

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

September 4, 2019

Donald Pearson called the meeting to order at 7:01 p.m. Theron Bradley, Laurie Finne, Vincent Licciardi, and Michael McInnis were present. Laura T. deWahl was absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

**REQUEST FOR DETERMINATION OF APPLICABILITY – 16 Hillside Way – Map 2 Parcel 7**

Documents: Request for Determination of Applicability, received July 23, 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, dated July 23, 2019

The applicant was not in attendance. R. Hale suggested the following conditions be added to the Determination of Applicability: that the applicant install and maintain erosion controls until the area is stabilized, remove the stockpiles and restore the lawn and landscaped areas in the buffer zone, rake out the sediment in the Bordering Vegetated Wetlands, and seed the area with a native wetland seed mix.

T. Bradley suggested monitoring the area for one (1) year.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) and Negative (3) Determination of Applicability for 16 Hillside Way – Map 2 Parcel 7 with the conditions as stated above

**REQUEST FOR DETERMINATION OF APPLICABILITY – 277 Middlesex Avenue – Map 79 Parcel 44**

Documents: Request for Determination of Applicability, received July 26, 2019  
 Google Map, undated, received July 26, 2019  
 Google Map, modified by applicant, undated, received July 26, 2019

Present in Interest: James Ring, owner

J. Ring advised that he has re-seeded the area in the Riverfront Area as required by the Notice of Violation he received. R. Hale asked if the area had been mowed. J. Ring advised that it was mowed in error and that he has put up flags to mark off the area to avoid it being mowed in the future. R. Hale advised using some stakes to mark off where not to mow. R. Hale suggested one (1) year of monitoring on the re-planted area.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) Determination of Applicability for 277 Middlesex Avenue – Map 79 Parcel 44 with the added condition to monitor the restoration for one (1) year.

RECEIVED  
 TOWN CLERK  
 2019 DEC -5 AM 9:33  
 TOWN OF WILMINGTON, MA

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

Documents: Request for Determination of Applicability, received August 14, 2019  
"Site Locus", dated August 13, 2019  
"Exploration Location Plan with Resource Areas", dated August 13, 2019  
"Proposed Exploration Location Plan", dated August 14, 2019  
Letter from Ryan Hale, Conservation Agent, dated August 28, 2019  
Letter from GZA, Supplement to Request for Determination of Applicability, dated September 4, 2019  
"Proposed Exploration Location Plan", dated September 4, 2019

Present in Interest: Susan Bator, GZA GeoEnvironmental, Inc.  
Susan Bershad, DSM Coating Resins, Inc.  
Charles Lindberg, GZA GeoEnvironmental, Inc.

C. Lindberg advised that DSM is doing a Massachusetts Contingency Plan Assessment of an accidental release of firefighting foam at the DSM facility in January 2016. DSM is on Phase 2 of the Massachusetts Contingency Plan and is trying to evaluate the residual impact of the chemicals that were released. They propose to do soil borings and install up to six (6) monitoring wells in Bordering Vegetated Wetlands, Bordering Land Subject to Flooding and the 100-foot buffer zone on the property. Bank and Land Under Water of an intermittent stream would be crossed for access. S. Bator distributed revised documents in response to R. Hale's comment letter to DSM. C. Lindberg advised that DSM needs to use a drilling rig for soil borings and they will use the smallest rig possible to reach the excavation locations. There will be minimal impact to the wetlands. DSM has a deadline with the Massachusetts Department of Environmental Protection to submit its findings by the end of the year. DSM would like to start this work as quickly as possible to meet that deadline.

R. Hale questioned the discrepancy in the 3' width of the equipment between the RDA and specifications provided. S. Bator confirmed that it will be 5' wide as it is better suited for this application. R. Hale expressed concerns with the wetland crossing and asked if mats would be used to span the crossing. S. Bator confirmed that a mat would be used to span the crossing.

