

**TOWN of WILMINGTON****DEPARTMENT OF PLANNING & CONSERVATION**121 Glen Road, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238**CONSERVATION COMMISSION MINUTES**

August 7, 2019

Theron Bradley called the meeting to order at 7:04 p.m. Laurie Finne, Vincent Licciardi, and Michael McInnis were present. Laura deWahl and Donald Pearson 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: Letter from Marquis Tree Service, dated July 9, 2019
"Plan of Lots", modified by applicant, received July 29, 2019

Present in Interest: David Hao & Lei Cao, owners

D. Hao advised that they hired an arborist (John Marquis, Marquis Tree Service) to evaluate the trees they wish to remove. Marquis Tree Service advised eight (8) of the white pine trees are within 35' of the house and one (1) white pine tree leans towards the house. J. Marquis recommends that all nine (9) trees be removed.

R. Hale stated that the original Request for Determination requested the removal of fourteen trees and that Marquis Tree Service has reduced that number to nine (9). Also that all of the trees are over 24" in diameter. L. Finne advised that the property is heavily wooded and there may not be enough room for replacement per the Tree and Vegetation Removal Policy. The Commission agreed that the applicant work with R. Hale to decide on the number of trees and/or bushes to be planted based on the available space.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 8 Lexington Street – Map 69 Parcel 82 with a condition for tree and shrub replacement as stated.

REQUEST FOR DETERMINATION OF APPLICABILITY – 5 Roosevelt Road – Map 19 Parcel 60

Documents: Request for Determination of Applicability, received July 12, 2019
Google Map Picture as modified by applicant, July 12, 2019

Present in Interest: Erin Capotosto, owner

E. Capotosto presented their project to remove an existing deck and build a 25' x 25' addition to the rear of their home. The addition would be about 60' from the wetlands and erosion controls would be installed.

R. Hale confirmed the approximate distance to the wetlands.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 5 Roosevelt Road – Map 19 Parcel 60

REQUEST FOR DETERMINATION OF APPLICABILITY – 31 Chestnut Street – Map 16 Parcel 4A

Documents: Request for Determination of Applicability, received July 19, 2019
“Plot Plan of Land”, dated May 22, 2019

Present in Interest: Scott Nolan, owner

S. Nolan presented their project to construct an 8.5' x 21.5' addition to their home. A portion of the addition will be within the 100' buffer zone. Erosion controls will be installed and maintained during construction.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 31 Chestnut Street – Map 16 Parcel 4A

REQUEST FOR DETERMINATION OF APPLICABILITY – 16 Hillside Way – Map 2 Parcel 17

Documents: Request for Determination of Applicability, received July 24, 2019
“Plot Plan”, dated June 17, 2019, modified by applicant, received July 23, 2019
Email, request to continue to the September 4, 2019 Conservation Commission Meeting

Steve Kenyon, homeowner, emailed a request to continue to the September 4, 2019 Conservation Commission Meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Request for Determination of Applicability for 16 Hillside Way – Map 2 Parcel 17 to the September 4, 2019 Conservation Commission Meeting

**REQUEST FOR DETERMINATION OF APPLICABILITY – Palmer Way & Middlesex Avenue
- Map 79 Right of Way near Parcel 101**

Documents: Request for Determination of Applicability, received July 24, 2019
“Site Plan Proposed Drainage Improvements Middlesex Ave & Palmer Way”,
July 23, 2019

Present In Interest: William Holt, Town of Wilmington, Engineering Division

W. Holt presented the drainage improvement project in the right- of-way at Palmer Way and Middlesex Avenue. The improvement involves the installation of two (2) catch basins to collect water runoff and direct the drainage to Bordering Vegetated Wetlands. Erosion controls will be installed between the curbing and the sidewalk. The new catch basins will help to alleviate the flooding that occurs in that area and will treat the runoff whereas the existing drainage does not.

R. Hale recommended that any dewatering be coordinated with the Planning & Conservation Department.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for Palmer Way & Middlesex Avenue – Map 79 Right of Way near Parcel 101 with a condition for dewatering as stated.

CONTINUED 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 continue to August 7, 2019 Conservation Commission Meeting, dated July 10, 2019
Letter, Response to Engineering Division Comments, dated July 23, 2019
Letter, Response to Planning & Conservation Comments, dated July 23, 2019
"Site Plan Phasing" set, 5 pages, received July 23, 2019
"Turning Analysis Plans", 2 pages, dated July 23, 2019
"Plans To Accompany Permitting Documents" set, 48 pages, dated July 23, 2019
Memorandum from Paul Alunni, Engineering Division, dated August 5, 2019

Present in Interest: Matthew Costa, Beals Associates
Todd Morey, Beals Associates
Peter Crocker, PGA Realty

T. Morey reviewed the project to construct four (4) buildings on the site and advised that the Planning Board has approved the project. T. Morey has reviewed the draft Order of Conditions and suggested changing Condition #33 to read that it "include all information required per Condition #44" (it currently reads Condition #43). Trees and shrubs were added per the request of the Conservation Commission at an earlier meeting. He would like to meet with R. Hale to confirm the beginning of a trail head as discussed at a previous meeting.

