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TOWN of WILMINGTON

TOWN OF WILMINGTON, MA

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

CONSERVATION COMMISSION MINUTES

November 3, 2021

Donald Pearson called the meeting to order at 7:02 p.m. Theron Bradley, Vincent Licciardi, Michael McInnis, Nestor John Salazar, Laura deWahl and Alexander Rittershaus were also present. Valerie Gingrich, Director of Planning & Conservation, Cameron Lynch, Conservation Agent, and Jayne Wierzbicki, Senior Clerk of Planning & Conservation were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 90 Eames Street – Map 38 & 24 Parcels 3A & 121

Documents: Letter from Alexander H. Patterson, EA Engineering, Science, and Technology, Inc., PBC, dated October 19, 2021
Request for Determination of Applicability application dated October 19, 2021
“Existing Conditions” Plan dated October 2021

Present in Interest: Alexander Patterson, EA Engineering, Science, and Technology, Inc., PBC

A. Patterson stated that the delineation conducted Spring 2021 found no wetlands at the site itself, all impervious surfaces, and identifying two (2) stormwater features on adjacent parcels. Requesting to confirm that the delineation is correct. Request concurrence to the Commission, as a result of the delineation, that there are no wetlands on site.

D. Pearson asked if there has been a peer review.

C. Lynch stated that the quote was sent to A. Patterson this afternoon. Once funds are received for the peer review, the work can begin.

A. Patterson stated that the applicant agrees, and they will send funds after the meeting, November 4, 2021.

D. Pearson asked if the meeting should be continued to the December 1, 2021 Conservation Commission meeting. C. Lynch agreed.

Upon motion duly made by T. Bradley and seconded by M. McInnis, it was unanimously

VOTED: To continue the Public Meeting for 90 Eames Street – Map 38 & 24 Parcels 3A & 121 to the December 1, 2021 Conservation Commission meeting.

PUBLIC HEARING – NOTICE OF INTENT – 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP FILE #344-1492

Documents: Notice of Intent application and narrative, dated October 2021, received October 20, 2021

"Operation and Maintenance Control Plan" dated October 2021, received October 20, 2021

"Plans to Accompany Permit Documents" dated October 7, 2021

Stormwater Management Report, dated October 2021, received October 20, 2021

Present in Interest: Ben Masselink, DIV 36-38 Upton LLC c/o The Davis Company, Applicant/Owner
Larry Beals, Beals Associates, Inc.
Mathew Costa, Beals Associates, Inc.
Dan Ray, Jewett Construction
Greg Stewart, Jewett Construction

L. Beals stated that the ownership of the property is the Davis Company, briefly introduced the team attending the meeting, and discussed what will be presented along with a visual aid.

B. Masselink gave a description of the Davis Company, stated that tenants have been interested in light industrial, manufacturing, and other uses. The site was acquired in March of 2021, looking to make some design changes.