M. McInnis asked if the northern most boring could be accessed from the neighboring property as it is the most sensitive area. C. Lindberg said it could be, but permission from the abutter may not be obtained in a timely fashion and that they would try to obtain it.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (2) and (3) Determination of Applicability for 730 Main Street – Map 39 Parcel 8

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

Documents: Email, request to continue to the October 2, 2019 Conservation Commission Meeting, dated August 11, 2019

T. Liddy, of Lucas Environmental, LLC, emailed a request to continue to the October 2, 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 October 2, 2019 Conservation Commission Meeting

**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  
Letter, request to continue to the October 2, 2019 Conservation Commission Meeting, dated August 15, 2019

Jon Tilton, of Williams & Sparages, emailed a letter, requesting to continue the October 2, 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 October 2, 2019 Conservation Commission Meeting

**CONTINUED 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: Letter, from Ryan Hale, Conservation Agent, dated July 31, 2019  
Memorandum from Paul Alunni, Engineering Division, dated August 7, 2019  
Letter, request to continue to the October 2, 2019 Conservation Commission Meeting, dated August 20, 2019

S. Eriksen, of Norse Environmental Services, Inc., submitted a letter requesting to continue to the October 2, 2019 Conservation Commission Meeting.

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 – Map 10 Parcels 5, 5A, 6, 36-42, 49-51, 52A, & 53 - DEP File #344-1435 to the October 2, 2019 Conservation Commission Meeting

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

Documents: “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

Email, request to continue to the October 2, 2019 Conservation Commission Meeting, dated August 15, 2019

F. Postma, of EA Engineering, emailed a request to continue to the October 2, 2019 Conservation Commission Meeting.

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 October 2, 2019 Conservation Commission Meeting

**PUBLIC HEARING - NOTICE OF INTENT – 430 Andover Street – Map R3 Parcel 24 – DEP File #344-1438**

Documents: Notice of Intent, received August 12, 2019

Present in Interest: Shaun Bradford, applicant

S. Bradford presented his proposed Eagle Scout project to construct a 115'-120' boardwalk over Bordering Vegetated Wetlands that will connect two (2) parts of Town Forest. Supports will either be 4" x 4" or 6" x 6" posts and installed between 9" – 12" deep. Any holes will be dug by hand with a post hole digger. S. Bradford would like to start the work later this month and complete it before the ground freezes.

R. Hale advised that DEP's comment on the Notice of Intent is to rake the work area out after the construction is complete so the area is not compacted.

M. McInnis asked who will maintain the completed boardwalk. S. Bradford advised the owner of the property, Camp 40 Acres, would monitor the boardwalk and possibly ask future Eagle Scouts to make any repairs.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 430 Andover Street – Map R3 Parcel 24 – DEP File #344-1438

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 430 Andover Street – Map R3 Parcel 24 – DEP File #344-1438

**PUBLIC HEARING - NOTICE OF INTENT – 15 Congress Street – Map 7 Parcel 25 – DEP File #344-1440**

Documents: Notice of Intent, received August 14, 2019  
"Subsurface Sewage Disposal System Design Plan (Upgrade)", dated June 13, 2019

Present in Interest: Philip & Karen Salvaggio, owners

P. Salvaggio presented the proposed installation of a septic system repair in the rear of his home. R. Hale asked how the installer plans to access the area for the proposed septic system. P. Salvaggio advised that they have received permission to access his backyard through the neighbor's yard.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 15 Congress Street – Map 7 Parcel 25 – DEP File #344-1440

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 15 Congress Street – Map 7 Parcel 25 – DEP File #344-1440

**PUBLIC HEARING - NOTICE OF INTENT – 252 Woburn Street – Map 87 Parcel 13 – DEP File #344-1439**

Documents: Notice of Intent, received August 14, 2019  
"Plan of Land", dated August 8, 2019  
Memorandum from Paul Alunni, Engineering Division, dated September 3, 2019

Present in Interest: Richard Howlett, owner

R. Howlett presented the proposed addition to be built on an existing foundation. An Order of Conditions was issued several years ago for the addition, but the applicant only poured the foundation and never constructed the addition. That Order of Conditions has since expired, resulting in the owner filing a new Notice of Intent to complete the project.

