



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

PLANNING & CONSERVATION
DEPARTMENT

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CONSERVATION COMMISSION MINUTES
September 2, 2015

Julie Flynn, Chair, called the meeting to order at 7:05 p.m. Don Pearson, Vincent Licciardi, and Laurie Finne were present. Charles Rooney III, Michael McInnis, and Sharon Kelley-Parrella were absent. Winifred McGowan, Assistant Director of Planning & Conservation, was also present.

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY –
BYRON STREET - MAP 6 road ROW**

Document: portion of plan with work sketched on; no title, date, or preparer information

The applicant did not attend. The commissioners had questions and said the meeting will be continued. Robert Gilardi, abutter, said he and the applicant have a dispute regarding the property lines and he thinks the work is proposed on his land. He does not want the work to encroach on his property. Their attorneys are trying to resolve this issue.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public meeting for Byron Street – Map 6 until October 7, 2015.

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 38
ELEANOR DRIVE - MAP 4 PARCEL 19**

Documents: Proposed Subsurface Septic Disposal System 38 Eleanor Drive dated 7/28/2015

Present in interest: Mary Trudeau, Wetland Consultant
Luke Roy, LJR Engineering, Inc.
Kristen Costa, LA Associates
Craig Newhouse, C S Newhouse Builders, Inc.

M. Trudeau presented plans to construct three single family dwellings that are in the Murray Hill subdivision. She said the septic systems have been approved by the Board of Health. This subdivision's roads and drainage are being constructed under Order of Conditions DEP File #344-1289 (OOC). Erosion controls and drainage for the individual lots were addressed in the OOC and are shown on the individual lot plans in the 3 Requests for a Determination of Applicability on this agenda. Drainage calculations did not include provision for pools. L. Roy explained that the limit of clearing is as shown in the OOC and noted that the septic system and half the house is outside the 100-foot Buffer Zone on this lot. Test holes for the infiltration systems were not done, but the soils have been well drained soils throughout the upland at this site. They will check the groundwater

in the infiltration areas. He noted that a pool area is being shown on all 3 lots, but no pool is proposed at this time.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 38 Eleanor Drive - Map 4 Parcel 19

PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 28 ELEANOR DRIVE - MAP 4 PARCEL 14

Document: Proposed Subsurface Septic Disposal System 28 Eleanor Drive dated 7/28/2015

See notes under 38 Eleanor Drive. The driveway and a corner of the septic system on 28 Eleanor Drive are in the 100-foot Buffer Zone.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 28 Eleanor Drive - Map 4 Parcel 14

PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 26 ELEANOR DRIVE - MAP 4 PARCEL 13

Document: Proposed Subsurface Septic Disposal System 26 Eleanor Drive dated 8/14/2015

See notes under 38 Eleanor Drive. On 26 Eleanor Drive the septic system and driveway are within the 100-foot Buffer Zone. In response to questions L. Roy answered that the road grade is compatible with the sidewalk and driveway grades and is shown on the Order of Conditions plan.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 26 Eleanor Drive - Map 4 Parcel 13

PUBLIC HEARING - NOTICE OF INTENT- 4 ISABELLA WAY - MAP 74 PARCEL 1D - DEP FILE #344-1317

Documents: Conservation Site Plan, 2 sheets dated 8/18/2015

Present in interest: Richard Stuart, Triton Construction

R. Stuart presented a plan to build a detached two car garage and expand the driveway. Erosion controls will be used and he will install a stormwater infiltrator to handle the rooftop runoff. There was a brief discussion regarding the groundwater protection impervious percentage allowed for the lot, about the number of garage spaces allowed by zoning, and cutting fewer trees that provide shade for the wetlands. R. Stuart stated that he has filed with the Board of Appeals for a special permit for this project. He explained that he spoke to the zoning officer regarding the garage spaces. One of his existing spaces does not meet the depth needed to fit a second car. He responded that he is planning on replanting the trees between the garage and wetlands to screen the

railroad tracks. The driveway will be pitched so that the water will be directed towards the stone trench. He was asked to connect the stone trenches into one trench.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 4 Isabella Way - Map 74 Parcel 1D - DEP File #344-1317