R. Hale asked what kind of demarcation would be used. T. Morey advised that they would use boulders from the site. R. Hale asked if the stockade fence could be lifted 6" from the ground for wildlife passage. T. Morey agreed and R. Hale said he would put that in the Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1429

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1429 with the agreed changes to the conditions.

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

Documents: Email Request to Continue to the September 4, 2019 Conservation Commission Meeting, dated July 22, 2019

Tom Liddy of Lucas Environmental emailed a request to continue to the September 4, 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 September 4, 2019 Conservation Commission Meeting

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

Documents: “Proposed Permit Site Plan” set, 10 pages, revised July 22, 2019

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

M. Juliano advised that the Planning Board approved the project at their August 6, 2019 meeting. M. Juliano asked if the demarcation in Condition #48 in the draft Order of Conditions could be vegetation along the rear of the property instead of boulders or a fence due to dense vegetation in that area.

R. Hale suggested some boulders on the “left” side for demarcation. L. Finne suggested demarcation signage as well.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1431

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1431 with the demarcation modifications as discussed

CONTINUED 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
Letter, request to continue to the September 4, 2019 Conservation Commission Meeting, dated July 24, 2019

Jon Tilton, of Williams & Sparages, emailed a letter, requesting to continue to the September 4, 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 September 4, 2019 Conservation Commission Meeting

PUBLIC HEARING - NOTICE OF INTENT – Middlesex Avenue – Right of Way near 277 & 283 Middlesex Avenue – DEP File #344-1434

Documents: Notice of Intent, received July 24, 2019
"Proposed Site Plan Middlesex Avenue Culvert Rehabilitation", dated July 23, 2019
Letter, 277 Middlesex Avenue Permission to Perform Work, dated July 25, 2019
Letter, 283 Middlesex Avenue Permission to Perform Work, dated July 25, 2019

Present in Interest: William Holt, Town of Wilmington, Engineering Division

W. Holt presented the culvert upgrade project in the right-of-way near 277 & 283 Middlesex Avenue. The proposed upgrade consists of lining the deteriorating culvert pipe with a Centrifugally Cast Concrete Liner (CCCL) that is installed inside the pipe. The liner will decrease the interior diameter of the pipe by approximately 1", but will not significantly affect the water flow through the pipe as the existing pipe is corrugated. The pipe should have about the same flow after the liner is installed. This type of upgrade eliminates the need to excavate and requires only about 100 square feet of staging on either side of the pipe for the installation. The road will not have to be closed for the installation of the CCCL. Erosion controls (hay bales and silt fencing) will be installed.

R. Hale stated that the work is within a perennial stream but it does not impact the Riverfront. He asked if any fish were present. W. Holt said he did not see the presence of any fish, though the water is low.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for Middlesex Avenue – Right of Way near 277 & 283 Middlesex Avenue – DEP File #344-1434

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for Middlesex Avenue – Right of Way near 277 & 283 Middlesex Avenue – DEP File #344-1434

PUBLIC HEARING - NOTICE OF INTENT – 45, 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading, Peabody, & Lynn Avenues – Map 10 Parcels 5, 5A, 6, 36-42, 49-51, 52A, & 53 – DEP File #344-1435

Documents: Notice of Intent, received July 17, 2019
Plan Set, 14 pages, dated May 10, 2019
Letter, from Ryan Hale, Conservation Agent, dated July 31, 2019
Memorandum from Paul Alunni, Engineering Division, dated August 7, 2019

Present in Interest: James Castellano, Lily Oak Hill LLC
Steve Eriksen, Norse Environmental Services, Inc.

S. Eriksen presented the proposed seventeen lot subdivision of which eleven lots are within the Buffer Zone or Riverfront Area. This Notice of Intent is for the subdivision roadways and the roadway drainage. The individual lots will have separate wetland applications. They have received R. Hale's and P. Alunni's comments and will address them at a later meeting.