R. Hale advised that the infiltration system from the previous Order of Conditions (DEP Permit #344-1100) needs to be certified by an engineer and that could be conditioned in this Order of Conditions (DEP File #344-1439).

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 252 Woburn Street – Map 8 Parcel 13 - DEP File #344-1439

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Order of Conditions for 252 Woburn Street – Map 87 Parcel 13 – DEP File #344-1439 with the added condition to confirm the infiltration system

**ORDER OF RESOURCE AREA DELINEATION EXTENSION REQUEST – 79 Nichols Street - Map 34 Parcel 29 – DEP File #344-1336**

Documents: Letter, request for 3-year Extension for Order of Resource Area Delineation, dated August 7, 2019

Present in Interest: Jill Mann, Mann & Mann, P.C.

J. Mann advised that the applicant would like a 3-year extension to the Order of Resource Area Delineation, DEP File #344-1336. The applicant is looking for an extension and then possibly to come back with changes to the wetland lines in the future. The intended project is now going to be hooked up to sewer, which requires flagging additional wetlands and a possible future amendment to the Order of Resource Area Delineation or filing a Notice of Intent based on changes to the wetland lines.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Extension Permit for 79 Nichols Street – Map 34 Parcel 29 – DEP File #344-1336 to extend the expiration for three (3) years to September 8, 2022

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 252 Woburn Street – Map 87 Parcel 13 – DEP File #344-1100**

Documents: Request for Certificate of Compliance, received August 13, 2019

Present in Interest: Richard Howlett, owner

R. Hale advised that the foundation for the proposed addition is complete, but the addition itself was never constructed. The Certificate of Compliance is requested for the foundation and some restoration work that was done. The installation of the infiltration system was not confirmed. R. Hale suggested a partial certificate for the foundation and restoration only and to add the confirmation of the infiltration system to the new Order of Conditions that the owner has applied for.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a partial Certificate of Compliance for 252 Woburn Street – Map 87 Parcel 13 – DEP File #344-1100

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 7 Avon Street – Map 9 Parcel 35A – DEP File #344-440**

Documents: Request for Certificate of Compliance, received August 14, 2019  
Email from Ryan Hale, Conservation Agent, dated August 26, 2019

Present in Interest: Robert Peterson, Esquire

R. Peterson advised that the request for Certificate of Compliance was submitted then unbeknownst to him, it was withdrawn. A site visit with R. Hale showed variations and some resolutions were discussed. R. Hale sent R. Peterson an email concerning the site and what needed to be corrected and the owner has agreed to make the corrections. There was approximately 30' of additional pavement installed than was originally permitted and the required stone was never installed at the end of the driveway. There are some boulders missing from the demarcation line and debris and firewood needs to be removed from beyond the demarcation line. The owner has agreed to correct the items.

D. Pearson asked if the owner had a timeframe for completing the work. R. Peterson advised as soon as possible. The owner will put a stone trench at the end of the driveway (where it was extended beyond the approved plan) to handle the runoff in lieu of removing the additional pavement.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 7 Avon Street – Map 9 Parcel 35A – DEP File #344-440 but hold for completion of the conditions

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 202 Federal Street – Map 76 Parcel 10A – DEP File #344-1261**

Documents: Request for Certificate of Compliance, received August 20, 2019

R. Hale advised that the demarcation is further from the wetlands than approved and that a pile of grass clippings was removed. All other conditions were met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 202 Federal Street – Map 76 Parcel 10A – DEP File #344-1261

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 14 Kansas Road – Map 36 Parcel 186 – DEP File #344-1116**

R. Hale advised that all conditions have been met and that the new owners have acknowledged receiving a copy of the Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 14 Kansas Road – Map 36 Parcel 186 - DEP File #344-1116

**EMERGENCY CERTIFICATE – 6 Perry Avenue – Map 58 Parcel 21**

R. Hale issued an Emergency Certification for two (2) dead and hazardous trees.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certificate for 6 Perry Avenue – Map 58 Parcel 21