M. Costa referred to the visual aid for most of the presentation. Gave a brief introduction on the development area, noted that there is residential area to the side of the site, industrial and commercial properties surrounding the site area, as well as close proximity to the highway. Showed the approved plan from the 2019 project, four (4) total buildings, three (3) primary industrial warehouse buildings, and a smaller flex building to the side, the two (2) square shaped buildings which are 60,000-70,000 sq. ft., and 90,000 sq. ft. for the larger building. What the plans show now are two (2) longer buildings. He advised that tenants are looking for large warehouse industrial buildings, more loading docks with the rectangular buildings. The new plan provides better truck turning and better circulation, it is also more tenant friendly. Meets zoning requirements for parking; 175 spaces for one building, 185 to 186 spaces for Building B, and includes 53 spaces in the remote lot, which was previously used by an abutter, but is no longer needed. No changes to Building C. Shows a comparison of the two sites 2019 vs. now; there is a decrease in the footprint size, a little over 20,000 sq. ft. less. 13% mezzanine space is added for each building, excluding Building C. There will be an increase of 7,000 sq. ft. which includes 18 more parking spaces and 10 more loading spaces. There will also be a slight decrease in open space but an increase for landscaping. There are two big changes; the main access drive for circulation, there was a challenging intersection before, now the road is aligned and more of a straight line from Jonspin Road Extension, trucks can now have a much smoother and safer turn into the entrance. The second big change is to remove stream crossing to the side, which reduces impact to resource areas and provides better circulation for the site. Other significant changes: they wanted to stay within the 2019 footprint and to not expand too much, except for the realignment of the roadway to provide better circulation while also changing and improving fire access around the building. Resource area and buffer zone impact with the realignment of the road, increase 6,000 sq. ft. impact within the 100' buffer zone, 3,000 sq. ft. more within the 50' buffer zone, total increase of about 9,000 sq. ft. of impact in the one area. Stated that the biggest impact is the realignment of the road, also working on the detention basin within a portion of the site, expanding it for stormwater. Intermittent stream runs down the side of the property, cuts through and fed by wetland area to the North, reduced impacts by pulling out the access road so the stream is not crossed and can be protected. A small increase in the 100' buffer, but the 15' no disturb, direct resource area is better protected. Direct resource area impact can see the changes, 15' no disturb they will stay out of by pulling out the access road. Overall, there is 3,000 sq. ft. more of impact, the reduction is in the 50' buffer and the 15' no disturb.

M. McInnis asked about the 43,000 to 42,000 reduction in the 100' buffer zone on the table in the presentation.

M. Costa stated that the table showed a mistake, but the diagram shows the correct numbers. The public water supply is not impacted directly, they are providing stormwater BMPs (Best Management Practices), protection of the groundwater supply, removal of total suspended solids (TSS), open air infiltration and subsurface infiltration systems, and the site is not within the flood zone. Storm damage prevention and reduction in stormwater prevention, reduction in pollution with TSS removal. The impact is over an acre of land, so they will be filing with the EPA (Environmental Protection Agency) for a general construction permit. SWPPP (Stormwater Pollution Prevention Permit) inspections with the Operation and Maintenance plan, this includes street sweeping and cleaning of the stormwater systems. The flow in the intermittent stream is low. There is a vernal pool located off to the back, but it is well away from the development area, it is located within the center of the wetland area. There was a vernal pool created when putting in the sewer line, blasting occurred which fractured the bedrock, draining the vernal pool, it has now been decertified. Regarding stormwater systems, infiltration systems are highlighted on the display, there are four (4) throughout. The large detention systems underground, subsurface systems, are necessary to control the rate of runoff as it leaves the site. Water is held in detention systems and then slowly released throughout the control structures. There are a few open-air infiltration ponds with a slight expansion of the existing detention basin. Overall drainage systems and water quality units are highlighted on the display. For the utilities, there are three (3) points of connection, one from a water main that comes off Ashwood Avenue, and two points of connection from the water main in Upton Drive. They will tap into the existing sewer that runs through the two buildings and tie it back to Ballardvale Street. Gas connects to the existing gas in Upton Drive, existing utility poles run along the bottom of the property, for standard electrical. There is an increase in landscaping; 178 trees and about 230 total shrubs. There is the 20' landscape buffer along the residential area which includes dense screening of White Spruce trees, Sycamore and Birch trees lining the street. Planting shrubs along the 15' no disturb buffer as a demarcation of the no disturb area, the shrubs are wetland species, Highbush Blueberries and Sweet Pepper bush. Shrubs along intermittent stream 15' no disturb buffer, along with boulders every five feet along the 15' no disturb buffer. There will be some blasting for shallow bedrock around Building B, using those stones to demarcate that line for the resource area.

L. Beals stated that they met with the Planning Board November 2, 2021, the hearing was continued, there is no DEP file number yet. The Stormwater Management is currently being reviewed by the Town Engineer.

C. Lynch asked about both entrance driveways and the retaining wall inside the 25' no build setback about 17' and 16' respectively, stated it is something for the Commission to consider.

