parcel 9 – DEP File #344-1360**

Documents: Existing Conditions Plan, revised 6/6/17

Present in Interest: Greg Saab, ESS

G. Saab submitted a plan showing the revised wetland delineation for 27 Boutwell Street, dated June 6, 2017, at the meeting. He stated that there is a potential vernal pool in rear of property, but needed more information from the specialist to determine this. B series flag labels on the left rear of the property have been corrected. There is an approximately 700 square foot wetland area where the A series flags are, that had been filled in. G. Saab will present a restoration plan for that 700 square feet at the next meeting.

W. McGowan explained that the wetland delineator found historic fill. The delineator used her best judgement to determine where the wetland line was when the Wetlands Act went into effect. The delineator looked at the questionable areas and those appear to be accurate. W. McGowan suggested continuing the meeting until the necessary information for the vernal pool is confirmed.

J. Flynn asked if we could issue an order for part of the wetlands and the applicant can evaluate the potential vernal pool later. W. McGowan cautioned that it may be too late to certify the vernal pool this year. L. Finne suggested wording on the plan stating that the area be treated as a vernal pool until the specialist can determine if it is or not. G. Saab agreed to that wording until it is deemed otherwise.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 27 Boutwell Street – Map 18 Parcel 9 – DEP File #344-1360 to July 5, 2017

NOTICE OF INTENT – 15 Dadant Drive – Map 86 Parcel 30B – DEP File #344-1361

Documents: Plan, Proposed Subsurface Septic Disposal System, dated 3/15/17
Memorandum from William Holt, Deputy Town Engineer, dated 5/31/17

Present in Interest: Luke Roy, LJR Engineering

L. Roy presented a proposal to add a 25'x 25' addition, (adding a bedroom) which requires a new septic system. The existing single family dwelling is on a hammerhead lot and has a common driveway with 13 and 17 Dadant Drive. The wetland areas are identified and shown on the Proposed Septic Disposal plan. The approved septic system will have a 2'-3' high retaining wall. The area the applicant proposes to put the addition is currently paved and will be 38' from the wetland. The applicant proposes to install a post and rail demarcation fence along the 15' buffer, rake out the dirt area, and seed it.

One of W. Holt's comments was to obtain permission from the beneficiary of the easement to put a wall in the access easement. L. Roy showed that the beneficiary had signed off on the wall being in the easement.

W. McGowan suggests extending the flagging of the wetland line to the property line, cleaning the area out, and having the demarcation line continue to the property line. The shed and a 2-car parking area is off the property. W. McGowan asked that that area be restored as well. L. Roy offered to bring the demarcation fence along the property line (toward the shed) to the end of the property to stay on the parcel and not include the adjacent parcel.

J. Flynn asked where a designated snow storage area would be. L. Roy stated that they have not formally addressed that yet, but continuing demarcation fence would keep the snow from being pushed into the wetland.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 15 Dadant Drive – Map 86 Parcel 30B – DEP File #344-1361

VOTED: To issue an Order of Conditions for 15 Dadant Drive – Map 86 Parcel 30B – DEP File #344-1361

CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 5 Waltham Street – Map 79 Parcel 31G – DEP File #344-1351

Documents: Memorandum from Paul Alunni, Town Engineer, dated 4/2/2017
Site Improvement, revised 5/3/17
Stormwater Management Report, dated 5/1/2017

Present in Interest: Eugene Sullivan, Eugene T. Sullivan, Inc.

E. Sullivan presented the revised plans to improve the parking lot and upgrade the stormwater system. They will maintain the 15' no-disturb zone from the wetlands along the southern property line. The existing chain link fence around the entire property will serve as the demarcation line; a portion of the fence will be shifted by the railroad.