VOTED: To issue an Order of Conditions for 4 Isabella Way - Map 74 Parcel 1D - DEP File#344-1317

CONTINUED PUBLIC HEARING - NOTICE OF INTENT - 21 WOBURN STREET - MAP 103 PARCEL 23B - DEP FILE #344-1316

Documents: Proposed Construction #21 Woburn Street, last revised 9/1/2015
Roof Drainage Infiltration System, undated, unsigned, unstamped (provided 9/2/2015)
Driveway Details Plan-Profile, undated, unsigned, unstamped (provided 9/2/2015)

Present in interest: Mary Trudeau, Wetlands Consultant
Allen Nelson, Surveyor
Steve Doyan, owner
Daniel Fonzi, Contractor

M. Trudeau responded to the concerns from the last meeting and A. Nelson explained the drainage. The existing dwelling has a dry well where the addition will be. The drywell will be replaced with 3 infiltration units. A stone infiltration trench will be installed on both sides of the addition. Part of the driveway will be foot-deep stone. There was discussion regarding the zoning standards for the number of garage spaces allowed, for new driveways to be at or above flood elevation, and whether the owner should add a yardwastes area to the plan. M. Trudeau stated that they will have a discussion with the building inspector. M. Trudeau agreed that they would notify the Commission if the building inspector requires changes. S. Doyon said he has a composting area behind the house. Nancy Feraco, abutter, expressed concerns about the water in the area. She does not want to have flooding on her property. She would like to know who is responsible if her property floods. A. Nelson explained that his research shows that her home is not in the flood plain, although some of her lot is. He explained that provisions are in the proposal to prevent increases in flooding due to the work and explained how the proposal follows the regulations. J. Flynn stated that the Commission can only require the applicant to follow the Wetland Protection Act.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 21 Woburn Street – Map 103 Parcel 23B – DEP File #344-1316

VOTED: To issue an Order of Conditions for 21 Woburn Street – Map 103 Parcel 23B – DEP File #344-1316

OTHER BUSINESS

DISCUSSION - 3 HAROLD AVENUE - MAP 23 PARCEL 24

Document: Restoration Plan in Wilmington, MA, 3 Harold Ave, dated 8/14/2015

Present in Interest: Steve Eriksen, Norse Environmental Services
Cortney Constantino, resident

S. Ericson presented a mitigation plan. He said contours from the Town's topographic maps were superimposed to create this plan as he did not know what the contours were in 2008 when the Constantinos bought the lot. He proposed to use the 2000 elevations to return the filled floodplain to its prior elevations. They will plant a half dozen native trees and shrubs. There was a brief discussion regarding the prior grades and whether the proposed plan has the same grades. S. Ericson stated that they were. The owner would like to do the work as soon as possible to take advantage of the fall planting season. They will remove the fill then will spread loam before the planting. They will remove the retaining wall and would like to leave the shed and its retaining wall and they plan to leave the bowed-out area on the house side of the stonewall. There was discussion on getting a building permit for the shed, confirming whether the Building Inspector would require the shed be moved to meet the zoning setbacks and flood regulations, and if not, whether the Commission still would require the owner to move the shed and its wall out of the inner Riverfront Area and floodplain per the Enforcement Order. There was discussion on removing fill in the bowed out area with the horseshoe pits, on operating equipment from the uphill side of the work, on deadlines for completing specific tasks, and whether changes could be handled in the office or had to be approved by the Commission. C. Constantino replied that she put the shed in the same spot as an old shed and was told that she did not need a permit to do this. C. Constantino stated that to move the shed will void the warrantee. It would require a crane, which is a large expense, and she expected it would take about 3½ weeks before a crane could come out. She said the work could be done by September 25, 2015 if the Enforcement Order was issued right away. She agreed to contact the Building Inspector within a week and let the Commission know his decision.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order for 3 Harold Avenue - Map 23 Parcel 24

