



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

PLANNING & CONSERVATION
DEPARTMENT

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CONSERVATION COMMISSION MINUTES
September 6, 2017

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

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY-
1 Murray Hill Circle – Map 4 Parcel 37**

Documents: Proposed Subsurface Septic Disposal System, dated August 14, 2017

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the project, which entails construction of a subsurface sewage disposal system and associated grading for a single-family home, stating that the home is outside the 100' wetland buffer. The septic system, located 90' from the wetlands, and the driveway were approved via a Superseding Order of Conditions issued for the subdivision. The future pool is graphical only.

R. Hale noted that everything is more than 50' away from the wetlands and that the entire project falls under the National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit (CGP).

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 1 Murray Hill Circle
– Map 4 Parcel 37

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY-
3 Murray Hill Circle – Map 4 Parcel 36**

Documents: Proposed Subsurface Septic Disposal System, dated August 14, 2017

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the project, which entails construction of a subsurface sewage disposal system and associated grading for a single-family home, stating that the home is outside the 100' wetland buffer. The septic system, located 99' from the wetlands, was

approved via a Superseding Order of Conditions issued for the subdivision. The future pool is graphical only.

R. Hale noted that everything is more than 50' away from the wetlands and that the entire project falls under the NPDES CGP.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 3 Murray Hill Circle
– Map 4 Parcel 36

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY-
5 Murray Hill Circle – Map 4 Parcel 35**

Documents: Proposed Subsurface Septic Disposal System, dated August 14, 2017

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the project, which entails construction of a subsurface sewage disposal system and associated grading for a single-family home, stating that the home is outside the 100' wetland buffer. The septic system, located 92' from the wetlands, was approved via a Superseding Order of Conditions issued for the subdivision. The future pool is graphical only.

R. Hale noted that everything is more than 50' away from the wetlands and that the entire project falls under the NPDES CGP.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 5 Murray Hill Circle
– Map 4 Parcel 35

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY-
7 Murray Hill Circle – Map 4 Parcel 34**

Documents: Proposed Subsurface Septic Disposal System, dated August 14, 2017

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the project, which entails construction of a subsurface sewage disposal system and associated grading for a single-family home, stating that the home is outside the 100' wetland buffer. The septic system has been approved. The future pool is graphical only.

R. Hale noted that everything is more than 50' away from the wetlands and that the entire project falls under the NPDES CGP.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 7 Murray Hill Circle
– Map 4 Parcel 34

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

Documents: Proposed Industrial Building Plan, 10 pages, revised August 18, 2017
Memo from Paul Alunni, Town Engineer, dated September 5, 2017
Letter from Andrew Pojasek, Dana F. Perkins, Inc., dated September 5, 2017

A. Pojasek's letter requested to continue the public meeting until October 4, 2017.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public meeting for 319A Andover Street – Map R1 Parcel 118

EXTENSION PERMIT – ORDER OF CONDITIONS – 110 Eames Street – Map 47 Parcel 17 – DEP File #344-1249

Documents: Letter from Atty. Robert Peterson, Dated August 30, 2017

Present in Interest: Atty. Robert Peterson

R. Peterson is requesting a six (6) month extension to the Order of Conditions to install the bins for landscape materials storage. The delay in installing the bins is due to their size and that only a few can be delivered and installed at the same time. The work will be complete this fall, but the owner is asking for a six (6) month extension as a precaution. R. Peterson also stated that rip-rap was added to the stormwater basin outfall as requested by the Conservation Agent during a previous site visit.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a six (6) month Extension Permit for 110 Eames Street – Map 47 Parcel 17 – DEP File #344-1249

PUBLIC HEARING – NOTICE OF INTENT – 6 Coolidge Road – Map 96 Parcel 87- DEP File #344-1365

Documents: Notice of Intent Site Plan, dated August 15, 2017
Email from Steve Holland, Dresser, Williams, & Way, Inc., dated August 21, 2017

R. Hale stated that he reviewed the application and determined that the project does not require approval since the adjacent intermittent stream is non-jurisdictional. After notifying the applicant, the applicant emailed and asked to withdraw the application.