N. Salazar asked about the parking easement in the corner of the map, where the proposed road cuts close to the 15' no disturb. Regarding winter maintenance, the plans say there will be no snow against the buildings, limited snow storage on site, and use silt barriers on downward slopes during the winter; asked what kind of snow removal, if it is plowing, the snow could get pushed down in the 15' no disturb. Also asked about salt usage, which could be pushed into the no disturb zone as well. Stated that there was no plan for snow removal regarding salt usage, advised to post signage along the road stating that snow should not be piled in that zone.

M. Costa stated that signage can be added for the area that is close to that 15' no disturb buffer zone. Stated that snow storage is limited.

N. Salazar stated concern about excessive salt usage and how it could impact the wetlands.

L. Beals stated that snow storage and salt usage can be added to the O&M (Operation & Maintenance) plan, the intent is to not plow snow into the wetlands. N. Salazar stated that he could not find specifics in the plans. L. Beals stated that the extra snow gets hauled offsite.

A. Rittershaus stated that they mentioned an overall increase in the footprint between the 2019 approved plan and an increase in the 15' no disturb and 100' buffer, asked to see the plans and the numbers again.

M. Costa stated that the first is a 9,000 increase along the northern wetland resource area; 6,000 sq. ft. in the 100' buffer and a 3,000 sq. ft. in the 50' buffer, there is an overall decrease within all the buffer zones, does become a slight increase in the 100' buffer due to the realignment of the road.

V. Licciardi asked how to deal with the 17' retaining wall when it should be 25'.

M. Costa stated that there will be a fence at the top for safety measures and provide a stockade fence at the bottom, along the residential properties. There will also be a guardrail anywhere that runs along a steep slope.

V. Gingrich stated that V. Licciardi is referring to the proximity of the retaining wall to the wetland and the stream. It is one of the changes from 2019 to the current revised plan. Because the driveways changed locations, they did a tradeoff where they are not impacting as much resource area or buffer zone, but to avoid the stream and to shift the other driveway, they will put a wall closer to wetlands. The impacts are different, they are not crossing the stream anymore, but to keep it on that side of the stream they have to put a retaining wall within 16'-17'. The tradeoff the Commission has to consider is that they are avoiding impact but putting a wall closer to the wetlands.

L. deWahl asked about the water main connection to Ashwood Avenue and if it is already in place to the site or if it needs to be connected.

M. Costa stated that it is already in place, it comes 40'-50' onto the property they are just tapping into.

D. Pearson asked if they could commit to a no salt snow treatment.

L. Beals stated that they are still discussing it, stated that it is a balance of managing salt vs. public safety. The site will have substantial vehicles moving across the property. They will come back with a salt/snow management plan, one that reduces the salt, increases the sand, and how to handle it. Does not think they can commit to no salt because of public safety but can manage it carefully. Stated that a lot of the salt impacts come from state highway vehicles that are putting out a lot of salt.

D. Pearson stated that coarse sand has been used in other areas, no salt use, maybe the applicant can consider. There is also a likelihood of more rainfall, asked if the stormwater designs have been made to anticipate this rainfall.

L. Beals stated that they are using the Cornell formula for the stormwater systems to anticipate the rainfall, the standard rainfall rates are less than what they are preparing for.

D. Pearson asked about the factor of how much percentage.

L. Beals stated that the Cornell method is used for design which anticipates more rainfall. More than a 10% increase. For the December 1, 2021 meeting, they hope to have the stormwater review, will have a snow and salt management plan, and a potential condition in the sensitive area close to the wetlands.

