



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

**PLANNING and CONSERVATION  
DEPARTMENT**

(978) 658-8238  
[www.wilmingtonma.gov](http://www.wilmingtonma.gov)

**CONSERVATION COMMISSION MINUTES**  
July 5, 2017

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

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –  
319A Andover Street – Map R1 Parcel 118**

Documents: Proposed Industrial Building, 9 sheets, dated 5/11/17  
Memorandum from Paul Alunni, Town Engineer, dated 7/5/17

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

A. Pojasek presented the project. The owner wants to build a 5406 square foot three unit garage bay facility behind the existing building. There are no wetlands on the property, but there is a 25' wide Town drain easement going through the 100' buffer zone.

V. Gingrich stated that the project is also going through Site Plan Review with the Planning Board and summarized the Town Engineer's comments. The stormwater runs from front to rear of site. A. Pojasek stated that the stormwater would settle in the grass area into a catch basin & then into an infiltrator.

S. Kelley-Parrella asked what the intended use of the building will be. A. Pojasek said no tenant is planned as of yet and that the building use is proposed as warehouse. V. Licciardi questioned the auto body usage and the potential for contamination on the site. V. Gingrich stated that the Board of Health looked into it and there were not any known concerns. She stated that she would double check with the Board of Health and advise the Commission. V. Gingrich's recommendation is to continue the hearing until the applicant satisfies the Town Engineer's questions.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public meeting for the Request of Determination of Applicability for 319A Andover Street – Map R1 Parcel 118 to August 2, 2017

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –  
6 Radcliff Road – Map 35 Parcel 12**

Documents: Picture of Tree, undated  
Proposal – Country Tree Service, dated 7/11/17 (sic)

Present in Interest: Kenneth DeSimone, owner

K. DeSimone presented his proposal to remove and grind the stumps of three live oak trees and one dead spruce tree. One of the oak trees is large and leans towards the house and he is concerned that it may fall and hit the house. All four trees are within the 100' buffer zone.

V. Gingrich informed the Commission that she had already discussed replanting trees with the homeowner and that the homeowner agreed to plant new trees closer to the wetland. K. DeSimone marked the placement of the new trees on the diagram supplied by the tree removal contractor. They will plant a number of hemlocks to block their view of the trains that run behind their property.

D. Pearson questioned the reason for removing the two smaller oak trees. K. DeSimone stated that the 10' wide area is raised about 12" higher than the rest of the yard. It slopes downhill from the oak trees to the wetland. He would like to regrade that area and plant ground cover to help with erosion control.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 6 Radcliff Road – Map 35 Parcel 12

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

Documents: Soil Suitability Assessment for On-Site Sewage Disposal, dated 3/30/17  
Sewer Pump Station Site Plan – 7 sheets, dated 6/1/17

Present In Interest: Richard Stuart, Triton Construction  
Doug Lees, Land Engineering & Environmental Services

D. Lees reviewed the project that was continued from the February 1, 2017 meeting. Gravity sewer will flow to the proposed pump station and the pump station will be sufficient in size to handle sewerage down to the 99 Restaurant at 144 Lowell Street. He moved the driveway to the left of the pump station to move it further away from the wetlands. The pump station will be privately funded, then turned over to the

Town upon completion. The sewer line in the street is exempt from the Wetlands Act requirements because it is in an existing paved street. D. Lees showed the test pits that W. McGowan requested.

V. Gingrich commented on this being an improvement to the area. Paul Alunni, Town Engineer, has looked at the plans and did not have any comments at this time, pending the Town's Water and Sewer Department comments. That may change after the Town receives the comments from Arcadis, the Town's sewer consultant.

D. Pearson questioned the distance for the pump station from the wetland, whether it should be 25' or 50' if it is considered a commercial use. V. Gingrich commented that it will be a Town pump station/utility and did not think setback is a concern. V. Licciardi asked if the pipe size is sufficient. D. Lees submitted several sets of calculations for different scenarios and they are sufficient per the Water and Sewer Department.

