



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

PLANNING & CONSERVATION
DEPARTMENT

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CONSERVATION COMMISSION MINUTES
July 1, 2015

Julie Flynn, Chair, called the meeting to order at 7:04 p.m. Charles Rooney III, Michael McInnis, Laurie Finne and Don Pearson were present. Vincent Licciardi and Sharon Kelley-Parella were absent. Winifred McGowan, Assistant Director of Planning & Conservation, was also present.

**PUBLIC HEARING - NOTICE OF INTENT - 9 CROSS STREET - MAP 39 PARCEL 5 - DEP
FILE #344-1313, STORMWATER MANAGEMENT PERMIT #15-5**

Documents: Yentile Farm Recreational Facility plan dated 6/17/2015, 22 sheets
Stormwater Application dated 6/17/2015
Memo from Paul Alunni dated 6/25/2015
Notice of Intent Presentation Plan dated 7/1/2015

Present in interest: Danielle Spicer, Green International
Juli Riemenschneider, Green International
Luke Boucher, Green International
Jeffrey Hull, Town of Wilmington, Town Manager
Kendra Amaral, Assistant Town Manager
Judy O'Connell, Selectwoman

Michael McInnis recused himself. D. Spicer presented plans to construct a recreational park. There will be parking, foot bridges, rain gardens, open space green areas, two basketball courts, a pavilion area, a playground area, a multi-use athletic area, and multiple pedestrian paths with benches. The exterior sidewalks will be porous asphalt. A water line and a sewer force main and pump station will be installed. She showed the existing conditions of the site. She explained that the site had been disturbed in a failed attempt to construct an over-55 condominium project. They analyzed existing hydrologic conditions before the construction disturbance and after the project was abandoned, in order to design the site's stormwater management system. A rain garden is located between the parking lot and the recreational areas. Runoff will flow from the parking lot into a gravel trench and over a grass strip into the rain garden. Water that does not percolate into the ground will be piped from the rain garden into the existing detention basin. The open space green area will be graded to direct the rainwater into the rain garden. There is a small area on Cross Street and Main Street that will drain into the street drain system. The athletic area has infiltration and a perimeter drain that will discharge toward the river. The end of the overflow pipes from the field may have riprap. They will not be working in the Riverfront Area, floodplain, or the wetlands. Responding to questions D. Spicer said she will provide revised plans to add the details and changes that were requested. She said monitoring wells from the prior project will be removed. She indicated that the artificial turf materials from their supplier have shown no adverse impacts on groundwater. She noted that 5 years of monitoring reports from the Fenn School's field indicating the same are on file with DEP. She could provide specifications on the artificial turf materials. D. Pearson asked if the discharged water would be sampled. D. Spicer responded that they don't feel that this is necessary. J. Riemenschneider, Landscape Architect, presented the landscape plan for this project. There will be a variety of trees, shrubs, perennials, and grasses. Shade trees and native trees will be planted to partially enclose the

open space green area and provide shade to portions of the paths. Three seed mixes will be used at the park. She agreed to provide the specific seed mixes.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 9 Cross Street – Map 39 Parcel 5 – DEP File #344-1313 and Stormwater Management Permit #15-5 until August 5, 2015 with the applicant's consent.

PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 40, 50 FORDHAM ROAD – MAP 91 / 99 PARCELS 131,131A / 1

Documents: Existing Conditions Plan dated 5/20/2015,
Letter dated June 23, 2015 from Richard J. O'Connell, PE, R.J. O'Connell & Associates Inc.

Present in interest: Rich O'Connell, R.J. O'Connell & Associates

R. O'Connell presented a plan to dig test pits on this site and restripe a portion of the parking lot. They need these test pits in order to design a drainage improvement plan for this project. They intend to repave the parking lot and improve the drainage system in the near future. W. McGowan stated that they are not required to file a Notice of Intent or Request for a Determination of Applicability for test pits within the paved area.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 40, 50 Fordham Road - Map 91/99 Parcel 131,131A/1

PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 26 BUTTERS ROW – MAP 27 PARCEL 1

Documents: As-Built Plan 26 Butters Row dated 5/3/2013, revised by owner, no revision date.