T. Bradley asked what will be done with the existing piles of fill on the site. S. Eriksen advised that a lot of it will be removed.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 45 & 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading, Peabody, & Lynn Avenues – DEP File #344-1435 to September 4, 2019

PUBLIC HEARING - NOTICE OF INTENT – 5 Tacoma Drive – Map 68 Parcel 42 – DEP File #344-1436

Documents: Notice of Intent, received July 19, 2019
“Mass GIS Property Map”, undated, received July 19, 2019

Present in Interest: Joseph & Carla Ientile, owners

J. Ientile reviewed the progress of the restoration of Isolated Land Subject to Flooding in the backyard as noted in the Notice of Violation dated June 6, 2019. The Notice of Intent is for the replacement of a portion of the post and rail demarcation fence with a picket fence.

R. Hale asked if the wood chips have been removed. J. Ientile advised that the project was almost complete. R. Hale suggested planting five (5) or six (6) shrubs in the area where the wood chips are being removed as the rest of the area is well vegetated.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 5 Tacoma Drive – Map 68 Parcel 42 – DEP File #344-1436

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Order of Conditions for 5 Tacoma Drive – Map 68 Parcel 42 – DEP File #344-1436

PUBLIC HEARING - NOTICE OF INTENT – 910 Salem Street & Andover Street – Map R1 Parcels 28 & 30 – DEP File #344-1437

Documents: Notice of Intent, received July 24, 2019

"Benevento Sand & Stone Martins Brook Conveyor System" Plan set, dated July 2019
Memorandum from Paul Alunni, Engineering Division, dated August 7, 2019
Letter from Ryan Hale, Conservation Agent, dated August 7, 2019

Present in Interest: Frank Postma, EA Engineering Science & Technology, Inc.
William Schneider, Benevento Sand & Stone
Tim Allard, Benevento Sand & Stone

F. Postma presented the project to construct a ramp and an enclosed conveyor ramp. The ramp will allow trucks to haul material out of the quarry, up to the primary stone crusher on the north side of Martin's Brook, then onto the enclosed conveyor ramp, over Martins Brook, to the secondary crusher located on the south side of Martins Brook.

F. Postma reviewed the various stages to the project, including stormwater, but acknowledged that the Conservation and Engineering comments are extensive and will be addressed at future meetings.

T. Bradley asked for the construction schedule. F. Postma advised that the applicant is prepared to move forward as soon as the Conservation and Engineering comments are addressed.

R. Hale voiced a concern about the 55' high retaining wall over Martins Brook and the possibility of the wall failing. T. Allard advised that the retaining wall will be a pre-cast block wall that will be self-locking with adhesive, pins, and Tyvek between the blocks. Shea Concrete will engineer the retaining wall and address the safety of the 55' high retaining wall.

M. McInnis asked about the Riverfront Area impact to Martins Brook. R. Hale advised that impact to the Riverfront Area of Martins Brook is being addressed by EA Engineering.

K. McGillvray, of 6 Bates Avenue, asked if the proposed project will impact her property and if there will be additional encroachment or shifting of existing mounds towards Bates Avenue. T. Allard advised that it would not impact her property and that the existing mounds would not go any closer to Bates Avenue.

P. McGillvray, of 6 Bates Avenue, asked if the noise and dust would increase. F. Postma advised that the noise will not increase as the new ramp and new plant will have noise suppression and that the dust will not increase either.

V. Licciardi asked if the crusher and ramp are portable. T. Allard advised that the ramp is portable, but the crusher plant is stationary.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 910 Salem Street & Andover Street – Map R1
Parcels 28 & 30 – DEP File #344-1437 to the September 4, 2019 Conservation
Commission Meeting

ENFORCEMENT ORDER AMENDMENT - 1 North Street – Map 88 Parcel 68

Documents: Email, Request to Amend Enforcement Order, dated July 24, 2019
Letter, Request to Amend Enforcement Order, dated July 24, 2019
Pictures, undated, received July 24, 2019

Present in Interest: Sarah Pesanelli & Thomas Quinn, owners

S. Pesanelli advised that they are requesting an amendment to the Enforcement Order because they are losing a significant portion of their backyard that they state was lawn before the violation. She & T. Quinn would like to extend the backyard about 10'-12' along the center back and about 5' on either side and make it usable yard space. She would like to move it enough to include the catch basin into their yard which would make it easier to clean out as needed.

R. Hale reminded the Commission that the applicants were asked to submit an engineered plan to show the wetland and the lawn boundary. S. Pesanelli advised that the engineer could not get accurate numbers for that plan from the pictures they had.

R. Hale reminded the Commission that the wetland restoration was complete 2 months ago and had already begun establishing. Moving the demarcation would require moving and replanting some of the plants that had established.