J. Flynn requested adding hay bales/erosion controls around the settling pond and D. Lees agreed.

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

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

Documents: Existing Conditions Plan, revised 6/20/17  
Restoration Plan, dated 6/15/17

Present in Interest: Greg Saab, ESS

S. Kelley- Parrella recused herself from the meeting.

G. Saab said the wetland specialist visited the potential vernal pool and found one egg mass, but that's not enough to confirm its vernal pool status. They will check earlier in the season next year and try to confirm the vernal pool status then. In the meantime, they will continue to treat the area as a vernal pool.

G. Saab stated that he would like to get a sense of what the Commission would like to see for setbacks. G. Saab stated that the owner is hoping to get three house lots from 27 Boutwell Street, including a hammerhead lot in the rear. He is hoping for a 25' no-disturb area instead of the usual 15'. V. Gingrich said the septic system setbacks from the vernal pool are 50' for the tank and 100' for the leaching field. She questioned if they would have to raise grades and asked that the developer take into consideration that the grading does not go into the wetlands. G. Saab mentioned stone trench drainage for driveways, infiltration system for the house and that they

could create a swale so that run off does not go into the vernal pool directly. V. Gingrich stated that they are looking more on the line of a 50' setback for the house. J. Flynn said it is a tough call – moving the house back puts it closer to the wetlands.

V. Gingrich asked if pushing the no-disturb area to 30' is a better solution. J. Flynn thought a smaller setback would work, if the no-disturb area is clearly marked. G. Saab offered to make that very clear with fencing, boulders, or signage. He thinks using a berm might deprive the wetland of water, but they will look at it closely with the Notice of Intent. D Pearson questioned the 30' minimum setback and if the structure will be set even further back. V. Gingrich commented that houses cannot be built directly on the no-disturb, so the house would be closer to the 40'-50' setback anyway with a 30' no-disturb.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 27 Boutwell Street – Map 18 Parcel 9 – DEP File #344-1360

VOTED: To issue an Order of Resource Area Delineation for 27 Boutwell Street – Map 18 Parcel 9 – DEP File #344-1360

## **OTHER BUSINESS DISCUSSION**

27 Boutwell Street – Map 18 Parcel 9 – DEP File #344-1360 – Restoration

G. Saab presented the restoration plan from Basbanes Wetland Consulting consisting of two swamp white oaks, three arrowwoods, three winterberries, three high bush blueberry and a wetland seed mix. No disturb boulders will be installed after the restoration along the 15' no-disturb area.

## **EXTENSION PERMIT – ORDER OF CONDITIONS 14, 16 Bond Street – Map 21 Parcels 5-31, 5-31A – DEP File #344-1293**

Documents: Letter from Liviu Rozin, Homeowner

The homeowner's have requested an extension to complete the Order of Conditions. The replication area needs to be monitored for at least one year and the two swales still need to be created.

V. Gingrich stated that the homeowners would like to make changes to the plan and the Order of Conditions but that will be discussed at a future meeting after proper advertisement.

Mrs. Whitebone, 16 Bond Street, stated that the driveway the Rozins want to change is within the 100' buffer zone and she wants to stop that future change. Janelle Edem, 12 Bond Street, stated that the Rozins had done a great deal of work at 14 Bond Street that is causing water to pool onto her property. She feels there are

several violations, including a clogged drain which 14 Bond Street is supposed to keep clear and they are not. J. Flynn stated that grading calculations and other items that may have been done will be reviewed when the Certificate of Compliance is requested. The Town Engineer and the Conservation agent will review the request and advise if the owner has completed the Order of Conditions correctly.

Mr. Whitebone said the easement should only be a 10' easement, but somehow it went to the registry as a 20' easement. The homeowners of 14 Bond Street want to expand the driveway. This will cause a hardship for the owners of 16 Bond Street as they would have to pay to move their air conditioning condenser. Mr. Whitebone said the driveway and house plans were changed from what was originally proposed.