Present in interest: Marc Maggio, owner

M. Maggio presented a plan to extend his lawn and fence part of the lot. Plans do not show the proposed grading to make the yard more level. Erosion controls have been installed. He said no more large trees will be cut, but the shrubs and stumps will be removed and he plans to plant trees. There was discussion about keeping the fence and grading on his lot, limiting grading around trees, grading to meet existing grades at the erosion control line, getting approval from Department of Public Works (DPW) to put a fence in its easement, removing yardwastes dumped in the road right of way. M. Maggio stated that he will be installing gates on the fence should the DPW need to gain access. He agreed to work with the DPW to ensure that any work done in the easement has their approval and to let the Commission know DPW's decision about installing fence in the easement.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 26 Butters Row - Map 27 Parcel 1

PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 5 CHEROKEE LANE – MAP 85 PARCEL 7D

Documents: Portion of as-built plan with note about proposed work added by owner 6/16/15

The applicant did not attend the meeting. The Commissioners reviewed the request and had some questions regarding the project. A letter will be sent stating that the Commissioners had questions, would like a clear plan, and will continue the meeting until August 5, 2015.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the meeting on a Request for a Determination of Applicability for 5 Cherokee Lane - Map 85 Parcel 7D until August 5, 2015

PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 32 SHERIDAN ROAD – MAP 94 PARCEL 96

Present in interest: Matthew DiNitto, owner

M. DiNitto presented a plan to build an addition on an existing single family home. He said the deck shown on the plans will be changing to a smaller landing with a set of stairs. This was at the request of the Building Inspector. In response to questions the owner agreed that he could connect more of the house's downspouts to an existing infiltrator and would put runoff from the addition into an infiltration system as well. W. McGowan stated that the area near the brook had been cleared and possibly filled. This left the bank by the brook bare and it is eroding. M. DiNitto stated that near the brook they have only removed some thorny bushes that were climbing the fence but did not change the grades or fill. The owner agreed to put native seed on the bank to prevent it from eroding into the brook. He will mulch with some straw until it is stabilized.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 32 Sheridan Road - Map 94 Parcel 96 with conditions.

PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 13 GLORIA WAY – MAP 67 PARCEL 88G

Documents: Gloria Way lot 7 (portion of as-built plan with work sketched on), untitled, undated plan

Present in interest: Brian Syring, Syring Services,
Paul Cavanaugh, owner

B. Syring presented a plan to replace and enlarge a deck off the house. Under the deck is stone and concrete.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 13 Gloria Way - Map 67 Parcel 88G

CONTINUED PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY- 50 HOPKINS STREET - MAP 11 PARCEL 40

The applicant sent a letter withdrawing his Request for a Determination of Applicability for 50 Hopkins Street.

PUBLIC HEARING - NOTICE OF INTENT - 18 MARCIA ROAD - MAP 78 PARCEL 46A - DEP FILE #344-1314

Documents: Untitled, undated plan for 18 Marcia Road revised by homeowner 7/1/2015

Present in interest: Jeff Noyes, owner

J. Noyes presented a plan to build an addition at the back of the house. The plan does not show the septic system and there was discussion regarding construction access to the back of the house without going over the leaching field. J. Noyes said he plans to remove the pool and the pool deck (not indicated in the application). In response to questions, J. Noyes said he is not adding a bedroom or bathroom so did not think he needed to change the septic system. He agreed to direct the gutters from

the addition and/or house into an inground infiltrator and will provide a detail of the size and style of the units. He said the shed was there when he bought the property. There was discussion on requiring permanent demarcation and removal of yardwastes from wetlands.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 18 Marcia Road - Map 78 Parcel 46A – DEP File #344-1314

VOTED: To issue an Order of Conditions for 18 Marcia Road - Map 78 Parcel 46A – DEP File #344-1314

OTHER BUSINESS

DISCUSSION - 3 HAROLD AVENUE - MAP 23 PARCEL 24

The Enforcement Order required submission of a restoration plan and attendance at this meeting. Neither the owners nor consultant came to the meeting, nor was a plan submitted. DEP was contacted regarding this matter and had not decided whether it would take enforcement action.