Upon motion duly made by V. Licciardi and seconded by T. Bradley, it was unanimously

VOTED: To continue the Public Hearing for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1492 to the December 1, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1480

Documents:

- “Site Plans” Parcel B, latest issue October 19, 2021
- “Site Plans” Parcel A, latest issue October 19, 2021
- VHB response letter dated October 20, 2021
- VHB letter “Response to Comments Site Plan Revision Summary” dated October 20, 2021
- Summary of Plan Changes, dated October 28, 2021
- “Textron Building Remodel” Parcel A plans, last revised October 28, 2021
- “Proposed Warehouse” Parcel B plans, last revised October 28, 2021
- “Floodplain Impact Study”, dated October 2021
- “Textron Building Remodel and Proposed Warehouse” plans, last revised October 28, 2021
- “Fire Truck Turning Movement Exhibit”, dated October 2021
- “Proposed Warehouse” Operations & Maintenance, dated October 2021
- “Textron Building Remodel” Operations & Maintenance, dated October 2021
- Peer Review Report from Richard Kirby, dated November 3, 2021

Present in Interest: David Fenstermacher, Director of Land Development, VHB
Sherry Clancy, National Development
Richard Kirby, LEC Environmental Consultants, Inc.

S. Clancy stated that they had nothing to present.

D. Fenstermacher stated that there were a few things they had to confirm in the field; locate some wetland flags and fix some errors/discrepancies, find agreeable ground, and update the base plan for new flags, which ran concurrently with the stormwater review with the Town Engineer.

R. Kirby stated that he visited the site with E. Olson and made the revisions that were requested. The additional detail for the floodplain alteration and flood storage is provided. A letter was prepared and submitted earlier, indicating the comments have been addressed.

D. Pearson asked about in the review letter by R. Kirby, stating that the Commission might approve the project without approving the resource area delineation.

R. Kirby stated that he does not think that is necessary anymore since they came to an agreement, the Commission can approve the boundaries shown on the plans as part of the Order of Conditions (OoC).

C. Lynch stated that a draft OoC has been made for review by the Commission.

V. Gingrich reviewed the draft OoC. Stated that the changes that had been asked of were made to the plans.

Upon motion duly made by A. Rittershaus and seconded by M. McInnis, it was unanimously

VOTED: To close the Public Hearing for 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1480

Upon motion duly made by A. Rittershaus and seconded by T. Bradley, it was unanimously

VOTED: To approve the Order of Conditions for 201 Lowell Street – Map 13 Parcel 3H – DEP File #344-1480

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1479

Documents:

- “Site Plans” Parcel B, latest issue October 19, 2021
- “Site Plans” Parcel A, latest issue October 19, 2021
- VHB response letter dated October 20, 2021
- VHB letter “Response to Comments Site Plan Revision Summary” dated October 20, 2021
- Summary of Plan Changes, dated October 28, 2021
- “Proposed Warehouse” Parcel B plans, last revised October 28, 2021
- “Textron Building Remodel” Parcel A plans, last revised October 28, 2021
- “Floodplain Impact Study”, dated October 2021
- “Textron Building Remodel and Proposed Warehouse” plans, last revised October 28, 2021
- “Fire Truck Turning Movement Exhibit”, dated October 2021
- “Proposed Warehouse” Operations & Maintenance, dated October 2021
- “Textron Building Remodel” Operations & Maintenance, dated October 2021
- Peer Review Report from Richard Kirby, dated November 3, 2021

Present in Interest:

- David Fenstermacher, VHB
- Sherry Clancy, National Development
- Richard Kirby, LEC Environmental Consultants, Inc.

See above minutes for 201 Lowell Street as both projects were presented jointly.

Upon motion duly made by A. Rittershaus and seconded by M. McInnis, it was unanimously

VOTED: To close the Public Hearing for 201 Lowell Street – Map 48 Parcel 73A – DEP File #344-1479

Upon motion duly made by A. Rittershaus and seconded by T. Bradley, it was unanimously

VOTED: To approve the Order of Conditions for 201 Lowell Street – Map 13 Parcel 3H – DEP File #344-1479

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 5 Navajo Drive – Map 13 Parcel 3H – DEP FILE #344-1487

Documents: "Supplemental Information" packet, received October 26, 2021

Present in Interest: Mark Arnold, Goddard Consulting LLC

M. Arnold stated that per the revised plans, all limit of work is outside of the 15' no disturb buffer, and everything is within the existing lawn already. They are pulling everything back, including the proposed fence around the pool area. Additional information was requested by the Commission on the riverfront, stated that the river is at least 250' away from the limit of work. Supplemental information was submitted to the Commission, this included photographic evidence on where the riverfront is located, stated that it has a clear and defined bank in the back. Trees as well as Ironwood, shrubs, Winterberry, Highbush Blueberries are all along the bank, then there is a marsh, and wetland/woody area. There are no other channels between the limit of work and where the wetlands are delineated. Believes that the information provided is sufficient to show where the riverfront is.

