



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 Glen Road, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

CONSERVATION COMMISSION MINUTES

July 10, 2019

Donald Pearson called the meeting to order at 7:00 p.m. Theron Bradley, Laurie Finne, and Michael McInnis were present. Vincent Licciardi and Laura T. deWahl were absent. Valerie Gingrich, Planning & Conservation Director, Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 8 Lexington Street – Map 69 Parcel 82

Documents: Email, request to continue to August 7, 2019 Conservation Commission Meeting, dated June 25, 2019

R. Hale stated that Lei Cao emailed a request to continue to the August 7, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Meeting for 8 Lexington Street – Map 69 Parcel 82 to the August 7, 2019 Conservation Commission Meeting

REQUEST FOR DETERMINATION OF APPLICABILITY – 730 Main Street – Map 39 Parcel 8

Documents: Request for Determination of Applicability, received June 4, 2019
Pictures, undated, received June 4, 2019
"Site Plan", revised July 1, 2009

Present in Interest: Christopher Remick, DSM Coating Resins

C. Remick presented the proposal to cut down 35 trees, some of which are in the 100-foot buffer zone, that pose a hazard to DSM's equipment/chemical storage areas. He advised that DSM has a policy that if any tree is removed, another tree must be planted. The area behind the trees requested to be removed is fairly clear of vegetation so there is room behind the cut trees to plant new trees.

R. Hale confirmed that 20 of the 35 trees are within the 100-foot buffer zone. He agreed the trees appeared to be a hazard to the chemical storage areas and recommended removal and replacement per the Tree and Vegetation Removal Policy.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 730 Main Street – Map 39 Parcel 8 with the added condition to replace the trees per the Tree and Vegetation Removal Policy

REQUEST FOR DETERMINATION OF APPLICABILITY – Salem Street (Anthony Avenue intersection)

Documents: Request for Determination of Applicability, received June 13, 2019
"Exhibit Plan Details A & B", dated June 10, 2019
"Street Opening Plan #1 Anthony Avenue, Wilmington, MA", dated November 10, 2018

Present in Interest: Leah Basbanes, Basbanes Wetland Consulting

L. Basbanes presented the proposal to install a utility pole on Salem Street, near the Anthony Avenue intersection, that will be approximately 6' from the wetlands. Most of the work falls under the routine maintenance exemption for a public utility. An anode bed will be installed on Anthony Avenue and will tie into the pole on Salem Street. The job will take about three (3) days and erosion controls will be installed and maintained during the project.

R. Hale recommended installing silt fence instead of straw wattles for erosion controls. The Applicant agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for Salem Street (Anthony Avenue intersection) with the added condition that silt fence be installed and maintained per the manufacturer's specifications

REQUEST FOR DETERMINATION OF APPLICABILITY – 5 Dublin Avenue – Map 41 Parcel 126

Documents: Request for Determination of Applicability, received June 17, 2019
Wilmington GIS Map, undated, received June 17, 2019
Google map, undated, received June 17, 2019

Present in Interest: George Kendall, owner

G. Kendall requested after-the-fact approval for removal of two (2) trees adjacent to wetlands. He would like to replace them with bushes planted along his driveway. There are additional trees he would like to remove in the future as well.

R. Hale reviewed the photos of the trees that were removed and would have recommended their removal to the Commission due to their poor condition and their proximity to the house.

D. Pearson would like to make a Determination on this Request for Determination of Applicability and have the applicant apply to remove the other trees when he is ready. Native shrubs can be planted now for the two (2) removed trees and additional shrubs can also be planted now for the trees he will apply to remove in the future. L. Finne suggested if additional shrubs are planted now, that the homeowner have a two (2) year deadline to submit an application to remove additional trees.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 5 Dublin Avenue – Map 41 Parcel 126 with the added condition that a minimum of four (4) shrubs be planted per the Tree and Vegetation Removal Policy with the option to plant 8 shrubs total (for the future removal of 2 trees)

