



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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CONSERVATION COMMISSION MINUTES

July 11, 2018

Sharon Kelley-Parrella, Co-Chair, called the meeting to order at 7:00 p.m. Theron Bradley, Laurie Finne, and Vincent Licciardi were present. Julie Flynn, Donald Pearson, and Michael McInnis, were absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – Chestnut Street crossing of Sawmill Brook – Map 14 Parcel 14-4B

Documents: GIS maps, dated June 19, 2018
Photographs, dated June 19, 2018

Present in Interest: Dave Armstrong, U.S. Geological Survey

D. Armstrong presented the project requesting after-the-fact approval to install a water sampling instrument on the Chestnut Street Bridge at the Sawmill Brook crossing. The original approved site was Maple Meadow Brook in Town Park, but the EPA asked U.S. Geological Survey to switch to an upstream site. The unit is now bolted to the bridge and will be in place until November 2018.

R. Hale advised that this area is floodplain and that the unit was originally placed in the center of the culvert. It was then moved and placed in between the two (2) culverts to avoid creating a blockage. R. Hale suggested adding ongoing conditions that would apply to other locations in Wilmington should this monitoring have to be done in other areas in the future. R. Hale read the suggested ongoing conditions:

- This Determination is valid in wetland resource areas and the 100' buffer zone in Wilmington, and applies only to temporary water quality monitoring devices installed, monitored, and maintained by the USGS.
- Any poles, mounts, or other similar support structures must be directly embedded. Excavation and backfilling is prohibited.
- Disturbance to vegetation must be avoided and minimized to the extent practicable. Tree removal is not permitted under this Determination.
- To the extent practicable, all equipment must be elevated above the Base Floor Elevation in Bordering Land Subject to Flooding
- Information regarding the proposed location and type of water quality monitoring device, and schedule for installation and removal, must be provided to the Department of Planning and Conservation to ensure it meets these conditions prior to installation.
- A site visit with the Conservation Agent is required prior to installation

These conditions would be valid for three (3) years if the Commission agrees to the ongoing conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (2) Determination of Applicability for Chestnut Street Crossing of Sawmill Brook – Map 14 Parcel 14-4B with the added ongoing conditions as stated above

CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 58 Chestnut Street – Map 29 Parcel 19C – DEP File #344-1391

Documents: Topographic Plan of Land, dated March 19, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated April 3, 2018
Summary Letter for Notice of Intent & Simple Stormwater Permit, dated April 23, 2018
Site Plan, 2 pages, revised April 20, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018
Email Request to Continue, dated May 30, 2018
Email Request to Continue, dated June 20, 2018

Richard Kirby, LEC Environmental, emailed a request to continue to the August 1, 2018 Conservation Commission Meeting.

R. Hale advised that their engineer has delayed submitting the calculations due to family issues. R. Kirby is pushing the engineer to get the calculations done. R. Hale has not received any updates and is hoping they submit in time for the August 1, 2018 deadline to avoid additional actions against the owner.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing 58 Chestnut Street – Map 29 Parcel 19C – DEP File #344-1391 until the August 1, 2018 Conservation Commission Meeting

CONTINUED PUBLIC HEARING – 219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393

Document: Existing & Proposed Conditions Plan, 2 pages, dated January 2018
Conceptual Design for Wetlands & Buffer Infringement Corrective Actions Stockpile Area Along Northern Quarry Face, dated February 2018
Memorandum from William Hold & Paul Alunni, Town of Wilmington Engineering Division, dated March 6, 2018
Technical Memorandum from EA Engineering, Science, & Technology, Inc., dated August 24, 2011
E-mail Request to Continue, dated April 26, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018
Email Request to Continue, dated June 20, 2018

F. Postma, EA Engineering Science & Technology, Inc. emailed a request to continue to the August 1, 2018 Conservation Commission Meeting.