Upon motion duly made and seconded, it was unanimously

VOTED: To withdraw the Notice of Intent for 6 Coolidge Road – Map 96 Parcel 87 – DEP File #344-1365 without prejudice

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 375 Ballardvale Street – Map R3 Parcel 50A – DEP File #344-1363

Documents: Letter from Meridian Associates, dated August 23, 2017
 Supplemental Wetland Information, dated August 22, 2017
 FedEx Ground – Site Improvement Plans, 6 pages, revised August 21, 2017
 Memo from Paul Alunni, Town Engineer, dated July 28 2017
 Letter from Meridian Associates, dated August 31, 2017
 Grading Drainage and Utility Plan, revised August 31, 2017
 Email from Paul Alunni, Town Engineer, dated September 6, 2017

Present in Interest: Drew Garvin, Meridian Associates

D. Garvin reviewed the project consisting of renovating the guard shack, building a storage locker for employees' belongings, repaving the parking lot, improving the stormwater infrastructure, and installing outlet protection at one of the outfalls. Some of the existing catch basins have sumps and hoods, but many do not. They will correct this on as many of the catch basins as they can. The maintenance plan addresses a scheduled cleaning of all catch basins. They have re-sized the units to handle 1" of flow and made the other changes as requested by P. Alunni, Town Engineer.

R. Hale stated that P. Alunni is satisfied with the stormwater plan revisions. D. Garvin noted they would repair the wall near the outfall that will receive outfall protection, which was added to the plans as a note in addition to a couple of dry wells. R. Hale recommended that the outfall protection be stipulated in the Order of Conditions and that approval be required from P. Alunni and the Conservation Agent prior to construction. R. Hale mentioned that there is a considerable amount of trash and debris and asked that it be cleaned up and install signs stating "no dumping" along the edge of the parking areas. The mapped intermittent stream near the project that was prescribed Riverfront Area due to its watershed size, has been documented to in fact be an intermittent stream in accordance with the Wetlands Protection Act.

Portions of the draft Order of Conditions will be corrected to reflect the correct plan, the outfall protection, the debris removal, and the no dumping signs.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 375 Ballardvale Street – Map R3 Parcel 50A – DEP File #344-1363

VOTED: To issue an Order of Conditions for 375 Ballardvale Street – Map R3 Parcel 50A – DEP File #344-1263

CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 100, 102 & 104 West Street – Map 1 Parcels 3, 4, & 5 – DEP File #344-1362

Documents: Alltown Market Convenience Store and Fueling Station Plans, 31 pages, revised August 21, 2017
 Memo from Paul Alunni, Town Engineer, dated September 5, 2017
 Letter from Atty. Michael J. Newhouse & Associates, PC, dated September 6, 2017

Atty. Michael J Newhouse submitted a letter requesting to continue the hearing until the October 4, 2017 meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 100, 102, & 104 West Street – Map 1
Parcels 3, 4, & 5 – DEP File #344-1362 to October 4, 2017

**CONTINUED PUBLIC HEARING-REQUEST TO AMEND ORDER OF CONDITIONS
40-50 Fordham Road – Map 91/99 Parcels 131 & 131A/1 – DEP File #344-1354**

Documents: Letter from Richard J. O'Connell, dated August 14, 2017
Grading and Drainage Plan, revised July 19, 2017
Email from Paul Alunni, Town Engineer, dated September 6, 2017

Present in Interest: Richard O'Connell, RJ O'Connell & Associates, Inc.

R. O'Connell stated that RJ O'Connell submitted test pit results to P. Alunni, Town Engineer, which resulted in the need to modify proposed stormwater basin grades based on identified groundwater depths. These revisions triggered a request to amend the Order of Conditions because it is within the 100' Buffer Zone. R. Hale stated that the exterior footprints of the basins have not changed, just some of the elevations. P. Alunni, Town Engineer, stated that the he has no comments on the revisions.

VOTED: To close the public hearing for 40-50 Fordham Road – Map 91/99 Parcels
131 & 131A/1 – DEP File #344-1354

VOTED: To issue an Amended Order of Conditions for 40-50 Fordham Road –
Map 91/99 Parcels 131 & 131A/1 – DEP File #344-1354

**CONTINUED PUBLIC HEARING – REQUEST TO AMEND ORDER OF CONDITIONS
– 14-16 Bond Street – Map 21 Parcels 5-31 & 5-31A – DEP File #344-1293**

Documents: Letter from LJR Engineering, dated August 23, 2017
Interim As-Built/Modification Plan, revised August 23, 2017
Interim As-Built/Modification Plan, revised September 6, 2017
Letter from Norse Environmental Services, dated August 18, 2017
Letter from Michael Welch, dated August 23, 2017
Memo from Paul Alunni, Town Engineer, dated September 1, 2017
Letter from Robert & Linda Whitebone, dated September 6, 2017

Present in Interest: Michal and Liviu Rozin, owners
Luke Roy, LJR Engineering

M. Rozin presented the revised plans, including modifying the shallow stormwater depressions, relocating the yard waste compost area and snow storage areas, relocating and extending the demarcation fence, widening the existing driveway from 10' to 13' and adding 2' of crushed gravel/stone within the 20' wide easement, widening the end of the driveway near the house to approximately 40', and the revised wetland replication area. The Wilmington Board of Health has approved the revised plans. L. Roy updated the stormwater calculations to reflect the proposed conditions, showing sufficient stormwater capacity without having to incorporate a stone infiltration trench.