PUBLIC HEARING - NOTICE OF INTENT – 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1429

Documents: Letter, Response to Planning & Conservation Comments, dated June 13, 2019
“Turning Analysis Emergency Access Plan”, dated April 1, 2019
“Turning Analysis WB-67 Loading Plan”, dated April 1, 2019
Letter, Response to Engineering Division Comments, dated June 13, 2019
“Routing Diagram for 2019-05-21 Postdevelopment Hydro CAD Model”, dated June 3, 2019
“Plans to Accompany Permitting Documents for Upton Park”, 53 pages, revised June 13, 2019
Operation and Maintenance Control Plan, dated May 31, 2019
Stormwater Management Report, revised June 13, 2019
Memorandum from Paul Alunni, Engineering Division, dated July 9, 2019
Email, request to continue to August 7, 2019 Conservation Commission Meeting, dated July 10, 2019

Matthew Costa of Beals Associates, Inc. emailed a request to continue to the August 7, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1429 to the August 7, 2019 Conservation Commission Meeting

PUBLIC HEARING - NOTICE OF INTENT – 613 Main Street – Map 29 Parcel 11S – DEP File #344-1430

Documents: Email, request to continue to August 7, 2019 Conservation Commission Meeting, dated June 20, 2019

Tom Liddy, Lucas Environmental, LLC, emailed a request to continue to the August 7, 2019 Conservation Commission Meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 613 Main Street – Map 29 Parcel 11S – DEP File #344-1430 to the August 7, 2019 Conservation Commission Meeting

PUBLIC HEARING - NOTICE OF INTENT – 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1431

Documents: Letter, Eaglebrook Engineering & Survey, LLC response to Planning Board, dated June 25, 2019
Letter, Eaglebrook Engineering & Survey, LLC Policy Waiver Request, dated June 25, 2019
"Proposed Permit Site Plan", 11 pages, revised June 24, 2019
Stormwater Analysis & Calculation, revised June 24, 2019
"100 Research Drive Concept Concept Elevations – Option 1 Plan", dated April 12, 2019
"100 Research Drive Concept Floor Plan", dated June 24, 2019
Memorandum from Paul Alunni, Engineering Division, dated July 9, 2019

Present in Interest: Michael Juliano, Eaglebrook Engineering & Survey, LLC

M. Juliano reviewed the proposed project to construct a commercial building on an existing paved area. A small portion of this new building is within the 50' no disturb setback. A letter was submitted to the Commission stating the reasons for requesting a waiver of the 50' no disturb setback in some areas. M. Juliano summarized that moving the building out of the 50' no disturb setback area will bring it 11' closer to Research Drive. Moving the building forward would also require the removal of all the trees and the earthen berm along Research Drive as well as reduce the amount of open space between the edge of parking and the edge of the sidewalk.

M. Juliano advised that a Request for Certificate of Compliance for an old Order of Conditions for the same property has been submitted. The Certificate of Compliance must be issued before a new Order of Conditions can be issued. The Request is on the August 7, 2019 Conservation Commission Meeting agenda.

R. Hale mentioned that the proposed project will decrease the impervious area in the 50' no disturb setback.

There were no comments or questions from the Commission regarding the applicant's request to waive the 50' no disturb setback in some areas.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1431 to the August 7, 2019 Conservation Commission Meeting

PUBLIC HEARING - NOTICE OF INTENT – 635 Main Street – Map 40 Parcel 1 – DEP File #344-1432

Documents: Letter, Williams & Sparages response to comments, dated June 25, 2019
Alternatives Analysis, undated, received June 26, 2019
"635 Main Street Plan" Set, 13 pages, revised June 24, 2019
Letter, request to continue to the August 7, 2019 Conservation Commission Meeting, dated June 28, 2019

Jon Tilton of Williams & Sparages, requested to continue to the August 7, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 635 Main Street – Map 40 Parcel 1 - DEP File #344-1432 to the August 7, 2019 Conservation Commission Meeting