R. Hale has been in contact with F. Postma and advised that Benevento is hoping to submit the NOI amendment including the wetland mitigation by July 18 for the August 1, 2018 meeting. As for the large stockpile for which the enforcement order was issued, the area is relatively stable.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 219 Andover Street – Map R1 Parcel 19A – DEP File #344-1393 until the August 1, 2018 Conservation Commission Meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 1 Hudson Street – Map 70 Parcel 82A – DEP File #344-1399

Documents: Existing Conditions Plan, dated April 9, 2018
NOI Plan, dated April 9, 2018
Existing Conditions Plan, 2 pages, dated April 26, 2018
Response to Regulation 10.58, received April 26, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated May 1, 2018
Email Request to Continue, dated June 1, 2018
Email Request to Continue, dated June 20, 2018

Richard Rapacki emailed a request to continue to the August 1, 2018 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 1 Hudson Street – Map 70 Parcel 82A – DEP File #344-1399 until the August 1, 2018 Conservation Commission Meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400

Documents: Existing Conditions Plan, 2 pages, dated April 30, 2018
Post-Development Drainage Plan, dated July 22, 2008
As-Built Plan, 4 pages, dated November 6, 2012
Notice of Intent Plans, 5 pages, dated April 30, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated June 6, 2018
Email Request to Continue, dated July 11, 2018

Present in Interest: S. Eriksen, Norse Environmental Services, Inc.
Michael Newhouse, Michael J. Newhouse & Associates, PC
Paul Autenzio, M.T. Pokkets Realty Trust
Robert Autenzio, M.T. Pokkets Realty Trust

M. Newhouse emailed a request to continue to the August 1, 2018 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400 until the August 1, 2018 Conservation Commission Meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 33 Industrial Way – Map 46 Parcel 109 – DEP File #344-1404

Documents: Notice of Intent Plan, dated May 14, 2018

Present in Interest: Ian Ainsley, Meisner Brem Corporation

I. Ainsley stated the 12" by 13' of ductile pipe is proposed to be replaced at the request of the Town of Wilmington, Engineering Division. It will be replaced with a 12" corrugated metal pipe. DEP had not issued a File # at the time of the last meeting, but it has now and I. Ainsley would like to close the public hearing.

R. Hale reminded the applicant that the wetland mitigation will be hard to accomplish and suggested planting a shrub on the side instead of grass.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 33 Industrial Way – Map 46 Parcel 109 – DEP File #344-1404

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 33 Industrial Way – Map 46 Parcel 109 – DEP File #344-1404 with the special conditions attached

PUBLIC HEARING – NOTICE OF INTENT – 22 Seneca Lane – Map 68 Parcel 18 – DEP File #344-1405

Documents: Proposed Plot Plan, revised June 13, 2018
Proposed Plot Plan, revised July 9, 2018

Present in Interest: Patrick Seekamp, Seekamp Environmental Consulting, Inc.
Dan Spirito, owner

P. Seekamp presented the project to install an above ground pool in the rear of the property that is within the 100' buffer zone. P. Seekamp submitted a revised plan showing the 100 year floodplain elevation. The proposed project will remove the existing deck, expand the upper deck slightly, construct a lower deck, and install an above ground pool. The 25' setback no-build and 15' no-disturb setbacks will be met. There is also a fence drawn on the plans in the event the homeowner may wish to install one in the future.

R. Hale advised that all setbacks are met. There is a previous Order of Conditions that will be incorporated into the new Order of Conditions. P. Seekamp requested that D. Spirito and he receive a copy of the old Order of Conditions. R. Hale suggested that Special Condition #22 (from the old Order of Conditions) not be put in the new Order of Conditions.

T. Bradley questioned which direction the pool water will go if it ever has to be drained and pointed out that it should not drain into the wetlands. P. Seekamp suggested that it be drained onto the lawn area between the pool and the house or the pool and the driveway so it filters through the lawn area. R. Hale suggested making it a condition and P. Seekamp agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 22 Seneca Lane – Map 68 Parcel 18 – File #344-1405

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 22 Seneca Lane – Map 68 Parcel 18 – DEP File #344-1405

**PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
– 635 Main Street - Map 40 Parcel 1 – DEP File #344-1406**

Documents: Existing Conditions Plan, November 15, 2017
Existing Conditions Plan, revised July 10, 2018

R. Hale advised that a revised plan was submitted today and he recommends approval.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 635 Main Street – Map 40 Parcel 1 – DEP File #344-1406

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Resource Area Delineation 635 Main Street - Map 40 Parcel 1 – DEP File #344-1406

**EXTENSION PERMIT – ORDER OF RESOURCE AREA DELINEATION – 278, 282
Chestnut Street – Map 13 Parcel 2B – DEP File #344-1297**

Documents: Letter from Norse Environmental Services, Inc., dated June 7, 2018

Steven Eriksen of Norse Environmental Services, Inc. submitted a letter requesting a three-year extension to the Order of Resource Area Delineation for 278, 282 Chestnut Street. The request asked for a July 14, 2021 expiration date.