T. Quinn advised that the trees and shrubs have been planted. The area they are requesting to extend the backyard to impacts two (2) shrubs and agree to move those two (2) shrubs.

L. Finne asked the shape of the current demarcation line. S. Pesanelli advised that it is a straight line. L. Finne advised that she had reviewed some street views and that the line appeared to be more curved than straight. L. Finne asked how far the current demarcation line is from the house. R. Hale advised that it is 45' at the closest point and out as far as 55' at the furthest point. L. Finne offered a compromise of moving the demarcation line 9' back in the middle and 5' on the sides.

R. Hale suggested moving the demarcation boulders on the south side to include the catch basin into the backyard, 10' in the middle and 5' along the north side. The applicants agree.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve an amendment to the Enforcement Order for 1 North Street – Map 88 Parcel 68 as agreed with the applicant

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATE 10 Boutwell Street – Map 18 Parcel 1F

Present in Interest: Eugene Ungvasky, owner

E. Ungvasky advised that he is committed to restoring the area he disturbed, but does not want to hire a wetland specialist or a surveyor. He would like to treat the entire area as wetland without delineating the land. Seven (7) pine trees were greater than 10".

R. Hale reminded the Commission that the homeowner removed seventeen trees from his property, a neighbor's property, and town property. Most of the tree removal took place within wetlands and that Mr. Ungvasky must submit a Notice of Intent to correct the violation. A surveyor is needed to draw up the plan for the Notice of Intent.

L. Finne suggested that if E. Ungvasky treats the entire area as wetlands, that he work with the R. Hale to coordinate where the approximate wetland line is and what to include in the Notice of Intent.

REQUEST FOR CERTIFICATE OF COMPLIANCE - 104 Marion Street – Map 16 Parcel 40 – DEP File #344-1409

Documents: Request for Certificate of Compliance, received July 3, 2019
"As-Built Plan", dated June 13, 2019

R. Hale advised that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 104 Marion Street – Map 16 Parcel 40 – DEP File #344-1409

REQUEST FOR CERTIFICATE OF COMPLIANCE – 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1282

Documents: Request for Certificate of Compliance, received July 9, 2019

R. Hale confirmed that the work was never started.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1282

REQUEST FOR CERTIFICATE OF COMPLIANCE – 38 Lake Street – Map 34 Parcel 158D – DEP File #344-1296

Documents: Request for Certificate of Compliance, received July 23, 2019
"As-Built Plan of Land", dated July 17, 2019

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

R. Hale advised that the owners have been mowing in the 15' setback and that the owners have agreed to not mow in the 15' setback anymore. R. Hale suggested checking in a month or two to confirm. There is a small bump out to the rear of the house that is in the 25-foot no structure setback that was not in the original house plans, but the bump out does not touch the ground. Pavers were approved for the driveway but pervious pavement were installed for the driveway instead. The pervious pavers may require an Operation & Maintenance Plan.

A. Pojasek advised that there is no foundation within the 25'-foot no structure setback. The area that is being mowed has been mowed for years. The homeowners have installed conservation posts and plantings as required.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request Certificate of Compliance for 38 Lake Street – Map 34 Parcel 158D – DEP File #344-1296

DISCUSSION

Tree & Vegetation Removal Policy – T. Bradley suggested waiting to vote on the revised policy until all the Commissioners are present and everyone has had the opportunity to offer their suggestions.

R. Hale reviewed the drafted changes for the commercial and residential parts of the policy. A draft copy of the application will be ready for the September 4, 2019 Conservation Commission meeting.

T. Bradley suggested on the first page, under Definitions, changing the wording of the Current safety hazard definition to read: "valuable property" vs. just "property". Also, on the second page, under the Conservation Agent or Director of Planning & Conservation Administrative Approval, it was suggested to put a time limit on how often an applicant can apply for administrative approval. R. Hale stated this may create an issue if an applicant hits the limit for applying and then later a tree becomes an issue.

Further input will be sought at the September 4, 2019 Conservation Commission Meeting.

Flagpole at Silver Lake – V. Gingrich informed the Commission that a flag pole is being donated for a dedication at Silver Lake on September 11, 2019. The pole will be installed in the same area as other monuments already in place. The installation requires hand digging a hole 18" wide and 24" deep. The pole will be set in poured concrete that will also be mixed by hand. The Commission did not have any questions or comments regarding the flagpole.

MINUTES – July 10, 2019

The July 10, 2019 Minutes could not be voted on due to lack of quorum from that meeting.


NEXT MEETING – September 4, 2019

ADJOURN

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

VOTED: To adjourn the meeting at 9:27 pm.

Respectfully submitted,


Catherine A. Pepe
Senior Clerk