W. McGowan asked E. Sullivan to clarify where the seed mix will be used for the basin and noted that the plant list was modified. She asked how the owners would stop the snow from being plowed into the wet swale. E. Sullivan offered signage as an option and agreed that if the signage didn't work, then the owner would install a fence in that area as well.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 5 Waltham Street – Map 79 Parcel 31G – DEP File #344-1351

VOTED: To issue an Order of Conditions for 5 Waltham Street – Map 79 Parcel 31G – DEP File #344-1351

**CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 401 Andover Road – Map 3
Parcels 8 & 10 - DEP File #344-1355**

Documents: Letter from LJR Engineering, dated 4/24/17
Site Plan Over 55 Housing Spruce Farm, 12 sheets, revised 4/24/17

Present in Interest: Luke Roy, LJR Engineering
Stephen Wright, Spruce Farm LLC

L. Roy presented the revised plans for the development. The layout and demarcation lines have remained the same. Most of the revisions were done to address stormwater concerns from the Planning and Engineering Departments and the Department of Environmental Protection's (DEP).

W. McGowan asked if a sight easement line near Andover Street was obtained from the abutter. L. Roy confirmed that there is a verbal agreement and that they will formalize the agreement. W. McGowan asked if some of the trees could be saved near the top of the slope between the common area and the wetlands. S. Wright said he would save them if possible, but some of them are infested with bittersweet and may not be worth saving. W. McGowan stressed using native species near the wetlands where possible. S. Wright said he would get them if they are available. The Board of Health has approved the septic systems in the Buffer Zone. V. Licciardi asked if excessive snow would be removed from the property and S. Wright confirmed that it has to be.

S. Ellis, 10 Willard Circle, Andover and Stephen Cotton, Foster's Pond Corp, attended, but had no comments.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 401 Andover Road – Map R3 Parcels 8 & 10 – DEP File #344-1355

VOTED: To issue an Order of Conditions for 401 Andover Road – Map R3 Parcels 8 & 10 – DEP File #344-1355

CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 168 Lowell Street – Map 58 Parcel 1 – DEP File #344-1349

Rich Stuart emailed a request on May 26, 2017, to continue the public hearing to the July 5, 2017 meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 168 Lowell Street – Map 58 Parcel 1 – DEP File #344-1349 to July 5, 2017

**OTHER BUSINESS
DISCUSSION**

66 Adams Street – Map 50 Parcel 9 – DEP File #344-1015

An Enforcement Order was issued so the applicant could correct violations without a new wetland filling. The old stones were removed, bare spots were raked out, a thin layer of loam put in and then seeded with hay straw over the seed. Gutter downspouts were re-connected to the infiltration system.

Commissioners requested the monitoring report updating the progress of the wetland restoration by September 27, 2017 for October 4, 2017 meeting.

**CERTIFICATE OF COMPLIANCE
336 Chestnut Street – Map 13 Parcel 2B – DEP File #344-1321**

Documents: Letter from Joseph Lavino, dated 5/16/17

Present in Interest: Joseph Lavino, Owner's Representative

W. McGowan stated that the original request for a Certificate of Compliance submitted in June 2016 was tabled due to several violations of Condition #51. The homeowner has now installed a row of rhododendron to act as a demarcation line, stopped mowing the grass within 5' of the shrub line, cleaned up the yardwaste to resolve Condition #51 violations.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 336 Chestnut Street – Map 13 Parcel 2B

**CERTIFICATE OF COMPLIANCE
87 Marion Street – Map 5 Parcel 2/R – DEP File #344-555**

Documents: Pictures, dated 5/3/17
Letter from H-Star Engineering, dated May 8, 2017
As-Built Plan, dated 5/8/17

Present in Interest: Jonathan Parker, Remax Realty, Wilmington

Mary & James Murphy, owners

The Conservation Commission accepted the suggestion that the boulder line and the chain link fence become the permanent demarcation. This is a compromise as it is very close to wetlands in one section and over 15' beside the house.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a partial Certificate of Compliance for 87 Marion Street – Map 5 Parcel 2/R – DEP File #344-555

EXTENSION PERMIT - ORDER OF RESOURCE AREA DELINEATION - 278, 282 Chestnut Street – Map 14 Parcels 5, 5C – DEP File #344-1297

Documents: Letter from Northeastern Development Corp., dated 5/24/17
Email from Norse Environmental, dated 6/5/17