R. Hale advised that the wetland line seems to be the same and recommends extending the permit for three (3) years.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Extension Permit for 278, 282 Chestnut Street – Map 13 Parcel 2B – DEP File #344-1297 to extend the expiration to July 14, 2021

REQUEST FOR CERTIFICATE OF COMPLIANCE – 200, 206, 210 Ballardvale Street – Map R2 Parcels 21, 7, 7D

R. Hale advised that this request is to correct a typographical error on the original Certificate of Compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the corrected Certificate of Compliance for 200, 206, 210 Ballardvale Street – Map R2 Parcels 21, 7, 7D

REQUEST FOR CERTIFICATE OF COMPLIANCE – 4 Isabella Way – Map 74 Parcel 1D

R. Hale confirmed that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 4 Isabella Way – Map 74 Parcel 1D

EMERGENCY CERTIFICATION - 11 Kiernan Ave – Map 41 Parcel 130B

R. Hale advised that this is an emergency septic system replacement.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for 11 Kiernan Avenue – Map 41 Parcel 130 B

EMERGENCY CERTIFICATION – I-93 South near Kilmarnock Street

R. Hale advised that this is a beaver dam issue that arises every few years.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification – I-93 South near Kilmarnock Street

NOTICE OF VIOLATION – 140 Lowell Street – Map 49 Parcel 1

R. Hale advised that the landscape firm that leases the land has violated some of the conditions of two (2) existing Orders of Conditions, one (1) from 2003 and one (1) from 2004. The company that leases the land now, D&D Landscaping, was unaware of the Orders of Conditions and is willing to correct the violations. R. Hale confirmed that several of the violations have been corrected and only a few remain. R. Hale has spoken to the land owner, who will meet with a wetland consultant to get a current

existing conditions plan and then correct the remaining violations. The 100' buffer, floodplain, and Riverfront area all are affected. He will continue to work with D&D Landscaping and the owner to complete pulling the stockpiles back from the wetlands, remove the debris, and bring the site back into compliance. The tenant advised that it would take about another week to finish removing the remaining materials out of the wetland. R. Hale advised that the landscape bins may not have to be removed depending on the design the engineer develops.

The tenant asked about the placement a fence and R. Hale advised that there should be a post and rail demarcation fence 15' away from the wetland around the entire site. As neither of the Orders of Conditions were ever closed out, it is unclear if the fence was ever installed.

NOTICE OF VIOLATION – 61 Ashwood Avenue – Map R4 Parcel 121

R. Hale made a site visit to this address after a neighbor advised him that a neighbor was cutting down trees. During the site visit, R. Hale determined that almost the entire area beyond the post and rail fence was cleared on that parcel, which includes a 30' conservation restriction area from wetlands, and possibly on to adjacent Conservation Land and private property. The tree company was there when R. Hale made the site visit and advised all parties to stop all work. The homeowner has contacted a surveyor and a wetland scientist to create an existing condition plan. Once the commission receives the plan, the members can then advise what has to be done to correct the situation. R. Hale feels the entire area will have to be replanted. The homeowner understands the error and R. Hale is hoping for a quick resolution.

NOTICE OF VIOLATION – 67 North Washington Avenue – Map 53 Parcel 13-113

The homeowner installed a 6' stockade fence along the edge of a large open water body at the rear of their property without approval. This forces any wildlife and/or people to have to go into the pond that is there if they wish to pass. R. Hale suggested the homeowner dig down 6" below the fence to allow for wildlife passage, which would exempt the fence as a minor activity since it's only in the 100' buffer zone.

NOTICE OF VIOLATION – 67 North Washington Avenue – Map 53 Parcels 13-113 & 14-114

R. Hale reviewed the tree cutting by the homeowner of 67 North Washington Avenue that occurred on Conservation Land owned by the Town of Wilmington and the 100' buffer zone. The homeowner has contacted an engineer and a wetland scientist to create an existing condition plan. Once the Commission receives the plan, the members can then advise what has to be done to correct the situation.

V. Licciardi asked if the trees threatened the homeowner's house. R. Hale feels that is questionable based on a review of photos from Google Earth 2013.

DISCUSSION – MACC Renewal, Calendar, & On-Line Access to E-Handbook

The subscription has been renewed, including online access to the Handbook for all to access.