R. Hale summarized P. Alunni's comments. P. Alunni requested that the easement be staked every 25' to ensure where the easement lies during any work and remove them when the work is complete. The grading needs to maintain a 3:1 slope or less along the north easterly edge of the proposed driveway edge to tie into the existing grade. V. Gingrich stated confirmation of the grade will be done in the field and that if the grading goes beyond the approved limits they will have to appear in front of the Conservation Board again.

V. Gingrich stated that she reviewed the proposed wetland replication area and has a concern on how the equipment will access the proposed area. She asked that the applicant advise the Conservation office what type of equipment will be used and how the area will be accessed in order to minimize impacts to the 100-foot buffer zone. R. Hale suggested the Rozins have a wetland scientist confirm the final grading and anticipated groundwater level is acceptable to plant wetland species. He would like to see quantity and species type mapped out before anything is planted. M. Rozin asked that he email exactly what the Conservation office will be looking for and it will be forwarded to their wetland specialist.

S. Kelley-Parrella asked if the owners will remove the existing driveway then replace it. M. Rozin stated their decision will be cost driven. V. Gingrich stated that the milling and repaving of the driveway will not be part of this hearing and just the expansion of the driveway will be addressed at this hearing. V. Gingrich also stated that a Draft Amended Order of Conditions has been prepared.

V. Licciardi thought that approving the plan as is may not satisfy the homeowners. J. Flynn asked why the 2' of gravel is needed. M. Rozin wants the 2' of gravel to act as a buffer between the existing vegetation and the driveway, not for drainage. L. Finne asked if the homeowners would consider not putting the gravel down and the Rozins said no. V. Gingrich stated that the homeowners may have to re-apply to rip up and replace the driveway, but that it may also be exempt or otherwise allowed without a filing.

Michael McCoy asked L. Roy how many deviations there were from the original drawings and that he counted at least seven (7). L. Roy stated that some stormwater calculations were revised due to the change in the house. M. McCoy asked if an Enforcement Order should have been issued. J. Flynn stated that a Certificate of Compliance was not issued so no inspections were made until recently. M. McCoy questioned a 50% increase in the driveway and asked why the homeowners wish to widen the existing snow storage area.

V. Gingrich stated that the driveway expansion does not seem to impact the wetlands and that the Commission can only address the wetlands, not any legal issues.

Linda Whitebone, 16 Bond Street, asked why the Rozins want a 15' wide driveway. Robert Whitebone, 16 Bond Street stated that the original Order of Conditions did not address the driveway and asked why the expansion is being added. He would like to close out the original Order of Conditions before addressing the driveway expansion.

F. Flynn reiterated that the legality issues are beyond the scope of the Conservation Commission.

L. Finne asked about permeable pavement. L. Rozin stated that they researched this and it is a short term solution, not a long term solution. R. Bradley would like the condition added that this does not allow to repave the driveway, just an overlay. V. Gingrich stated the decision should be made based on the current plan and further research into the Wetland Protection Act regulations is needed regarding the permitting involved in re-paving the existing driveway.

L. Whitebone stated that she thought voting would take place for each individual condition. V. Gingrich stated that any amendments are voted on in their entirety.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 14-16 Bond Street – Map 21 Parcels 5-31 & 5-31A – DEP File #344-1293

VOTED: To issue an Amended Order of Conditions for 14-16 Bond Street – Map 21 Parcels 5-31 & 5-31A – DEP File #344-1293

CERTIFICATE OF COMPLIANCE – 6 Chisolm Way – Map 11 Parcel 61L – DEP File #344-1301

Documents: Letter from Christopher Harbert & Laura Serafino, dated August 4, 2017

The applicants sent a letter stating that the work described in the Notice of Intent was never performed. The owners therefore request a Certificate of Compliance with Invalid Order of Conditions checked off. R. Hale confirmed that the work described in the Notice of Intent was never performed.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 6 Chisolm Way – Map 11 Parcel 61L – DEP File #344-1301

CERTIFICATE OF COMPLIANCE – 42 Ashwood Avenue – Map R4 Parcel 110 – DEP File #344-1236

Documents: Letter from ESS, dated August 4, 2017
Existing Conditions Plan, dated August 4, 2017

ESS submitted the Request for Certificate of Compliance along with the appropriate paperwork. R. Hale confirmed that everything was in order at this site.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 42 Ashwood Avenue – Map R4 Parcel 110 – DEP File #344-1236