C. Lynch stated that it is the Commission's decision as to whether the information provided shows that the riverfront line is outside of the area of work.

M. McInnis asked if C. Lynch went to the site and observed the area and if he agreed with the information provided.

C. Lynch stated that he did and said that it is overgrown, but it is the Commission's decision to make.

D. Pearson stated that the aerial that seems the most definitive was the one with ice and snow in the wetlands where what appeared to be the river is the dark area. Asked what was labeled as Maple Meadow Brook, or may not be Maple Meadow Brook, still is linear as opposed to a pool every so often. Asked how they accounted for that.

M. Arnold stated that a label was mis located on the plan, compared to vernal pools where sometimes they are actually in a different location. Stated that DEP will draw connections, based on aerial photography, without actually field checking it. They would mislabel on the map, put it in the middle instead of on the actual spot.

D. Pearson asked why it appears stream like as opposed to disconnected pools, asked if it was possibly a channel of the river at one point.

M. Arnold stated that it could be a number of things that could have impacted that area and changed the line and stated that sometimes swamps have strange channels. Stated that if the work was closer, he would have delineated the line, but since it is 250' away, he does not feel it necessary to flag and survey. D. Pearson asked if the Commission feels comfortable with the evidence given, everyone agreed.

C. Lynch highlighted important points from the draft Order of Conditions.

V. Gingrich stated that the pool conditions are new to the Commission. Guidance received from DEP, including a forum on what conditions to require for pools, C. Lynch pulled together different pieces and recommendations and put them in the draft order for the Commission to consider.

D. Pearson suggested a way of future communication for projects proposing pools, including a number to call when applicants and owners need to drain their pools.

M. Arnold stated there are no objections to the draft.

Upon motion duly made by A. Rittershaus and seconded by V. Licciardi, it was unanimously

VOTED: To close the Public Hearing for 5 Navajo Drive – Map 13 Parcel 3H – DEP File #344-1488

Upon motion duly made by A. Rittershaus and seconded by T. Bradley, it was unanimously

VOTED: To approve the Order of Conditions for 5 Navajo Drive – Map 13 Parcel 3H – DEP File #344-1488

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 99 Fordham Road – Map 99 Parcel 135 – DEP FILE #344-1489

Documents: Continuance Request letter, received October 27, 2021

C. Lynch stated that the applicant requested to continue to the December 1, 2021 meeting.

Upon motion duly made by V. Licciardi and seconded by M. McInnis, it was unanimously

VOTED: To continue the Public Hearing for 99 Fordham Road – Map 99 Parcel 135 – DEP File #344-1489 To the December 1, 2021, Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 154-156 West Street – Map 56 Parcels 1 & 2 – DEP FILE #344-1486

Documents: Letter from Peter J. Ogren, Hayes Engineering, Inc., dated September 14, 2021
"Existing Watershed Map", last revised October 4, 2021
"Site Plan", last revised October 4, 2021
Stormwater Management Report, dated October 5, 2021
Letter from Peter J. Ogren, Hayes Engineering, Inc., dated October 12, 2021
"Supplemental Information" packet, received October 13, 2021
Email from Wesley Reed, dated October 14, 2021
"Soil Suitability Assessment for On-Site Sewage Disposal", received October 22, 2021
Memorandum from Paul Alunni, Town of Wilmington Engineering Division, dated October 29, 2021
Letter from Valerie Gingrich, Town of Wilmington Director of Planning & Conservation, dated October 29, 2021

Present in Interest: James Emmanuel, J.K. Emmanuel Associates
Attorney Robert Peterson Jr.
Peter Ogren, Hayes Engineering, Inc.