PUBLIC HEARING – NOTICE OF INTENT - 110 Chestnut Street – Map 15 Parcel 29A – DEP File #344-1433

Documents: Notice of Intent, received June 19, 2019
“Proposed Subsurface Sewage Disposal System Plan”, dated June 14, 2019
“Existing Conditions Plan”, dated June 17, 2019
Memorandum from Paul Alunni, Engineering Division, dated July 9, 2019
“Proposed Subsurface Sewage Disposal System Plan, revised July 10, 2019

Present in Interest: Greg Saab, Engineering & Surveying Services
Michael Newhouse, Michael J. Newhouse & Associates, PC

G. Saab presented the proposed removal of an existing home and construction of a new single family dwelling. Part of the driveway for this project is 7’ into the 15’ no disturb setback. This area is currently existing driveway and lawn. The applicant can move the house further back, but it will add about 300 square feet of impervious area for a longer driveway.

L. Finne asked if the driveway could be narrower in the area where the driveway is 7’ into the 15’ no disturb setback. G. Saab suggested using permeable pavement in the area that goes into the 15’ no disturb setback.

M. Newhouse asked if a condition could be added to the Order of Conditions stating that a permeable material be used on the driveway. M., McInnis suggested deciding on a permeable square footage and allow the applicant to decide what type of permeable material will be used.

V. Gingrich advised that Engineering will want to review the plan to mix permeable and impermeable surfaces and that an Operation & Maintenance plan will have to be submitted. V. Gingrich asked if the driveway could be narrower to compensate for the infringement into the 15’ no disturb setback. G. Saab suggested making the driveway about 12’ wide from the street down to the walkway and stairs that lead to the house, then widen it to 22’ to allow for cars to turn around.

M. Newhouse stated that Conditions #48 & 54 in the Special Conditions are duplicate conditions. He would like to use condition #48 rather than condition #54. The Commission agreed to eliminate #54 and modify #48 to reflect the narrower driveway from the street to the walkway and stairs to compensate for the area that encroaches on the 15’ no disturb setback.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 110 Chestnut Street – Map 15 Parcel 29A – DEP File #344-1433

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 110 Chestnut Street – Map 15 Parcel 29A – DEP File #344-1433 with modifications as discussed.

REQUEST TO AMEND ORDER OF CONDITIONS – 18R Boutwell Street – Map 18 Parcel 4A – DEP File #344-1353

Documents: Request Letter, dated June 26, 2019
Pictures, undated, received June 26, 2019
Memorandum from ARL Tree Service, undated, received June 26, 2019
"Site Plan", revised March 9, 2017
Pictures, dated July 10, 2019

Present in Interest: Daisy Daivasagaya, owner

D. Daivasagaya explained that a pine tree fell on her house and driveway during the winter. The tree was removed and a landscaper cleaned up the debris, but also cleared vegetation in the 15' no disturb setback. All of this was done without the proper approval by the Conservation Commission. D. Daivasagaya is requesting an amendment to the Order of Conditions to allow restoration of the disturbed area, to extend the lawn to the 15' no disturb setback, and to remove seven (7) additional pine trees that pose a danger to her house. Three (3) of the trees are in the 15' no disturb setback. She will plant new trees and/or bushes per the Tree and Vegetation Removal Policy.

R. Hale advised that the vegetation removed from the 15' no disturb setback (as noted in the Notice of Violation) is recovering on its own. R. Hale also advised that some of the pine trees the homeowner wants to remove do not appear healthy and that all the trees are close to the house.