DISCUSSION – 1 POND STREET – MAP 34 PARCEL 151 - DEP FILE #344-1150

There was a brief discussion regarding the length of time that has passed since the Occupancy Permit was granted. A condition requires that they file a Request for a Certificate of Compliance within one year of receiving an Occupancy Permit.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order for 1 Pond Street – Map 34 Parcel 151

CERTIFICATE OF COMPLIANCE – 38 UPTON DRIVE - MAP R1 PARCEL 18 - DEP FILE #344-802

Present in Interest: Andrew Pojasek, Engineer, Dana F. Perkins Inc.

There was a discussion regarding the basins and a lack of volume calculations. If and when a notice of intent is filed to do work on that parcel they will update the stormwater features on this property. There was a discussion regarding concrete pipes along the lot line that are not being used. The Commission will issue but hold the Certificate pending removal of pipes.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 38 Upton Drive - Map R1 Parcel 24 - DEP File #344-802

CERTIFICATE OF COMPLIANCE - 8 RIVER STREET - MAP 44 PARCEL 150 - DEP FILE #344-1091

Present in Interest: Stephen DiFava, owner

W. McGowan stated the Conservation Department received revised plans, which do not show changes made after the as-built plan was done. She noted that the yard and fences encroach on Town land, in violation of one of the Conditions. There was a brief discussion regarding a shed that is off his property. The homeowner stated that when he bought the property the land was wide open and they used it. He had cleaned up a lot of debris from the wetland area behind his lot. The homeowner asked if he could acquire the town land that he had been using. He was informed that there is a process to request to buy land. However, any encroachment must stop before the town will sell land. The demarcation line needs to be installed and the mowing needs to stop. The homeowner stated that he will restore the fence back where it is supposed to be and stop the mowing. He agreed to complete a plan by the September meeting and have the work completed by the end of September.

Upon motion duly made and seconded, it was unanimously

VOTED: To deny the Request for a Certificate of Compliance for 8 River Street - Map 44 Parcel 150 - DEP File #344-1091

VOTED: To issue an Enforcement Order requiring a restoration plan by August 26 for discussion at the September 2, 2015 meeting

CERTIFICATE OF COMPLIANCE - 79 WEST STREET - MAP 72 PARCEL 2A - DEP FILE #344-1155

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 79 West Street - Map 72 Parcel 2A - DEP File #344-1155

CERTIFICATE OF COMPLIANCE - 77 WEST STREET - MAP 72 PARCEL 2B - DEP FILE #344-1154

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 77 West Street - Map 72 Parcel 2B - DEP File #344-1154

CERTIFICATE OF COMPLIANCE - 300 LOWELL STREET - MAP 72 PARCEL 2C - DEP FILE #344-1264

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 300 Lowell Street - Map 72 Parcel 2C - DEP File #344-1264

CERTIFICATE OF COMPLIANCE - 200 BALLARDVALE STREET - MAP R2 PARCELS 7, 7A, 21 - DEP FILE #344-1112

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 200 Ballardvale Street – Map R2 Parcels 7, 7A, 21– DEP File #344-1112

CERTIFICATE OF COMPLIANCE – 32 MILL ROAD – MAP 3 PARCEL 3D – DEP FILE #344-896

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 32 Mill Road – Map 3 Parcel 3D– DEP File #344-896

LAND DONATION - 441 EDDY STREET – MAP 41 PARCEL 85

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the land donation of 441 Eddy Street – Map 41 Parcel 85

EMERGENCY CERTIFICATION - 2 NORTH STREET - MAP 88 PARCEL 11

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification – 2 North Street - Map 88 Parcel 11 for replacing the septic system

OPEN SPACE AND RECREATION PLAN

Upon motion duly made and seconded, it was unanimously

VOTED: To endorse the 2015 Open Space and Recreation Plan

MINUTES - June 3, 2015

There were not enough commissioners present from that meeting to vote.

ADJOURN

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

VOTED: To adjourn the meeting at 10:00 pm.

Respectfully submitted,

Elizabeth Lawrenson
Senior Clerk