J. Emmanuel stated that there will be tree removal within the setbacks of 50' and 100'. The tree removal policy includes the 50' zone and the 50'-100' zone, they have had surveyors from Hayes Engineering to survey trees that are 10"-24" and 24" for the perimeter. They will remove three (3) Pine trees and replace with one (1) tree per the tree removal policy. He stated that in the 50'-100' wet zone, there are primarily Oak and Pine trees with some Maple trees. A total of 5 trees to be replaced closer to the resource area. Two Oaks and three Red Maples.

P. Ogren stated that they do not have much more to present to the Commission, but a second review was received from the Town Engineer, and a meeting is set up for next week for stormwater management review, stated that the Town Engineer still had some issues with the stormwater, they thought that they were all set with the Town Engineer, but again stated that the Town Engineer still had some issues with the stormwater. Based on where they are in the stormwater process, they want to continue to next meeting for a final decision, until the stormwater management is finalized.

V. Gingrich stated that the comment letters were sent out for the project, there is also a meeting set up to talk about stormwater and other topics.

Upon motion duly made by A. Rittershaus and seconded by V. Licciardi, it was unanimously

VOTED: To continue the Public Hearing for 154 – 156 West Street – Map 56 Parcels 1 & 2 – DEP File #344-1486 to the December 1, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 100 Morse Avenue – Map 48 Parcel 17 – DEP FILE #344-1490

Documents: Notice of Intent application, received September 21, 2021
"Delineation Report", dated July 8, 2021
"Proposed Subsurface Sewage Disposal System Repair" Plan, dated August 5, 2021
Revised Page 1 of the Notice of Intent application, received September 27, 2021
Abutters Notice received September 20, 2021
Email from Cameron Lynch, Town of Wilmington Conservation Agent, received October 1, 2021
Email from Greg Saab, ESS, received October 1, 2021
Delineation Field Data Forms, received October 4, 2021

V. Gingrich stated that based on the last Conservation Commission meeting, she does not believe there were any remaining questions, but a draft order has been prepared. The draft was sent to the applicant and there were no comments or questions about it. It is ready for the Commission to consider.

A. Rittershaus asked if there are any special conditions.

C. Lynch stated that during the discussion last meeting, there should be no impervious surfaces under the deck, no patio's put there in the future, as well as installing a compost area. Those are the only two non-standard conditions.

V. Gingrich stated that the demarcation is in the form of the post-and-rail fence that was proposed at the 15' no disturb and the setbacks are stated in the conditions with that as an exception because the deck is a little closer than 25' which states "except as shown on the plan" for the setback.

D. Pearson asked if everyone has had the chance to look at the draft conditions.

Upon motion duly made by T. Bradley and seconded by V. Licciardi, it was unanimously

VOTED: To close the Public Hearing for 100 Morse Avenue – Map 48 Parcel 17 – DEP File #344-1490

Upon motion duly made by M. McInnis and seconded by V. Licciardi, it was unanimously

VOTED: To approve the Order of Conditions for 100 Morse Avenue – Map 48 Parcel 17 – DEP File #344-1490

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 31 Arlene Avenue – Map A-90 Parcel 10 – DEP FILE #344-1491

Documents: Response letter from Norse Environmental Services, Inc., dated October 20, 2021
"Proposed Plot Plan" Sheet 1, revised October 19, 2021
"Proposed Plot Plan" Sheet 2, revised October 19, 2021

Present in Interest: David Borenstein, Applicant/Owner
Maureen Herald, Norse Environmental Services, Inc.

M. Herald stated that colored plans are being passed around to the Commission, which are easier to see. The proposed work is for a 25'x36' garage, to extend the driveway, as well as utility and other associated work within the 100' buffer zone. Additions to the plan were added based on the Town Engineer's comments and questions. The septic system was requested to be on the plan, there was another question on pervious area. They had originally proposed to extend the driveway with asphalt, it has now been redesigned to minimize impact to the buffer zone, crushed stone is now being proposed.