The Commission agreed to amend the Order of Conditions to allow lawn to be planted up to the 15' no disturb setback and to remove seven (7) pines trees with replacement per the Tree and Vegetation Policy. The Commission also agreed that the area of the 15' no disturb setback that was disturbed can be left to re-vegetate on its own.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 18R Boutwell Street – Map 18 Parcel 4A – DEP File #344-1353

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Amended Order of Conditions for 18R Boutwell Street – Map 18 Parcel 4A – DEP File #344-1353

NOTICE OF VIOLATION – 5 Tacoma Drive – Map 68 Parcel 42

Present in Interest: Carla & Joseph Ientile

J. Ientile explained that two (2) trees fell and damaged part of the post and rail demarcation fence. He removed the post and rail fence, had the fallen trees chipped, and put the wood chips in the wetland to decompose naturally. He would like to put up a stockade fence along the backyard (one side only) to stop his children's balls from going into the wetlands and for the safety of his children.

R. Hale advised that the area behind the post and rail demarcation fence where the wood chips were spread, is Isolated Land Subject to Flooding and a Conservation Restriction. The owner has begun removing the wood chips as instructed in the Notice of Violation. R. Hale suggested some plantings in the disturbed area to restore that area. M. McInnis asked if R. Hale was suggesting replacement for the trees that fell. R. Hale clarified he was recommending restoration of the area covered in wood chips, not replacement for the fallen trees. R. Hale advised the owner that a demarcation fence has to be installed as it is part of the Order of Conditions on the property.

The Conservation Commission advised the owner to file a Notice of Intent to restore the disturbed area and to install a fence.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 5 Tacoma Drive – Map 68 Parcel 42

NOTICE OF VIOLATION – 18R Boutwell Street – Map 18 Parcel 4A

R. Hale advised that vegetation and dead leaves were removed from the 15' no disturb setback. A Request to Amend the Order of Conditions was submitted to repair the disturbed area.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 18R Boutwell Street – Map 18 Parcel 4A

NOTICE OF VIOLATION – 277 Middlesex Avenue – Map 79 Parcel 44

Present in Interest: James Ring, owner

J. Ring advised that he cleared an area not knowing that it was in Riverfront Area or the 100-foot buffer zone. He ordered a native seed mix and has seeded the area as required in the Notice of Violation to correct his error.

R. Hale advised that the owner reacted promptly to the Notice of Violation and has installed erosion controls and re-seeded the disturbed area with a native seed mix. He suggested that a Notice of Intent is typically submitted for work in the Riverfront Area but the Commission has allowed applicants to submit a Request for Determination of Applicability for similar restoration efforts in the past.

The Conservation Commission agreed to the owner submitting a Request for Determination of Applicability for the restoration.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 277 Middlesex Avenue – Map 79 Parcel 44

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATE

16 Hillside Way – Map 2 Parcel 7 – R. Hale advised that the applicant has installed erosion controls, but was uncertain which application to submit for the wetlands restoration. R. Hale

will work with the applicant to get the application submitted in time for the August 7, 2019 Conservation Commission Meeting.

MBTA – Map 79 Parcel 44 – R. Hale reviewed the Enforcement Order issued to the MBTA to restore wetlands. The MBTA has completed the two-year monitoring for this wetland restoration and R. Hale confirmed that the restoration is doing well.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Enforcement Order for Map 90 Parcel 116

DISCUSSION

Open Space Plan Update – V. Gingrich advised that it is almost time for the five (5) year update to the Town's Open Space and Recreation Plan. A request for committee members has been advertised. The Town hopes to begin the update process this fall, meet for about six (6) months, and have a draft Plan ready for the State to review by February 2020. She asked that if any of the Commissioners are interested in participating, please let her know.

MACC Renewal, Calendar, & Online Access to E-Handbook – R. Hall informed the Conservation Commission members that the MACC membership has been renewed for fiscal year 2020. Online access remains the same as previous years.

MINUTES – June 5, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the June 5, 2019 Conservation Commission Meeting

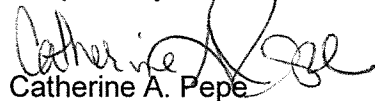
NEXT MEETING – August 7, 2019

ADJOURN

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

VOTED: To adjourn the meeting at 8:33 pm.

Respectfully submitted,



Catherine A. Pepe
Senior Clerk