**NOTICE OF VIOLATION  
10 Pond Street – Map 34 Parcel 146**

R. Hale advised that a large driveway expansion, a patio, a fence, a dock, and roadway drainage structures were installed without approval on a property adjacent to Silver Lake. The driveway expansion occurred in Bordering Vegetated Wetlands, and the other activities occurred in the 100' buffer zone and 15' no disturb setback. The required demarcation fence is down and the drainage that was installed intercepts a pipe that flows directly to Silver Lake. About 1/3 of an infiltration swale that was installed along the back side of the house is now covered by a patio. The property is in the Groundwater Protection District and much of the work is also within the 15' no disturb setback. Multiple permits will be required to bring the property into compliance and several Town departments will have to coordinate the permitting with the owner before the owner submits a wetland application.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 10 Pond Street – Map 34 Parcel 146

**NOTICE OF VIOLATION**

**7 Sachem Circle – Map 27 Parcel 14F**

Present in Interest: Bob & Laura Berg, owners

R. Berg advised that Norse Environmental Services has flagged the wetlands and that Doug Lees of Land Engineering & Environmental Services will have the plans drawn up in time for the October 2, 2019 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 7 Sachem Circle – Map 27 Parcel 14F

**NOTICE OF VIOLATION**

**18 Kenwood Avenue – Map 59 Parcel 23**

R. Hale advised that the homeowner cleared vegetation, installed fill, and installed drainage pipes on his property in an attempt to improve the drainage on his property. The homeowner will have the wetland line flagged, determine how much of the wetlands were affected, and then restore the wetlands he disturbed.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 18 Kenwood Avenue – Map 59 Parcel 23

**NOTICE OF VIOLATION**

**687 Main Street – Map 39 Parcel 11A**

R. Hale advised that the rear parking area was originally compacted gravel and then the owner paved it without approval. The property is in the Groundwater Protection District and the paving is considered an allowable use. The property owner will move forward with submitting an after-the-fact application to bring the area into compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 687 Main Street – Map 39 Parcel 11A

**NOTICE OF VIOLATION**

**6 Gatehouse Lane – Map 28 Parcel 11**

R. Hale advised that six (6) large trees were removed. The homeowner has already started work on submitting a Request for Determination of Applicability in time for the October 2, 2019 Conservation Commission Meeting to correct the violation.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 6 Gatehouse Lane – Map 28 Parcel 11

**ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATE**



**773 Salem Street – Map 101 Parcel 3** – Shea Concrete has removed the fill from the wetlands and the area has been seeded and the restoration is progressing well. Shea Concrete will keep us updated.

**140 Lowell Street – Map 49 Parcel 1**- LJR Engineering is working on a Notice of Intent that should be ready for submittal soon. The demarcation fence is working well and keeping materials out of the wetlands.

#### **DISCUSSION**

**Tree & Vegetation Removal Policy** – R. Hale added the requested “valuable” in the Immediate Safety Hazard description and “municipal” in the Commercial, Industrial, and Multi-Family Residential Properties section as well as highlighted “25 percent” in the same section. He is still finalizing the Recommended Plant Species List and will have it completed by the next meeting. The Request for Administrative Tree or Shrub Removal application is complete and ready for approval.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Tree and Vegetation Removal Policy with the suggested changes.

**Town Cleanup Day** – R. Hale advised that Town Clean-Up Day is September 21, 2019.

**Potential Eagle Scout Project** - Hayden Kane advised the Commission that he is a Boy Scout and would like to complete a difficult and prestigious achievement award. This award is the equivalent of four (4) large scale projects that are equal to an Eagle Scout project. He is researching some ideas and wanted to observe a Conservation Commission Meeting.

#### **MINUTES – July 10, 2019**

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the July 10, 2019 Conservation Commission Meeting with 1 abstention

#### **MINUTES – August 7, 2019**

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the August 7, 2019 Conservation Commission Meeting with 1 abstention

#### **NEXT MEETING – October 2, 2019**

#### **ADJOURN**

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

VOTED: To adjourn the meeting at 8:43 pm.

Respectfully submitted,

Catherine A. Pepe  
Senior Clerk