V. Gingrich stated that the Engineering Division submitted a comment letter. Because the project is over 600 sq. ft., it would require a Simple Stormwater Permit (SSMP) through the Planning and Conservation office, the Town Engineer had commented on the proposal, asking for detail of the driveway section to be converted to crushed stone. Also, in the comment letter submitted, it states that either recharge chambers or a drip trench could be implemented to provide the groundwater recharge for the garage, they note that both of those are acceptable. Should be shown on the plan with size, location and detail provided with the SSMP.

D. Pearson asked regarding the letter, on the second page, number two states "renders impervious more than 15% or 2500 sq. ft., whichever is greater".

V. Gingrich asked D. Pearson which letter he was referencing, stated that it was an older letter. V. Gingrich stated that in that letter, it was implied that it is in the groundwater protection district, and asked for the impervious cover percentage, and it is shown that it is just under 15%. That is what has been shown on the revised plan.

M. Herald stated that on the bottom of the plan shows a table, and the far-right column shows 14.9% total. A follow up letter was submitted in response to the Engineer's original letter addressing concerns.

D. Pearson stated that the number of square feet is 3,734. Asked about which one will be granted since it is less than 15% but greater than 2500 sq.ft.

V. Gingrich stated that the 15% would be greater than the 2500 sq. ft., they are allowed whichever is greater, either up to 15% or up to 2500 sq. ft. Stated that underground recharge was offered or a drip trench, asked for more detail unless it has not been figured out yet.

M. Herald stated that at this point they are thinking of doing the drip line trench.

V. Gingrich stated that when it is put on the plan, to make sure it is sized so it is providing the recharge required by the local by-laws, that way when it is reviewed for the SSMP, it will be an easy review. Will want a revised plan before the hearing is closed, since they cannot accept new plans after it is closed.

M. Herald stated that they are okay with continuing to the December 1, 2021 Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by M. McInnis, it was unanimously

VOTED: To continue the Public Hearing for 31 Arlene Avenue – Map A-90 Parcel 10 – DEP File #344-1491 to the December 1, 2021 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
– 11 Sprucewood Road – Map 80 Parcel 7 – DEP File #344-1485**

Documents: “Existing Conditions” plan, last revised October 18, 2021
Letter from Norse Environmental Services, Inc., dated October 28, 2021

Present in Interest: Richard Kirby, LEC Environmental Consultants, Inc.
Maureen Herald, Norse Environmental Services, Inc.

M. Herald stated that the Commission had voted to have an outside peer review conducted to verify the wetland flags. They had partnered with LEC Environmental Consultants, they made a site visit and made a number of flag changes. M. Herald reviewed the changes LEC made and agreed with those changes. Stated that LEC hung new ribbon in the field with new flag numbers, labeled with an “R” after it as revised. Those flags were picked up by survey and the plans have been revised to reflect that. The most substantial changes were along Sprucewood roadside, along the “A” series, with a few changes on the backside. Offered to go through the changes if the Commission would like. D. Pearson asked if there was an audio visual. M. Herald stated she had the visual on the easel. The new flags were hung between A8 through A26 up, starting down on the short roadside A8R through 26R. The original flagging showed the upland piece which has since been omitted. Now it is essentially all wetland, new flags were hung between 31R through 34R, as well as 36R. On the back piece of the property, new flags were hung at 6R, 8R, 10R, and 16R. The remaining flags were agreed upon.

R. Kirby stated that it was one of the first times with a project that there was not any back and forth, and the revised flag changes were accepted. Stated that at V. Gingrich’s request, stream stats were run for the surrounding streams, there were no streams on USGS topographic maps, intermittent status confirmed. Stated that he has no other comments.

D. Pearson asked about the net increase of wetland.

R. Kirby stated that with some of the flags, if there was a difference of a couple of feet, typically the flags won’t be moved by two feet, because there is a zone of interpretation. There were some areas where the flags moved 5’-10’. The changes were all moved upgradient, creating more wetlands.