V. Gingrich stated that this meeting is strictly for the extension of the Order of Conditions in order to complete the necessary items. Proposed amendments will be discussed at the August 2, 2017 Conservation meeting. J. Flynn advised that this will be closely reviewed when the homeowners of 14 Bond Street come to the August meeting for their modifications.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a one year extension to the Order of Conditions for 14, 16 Bond Street – Map 21 Parcels 5-31, 5-31A – DEP File #344-1293

## **DISCUSSION**

### **Review of Conservation Commission Policies**

V. Gingrich informed the Commission that Ryan Hale has accepted the position of Conservation Agent. He has thirteen years of Conservation consulting experience and is very familiar with the Wetland Regulations. V. Gingrich suggested adding the retaining walls to the Conservation Commission Policies, but then wait to update any other policies until R. Hale comes on board and has the opportunity to review the current policies. In the meantime, V. Gingrich will review the proper way to update Conservation Commission Policies- specifically, if changing the policies needs to be advertised. The Commission agreed to continue this discussion over the next few meetings.

### **CERTIFICATE OF COMPLIANCE – Frisco Road Right of Way – Map 35 - DEP File #344-508**

Documents: Photographs, dated 5/26/17

This is an old Order of Conditions that the gas company forgot to get a Certificate of Compliance for. The consultant applied for and provided all the necessary documentation for the Certificate of Compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for Frisco Road Right of Way – DEP File #344-508

**CERTIFICATE OF COMPLIANCE – Grove Avenue – Map 34 – DEP File #344-1157**

The Request for Certificate of Compliance was tabled on July 11, 2012, until the salt signs were installed. The salt signs are now installed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for Grove Avenue – Map 34 – DEP File #344-1157

**CERTIFICATE OF COMPLIANCE – Lake Street – Maps 22, 35 – Dep File #344-1163**

The Request for Certificate of Compliance was tabled on June 8, 2011, until the salt signs were installed. The salt signs are now installed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for Lake Street – Maps 22, 35 – DEP File #344-1163

**CERTIFICATE OF COMPLIANCE – Swain Road – Map 7 – DEP File #344-1164**

The Request for Certificate of Compliance was tabled on June 8, 2011, until salt signs were installed. The salt signs are now installed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for Swain Road – Map 7 – DEP File #344-1164

**CERTIFICATE OF COMPLIANCE - 7 Flynn Way – Map 61 Parcel 8G – DEP File #344-1186**

Documents: As-Built Plan of Land, dated 5/10/11

L. Roy, LJR Engineering, Inc. submitted the Request for Certificate of Compliance along with the appropriate paperwork.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 7 Flynn Way – Map 61 Parcel 8G – DEP File #344-1186

**AGENT UPDATE**

**52 Adams Street – DEP File #344-1300**

The Order of Conditions expired on July 4, 2017. Luke Roy, LJR Engineering, is working on completing the requirements and will apply for the Certificate of Compliance when all requirements are met.

**9 Factory Street – DEP File #344-1279**

The Order of Conditions expired on February 11, 2017. Michael Welch, of Quality Additions (the builder) will contact the homeowner to make sure all requirements are complete and that the Request for Certificate of Compliance is submitted.

**36 McDonald Road – DEP File #344-1170**

The Order of Conditions expired on May 7, 2017. Steve Lawrenson of Benchmark will work with homeowner to complete the requirements and submit the Request for Certificate of Compliance.

**Railroad Restoration – MBTA – Maps 90/R2 Parcels 116/11, 23B, 23C, 23F - DEP File #344-1211**

Corey Kookan of TRC Solutions emailed on June 27, 2017 and advised that DeRosa Environmental will be doing the restoration. DeRosa will start the restoration shortly, after they complete the required safety training. Restoration should start this summer and DeRosa is aware that they may have to do some replanting as needed, in the fall.

**MINUTES** – June 7, 2017

Upon motion duly made and seconded, it was

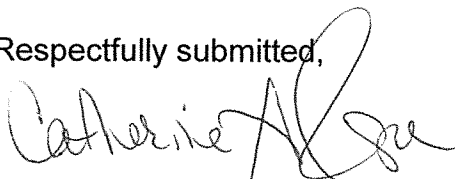
VOTED: To approve the minutes for June 7, 2017 with one (1) abstention

**ADJOURN**

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

VOTED: To adjourn the meeting at 8:30 pm.

Respectfully submitted,



Catherine A. Pepe  
Senior Clerk