Present in Interest: Joseph Langone, 278 Chestnut Street Realty Trust

The applicant has requested a one (1) year extension to the Order of Resource Area Delineation, set to expire July 14, 2017. The delineator's email said the wetland line remained the same.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a one (1) year Extension Permit to the Order of Resource Area Delineation for 278, 282 Chestnut Street – Map 14 Parcels 5,5C

MINOR MODIFICATION – ORDER OF CONDITIONS - 11 Cleveland Avenue – Map 7 Parcel 70Z – DEP File #344-1335

Documents: Letter from Attorney Robert Peterson, dated 6/5/17

Present in Interest: Attorney Robert Peterson
Michael Tkachuk, Trustee, 11 Cleveland Avenue Nominee Trust

R. Peterson stated that a block wall that will have a chain link fence on top was installed instead of a rock wall as shown on the plans. M. Tkachuk thought that due to the 15' drop between the road and the wetlands, that a block wall with a chain link fence would be safer. He also stated that a block wall will not erode from the roof runoff where a boulder wall may.

W. McGowan said she met with the neighbors who were bothered by the height and sight of the retaining wall as it is higher than the plans called for. The neighbors are concerned about possible damage to their septic system from runoff. Hemlocks block most of the view of the wall, but about 10' of the wall can be seen from the neighbor's house. W. McGowan suggested that some evergreens could be planted at 15 Swain Road since there is no space to plant between the wall and the fence.

Brianna Yokell, 15 Swain Road, Wilmington stated that the block wall is higher than 4' in some areas and is unappealing to the eye. J. Flynn asked if the homeowner would be

satisfied if the developer installed some shrubs to screen the block wall. The homeowner agreed.

R. Peterson suggested planting some arborvitae. All parties agreed to have the applicant plant up to four (4) arborvitae on 15 Swain Road.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the minor modification to the Order of Conditions for 11
Cleveland Avenue – Map 7 Parcel 70Z – DEP File #344-1335

DISCUSSION – Conservation policies

W. McGowan raised the question whether there should be a formal wetland filing for homeowners wishing to put a roof over or enclose a portion of an existing deck in the Buffer Zone. V. Licciardi questioned if the Conservation Department sees the building permits for enclosing part of a deck. W. McGowan said yes. L. Finne asked if we would ask for additional infiltration if a portion of a deck is enclosed. W. said sometimes. The overall consensus is to have the homeowners continue to file an RDA or NOI for enclosing a deck.

W. McGowan stated that the issue was raised before, but not discussed, that retaining walls are structures, yet many are proposed 15' from wetlands. If the policy remains as is, it means a retaining wall should be placed at least 25' from wetlands. The Commission agreed that walls should meet the 25' setback as much as possible and recognized that there will be a transition time as the change becomes known. W. McGowan suggested telling the engineers as they come in what the policy is.

M. McInnis suggested putting the new fertilizer law in the policy as well. Also to reference it and put the link to it on the website as well. The group decided that since it is a State regulation, it is not necessary to put it in the policy. L. Finne suggested the same for the tree policy and M. McInnis agreed.

W. McGowan suggested reviewing the rest of the policy, offering additional changes as needed, and voting on changes at a future meeting.

AGENT UPDATE

Railroad – Corey. Kooker's email stated that the restoration hopefully will start mid-late June and that they will keep the Commission updated on the schedule, though Clary Coutu's email suggested that it might be later. The October 2016 Enforcement Order asked for a restoration plan by October 25, 2016 and the February 3, 2017 Enforcement Order requested it by April 5, 2017.

M. McInnis suggested calling the MBTA directly. V. Gingrich suggested calling Clary one more time (she will make that call) then go to the MBTA for assistance.

MINUTES – April 5, 2017 and May 3, 2017

VOTED: To approve the minutes for April 5, 2017

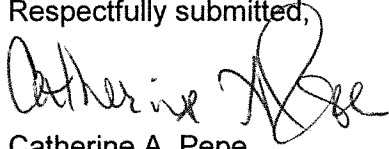
VOTED: To approve the minutes for May 3, 2017 as corrected

ADJOURN

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

VOTED: To adjourn the meeting at 9:54 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe". The signature is written in a cursive, flowing style with a large, prominent initial "C".

Catherine A. Pepe
Senior Clerk