DISCUSSION – Daniel Maienza's Town Forest Eagle Scout Project

R. Hale advised that Daniel Maienza did an amazing job clearing the trail head sign at the entrance of the Town Forest. He cleared the area in front of the sign for the Town Forest, spread a load of wood chips at the entrance, installed a sign supplied by the Town, and made some great steps out of stone. He truly did a fantastic job.

R. Hale advised that there is \$6600.00 in a fund possibly from the State from about 20 years ago. The funds are allotted specifically for Town Forest and suggested using the funds for more trailhead signs and potentially a boardwalk across wetlands that bisect Town Forest and make the northern portion inaccessible during certain times of year.

DISCUSSION – Canal Street & Woburn Street – Mitigation of DPW Culverts –

DPW needs to do some mitigation to compensate for wetland impacts from culvert replacements years back. The problem is that Canal Street does not have any town owned property to mitigate at that site. They are looking at Town owned properties to mitigate about 350 square feet of wetlands, but have been unsuccessful to date. There are a few more areas to look at, but if they still can't find a site, DPW would like to propose combining the mitigation from Woburn St and Canal Street into the Woburn Street project. R. Hale will contact DEP and see if this is possible as the mitigation should be along the same stretch of stream and the projects are on different streams.

L. Finne asked if mitigation on private property is an option, providing the homeowner volunteers to have wetlands replication created on their property. R. Hale will research that option with DPW and DEP as well.

DISCUSSION – Olin Wetlands Fund

R. Hale looked into the \$50,000.00 allocated as part of the Olin Wetlands Fund that with interest, is now up to \$56,000.00. V. Licciardi advised that the funds are in the care and custody of the Conservation Commission and for use by the Conservation Commission. R. Hale will check with the new Town Counsel to see if use of the funds can be used or if they're tied up in the Olin litigation. He will research applying for grants that may require matching funds that will provide additional funds for conservation improvements.

DISCUSSION – Conservation Commission Meeting Schedule

R. Hale advised that Jeff Hull would like the Conservation Commission to explore changing to meeting twice a month. L. Finne and S. Kelley-Parrella are in favor of this change. T. Bradley asked if they could schedule two (2) meetings a month during (historically) busy months and one (1) meeting a month during (historically) quiet months. V. Licciardi advised that he cannot make any meeting held the second Wednesday of the month. R. Hale thought if this moved forward, it would be the first and third Wednesday of the month. L. Finne asked if it's easier to add a meeting or cancel a meeting and if it is binding once it's advertised. R. Hale offered to check on the various options with the Town Clerk. The attending Commissioners decided to discuss this further at the August 1, 2018 meeting when more members will be present.

Allen Park Drive – Robert Boyce, 23 Allen Park Drive, homeowner, talked about a pond that years ago, neighborhood people used to ice skate on. The pond has disappeared and the vegetation has taken over. He would like to see if the brooks could be opened up through either possible grants from the Commonwealth of Massachusetts or if the State would come in and clean the area out. R. Boyce advised that the State told him that there is money available to the towns to open up the streams again.

R. Hale would like to do a site visit to see what area R. Boyce is speaking of. He mentioned there are several conditions regarding clearing vegetation from wetlands. These are regulated by the Conservation Commission, Massachusetts DEP, and the Army Corps of Engineers. R. Hale asked the reasons behind wanting to do this. R.

Boyce felt that removing the vegetation would help with the flooding in the area, clean up the aquifers, and create a recreational area. R. Hale and L. Finne advised that removing the vegetation will increase flooding and decrease water quality downstream. R. Hale advised that the Wetlands Protection Act protects the wetlands and the functions it provides. It has no provisions for protecting recreational use as a function.

ELECTION OF CHAIR AND VICE-CHAIR

The attending commission members decided to vote at the August 1, 2018 meeting when there will be more members present.

MINUTES – June 6, 2018

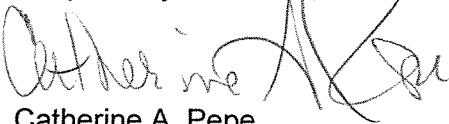
June 6, 2018 minutes could not be voted on as a quorum from the June meeting was not present at this meeting

ADJOURN

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

VOTED: To adjourn the meeting at 8:31 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine A. Pepe", written in dark ink.

Catherine A. Pepe
Senior Clerk