CERTIFICATE OF COMPLIANCE – 44 Ashwood Avenue – Map R4 Parcel 111 – DEP File #344-1237

Documents: Letter from ESS, dated August 7, 2017
Existing Conditions Plan, dated August 7, 2017

ESS submitted the Request for Certificate of Compliance along with the appropriate paperwork. R. Hale confirmed that everything was in order at this site.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 44 Ashwood Avenue – Map R4 Parcel 111 – DEP File #344-1237

CERTIFICATE OF COMPLIANCE – 50 Ashwood Avenue – Map R4 Parcel 114 – DEP File #344-1299

Documents: Letter from ESS, dated July 25, 2017
Existing Conditions Plan, dated July 24, 2017

ESS submitted the Request for Certificate of Compliance along with the appropriate paperwork. R. Hale confirmed that everything was in order for this site.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 50 Ashwood Avenue – Map R4 Parcel 114 – DEP File #344-1299

CERTIFICATE OF COMPLIANCE – 10 Burt Road – Map 30 Parcel 31 – DEP File #344-1328

Documents: Letter from LJR Engineering, dated August 10, 2017
As-Built Plan, dated June 26, 2017

LJR submitted the Request for Certificate of Compliance along with the appropriate paperwork. R. Hale confirmed that the grass clippings were removed and that everything else was in order at this site.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 10 Burt Road – Map 30 Parcel 31 – DEP File #344-1328

CERTIFICATE OF COMPLIANCE – 9 Factory Street – Map 27 Parcel 4A – DEP File #344-1279

Documents: Letter from LJR Engineering, dated August 10, 2017
As-Built Plan, dated December 17, 2014
Interim As-Built Floodplain Volume Calculation Plan, dated January 9, 2015
Letter from Al Spaulding, Town Inspector of Buildings & Zoning Enforcement Officer, dated September 6, 2017

LJR submitted the Request for Certificate of Compliance along with the appropriate paperwork.

R. Hale stated that the current site conditions do not meet the approved conditions on the as-built plan submitted by LJR Engineering. The house is not in the flood-plain, but the rest of the yard is. The current owners will have to either remove the stockade fence, play area and the shed placed in the floodplain, or compensate for the volume of material placed below the Base Flood Elevation. If compensation is proposed, the owners would need to withdraw the current Request for a Certificate of Compliance, apply to Amend the Order of Conditions to reflect current conditions, and depict floodplain compensation. Once that is complete, they can close out the Order of Conditions and reapply for a Certificate of Compliance.

V. Gingrich advised that approval from the Board of Appeals may also be required. S. Kelley-Parrella encouraged Jeremy Ray, the homeowner, to hire an engineer to guide him through the process and provide the necessary calculations. J. Ray then withdrew the request for a Certificate of Compliance.

Upon duly made and seconded, it was unanimously

VOTED: To accept the withdrawal of the Certificate of Compliance for 9 Factory Street – Map 27 Parcel 4A – DEP File #344-1279

CERTIFICATE OF COMPLIANCE – Chestnut Street – Map 13 Parcel 2A – DEP File #344-1331

Documents: Letter from Tight & Bond Engineers, August 18, 2017
Proposed Restoration & Maintenance Plan, dated June 2016

Tighe & Bond submitted the Request for Certificate of Compliance along with the appropriate paperwork. R. Hale stated that this is a restoration project for an existing utility easement and that all areas are well vegetated and meet the compliance standards.

Upon duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for Chestnut Street – Map 13 Parcel 2A – DEP File #344-1331

AGENT UPDATE – Town Clean Up Day, Saturday, September 23, 2017

R. Hale advised that he and Carolyn Cronin have been visiting the potential sites for Clean Up Day. Pfizer Inc. of Andover would like to participate in Clean Up Day as a team building exercise, but can't make it on September 23rd. They have arranged to clean up the Town Forest the afternoon of Tuesday, September 12, 2017 instead. This year participants will be given flagging to mark where hypodermic needles are found and then advise the Conservation Department where they are located. The Conservation Department will then contact the appropriate authorities to retrieve the needles. The DPW will provide trash bags and some gloves. Trash will be left in pre-determined areas for the DPW to pick up the beginning of the following week.

MINUTES – August 2, 2017

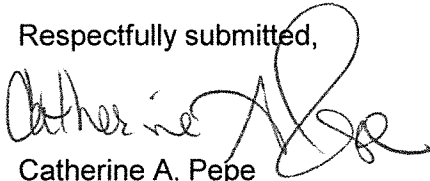
VOTED: To approve the revised minutes for August 2, 2017 meeting

ADJOURN

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

VOTED: To adjourn the meeting at 9:15 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe", written over the printed name.

Catherine A. Pepe
Senior Clerk