DISCUSSION - 8 RIVER STREET - MAP 44 PARCEL 150 - DEP FILE #344-1091

Present in interest: Steve Difava, owner

Steve Difava presented his plan to resolve an Enforcement Order. He stated that he will remove the bark mulch, grass, shed, and fences from abutting lots, install fence along the property line, and plant native shrubs in the disturbed areas. He asked to be allowed to keep the other shed where it is. He does not think the old shed will survive a move. He would like to keep the post and rail fence along the road to deter kids that cut through the land to get to McDonalds. He said the work can be completed this month. After discussion the Commission agreed that the shed could stay, but that any replacement had to meet the 25-foot setback per the Order of Conditions, and the post and rail fence could stay for now in front of Town land. A letter will be sent with the deadlines and additional conditions to supplement the existing Enforcement Order.

DISCUSSION - 114 WEST STREET - MAP 71 PARCELS 7, 8 - DEP FILE #344-1068

Documents: Burlington Self Storage, 114 West Street, Wilmington, MA 01887, Regrading Plan dated 8/25/2015 with additional changes after the original 8/25 plan, unsigned, unstamped, received 9/2/2015

Present in Interest: John Christopher, for Burlington Self Storage

J. Christopher presented a plan to correct slopes that were in violation of a condition of the Order of Conditions. He said he confirmed the elevations at the 15-foot no-disturb line and found that the proposed slopes can be provided within the work area. He said the stormwater basin was built 150 cubic feet larger than what was required and sufficient volume will be provided through the proposed work. He hopes to have this finished by October 7, 2015. The town engineer was satisfied with the proposed changes. W. McGowan stated that the approved plan showed the demarcation fence along the edge of the driveway pavement. That was before plans were changed to have an above ground infiltration basin; since the basin needs periodic maintenance the original location of the demarcation fence no longer makes sense.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order for 114 West Street - Map 71 Parcels 7, 8
- DEP File #344-1068

DISCUSSION – EXTENSION PERMIT - 13-15 CHURCH STREET - MAP 41 PARCELS 108, 109 - DEP FILE #344-1133

There is a request to extend the Order of Conditions DEP File #344-1133 for a year.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Extension Permit for 13-14 Church Street – Map 41 Parcels 108, 109 – DEP File #344-1133 until 1 November 6, 2016

CERTIFICATE OF COMPLIANCE - 245 LOWELL STREET - MAP 57 PARCEL 50 - DEP FILE #344-1281

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 245 Lowell Street – Map 57 Parcel 50 – DEP File #344-1281 and hold it until confirmation that a yardwastes area is installed.

CERTIFICATE OF COMPLIANCE – 24 (now 22) BEECH STREET - MAP 6 PARCEL 66A (now 66) - DEP FILE #344-1053

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 24 Beech Street – Map 6 parcel 66A - DEP File #344-1053 (for work not started)

CERTIFICATE OF COMPLIANCE - 202 BLUE JAY COURT - MAP 106 PARCEL 210 - DEP FILE #344-475

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 202 Blue Jay Court – Map 106 Parcel 210 – DEP File #344-475

AGENT UPDATE - TOWN CLEAN UP DAY, SEPTEMBER 26, 2015

Town Clean Up Day is scheduled for 8-noon on September 26, 2015, rain date October 7, 2015.

AGENT UPDATE - NEW ENGLAND TRANSRAIL'S SURFACE TRANSPORTATION BOARD FILING

Town Counsel is preparing comments on the Town's behalf on New England Transrail's (NET) filing with the Surface Transportation Board (STB) to operate at the Olin site. The STB has all new members since the prior filing. At that time NET indicated it would wait to file until EPA and Olin characterized and reached agreement on cleaning up the contamination. Comments are due September 8th.

MINUTES - June 3, 2015, July 1, 2015, August 5, 2015

Commissioners did not vote on the minutes due to quorum issues.

ADJOURN

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

VOTED: To adjourn the meeting at 9:50 pm.

Respectfully submitted,

Elizabeth Lawrenson
Senior Clerk