Suzanne Sullivan, an abutter at 60 Lawrence Street asked about the status of the potential vernal pool. Asked if the Commission will take action on the potential vernal pool that was mentioned in LEC’s report.

R. Kirby stated that they noted 12 or so inches of standing water, it may be jurisdictional or certifiable as a vernal pool. A vernal pool is not a resource area, so it is not something that would be delineated

for an ANRAD unless they are specifically delineating it. Given the above average precipitation this season, does not believe it would be appropriate to delineate it. It was noted in the report for future use for the Commission.

D. Pearson asked if it was something to confirm in the springtime. M. Herald stated that would be the best time to review it.

N. Salazar asked if the vernal pool is on the map.

R. Kirby stated that the central part of the wetland is dense vegetation and difficult to navigate through and noted that a lot of water was there when they were in the field, but is unsure if it is a vernal pool, but is important to document for the Commission.

Frank West, an abutter at 2 Birchwood Road asked what the next step is for the builders if they will be starting work right after the delineation or if they are building at a different time.

V. Gingrich stated that this process is strictly the delineation of the wetland or any other resource area on the parcel, no work is being proposed for this filing, it is just creating the wetland line. Setting the boundary now so that they know what upland they have to work with if they were to propose something.

Upon motion duly made by A. Rittershaus and seconded by M. McInnis, it was unanimously

VOTED: To close the Public Hearing for 11 Sprucewood Road – Map 80 Parcel 7 – DEP File #344-1485

Upon motion duly made by A. Rittershaus and seconded by M. McInnis, it was unanimously

VOTED: To approve the Order of Resource Area Delineation for 11 Sprucewood Road – Map R1 Parcel 18H – DEP File #344-1485

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
30 Upton Drive – Map R1 Parcel 18H – DEP File #344-????**

Documents: Email Response from Devin Howe, Beals Associates Inc., received October 27, 2021
"Topographic Plan", last revised January 23, 1984
Continuance Request received November 2, 2021

C. Lynch stated that the applicant requested to continue, they will be conducting a site walk with LEC next Friday, C. Lynch stated that he will also be present.

Upon motion duly made by V. Licciardi and seconded by A. Rittershaus, it was unanimously

VOTED: To continue the Public Hearing for 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-???? To the December 1, 2021 Conservation Commission meeting.

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 168 Lowell Street – Map 58 Parcel 1 – DEP
File #344-1349**

Documents: Letter from Douglas Lees, Land Engineering & Environmental Services, Inc., dated May 25, 2021

"Pump Station As-Built Plan" dated May 25, 2021
Letter from Maureen Herald, Norse Environmental Services, Inc., dated
September 28, 2021
Request for Certificate of Compliance, received October 4, 2021

Present in Interest: Joseph Langone, Applicant
Maureen Herald, Norse Environmental Services, Inc.
Douglas Lees, Land Engineering & Environmental Services, Inc.

C. Lynch stated that this Certificate of Compliance is for the DPW pump station on Lowell Street, the Engineering and Conservation department both said it looked good.

Upon motion duly made by A. Rittershaus and seconded by V. Licciardi, it was unanimously

VOTED: To issue the Certificate of Compliance for 168 Lowell Street – Map 58 Parcel 1 – DEP
File #344-1349

NOTICE OF VIOLATION – Trees

8R Fernbanks Road – Map 15 Parcel 109 – Update

C. Lynch stated that they cannot request to continue for a Notice of Violation, but the homeowner has had a wetland scientist out to the property and will be filing an after the fact RDA (Request for Determination of Applicability) for the December 1, 2021 Conservation Commission meeting.

201 Lowell Street – Map 48 Parcel 73A

J. Glowacki provided hard copies of the presentation to the Commission. Stated that on page two, contractors had been hired to remove some dead trees located adjacent to a driveway on the Textron Systems property. They were seen as posing a safety and hazard risk, both to the property and personnel for two reasons; the proximity of the trees along the driveway that is heavily traveled and the likelihood of an incident due to weather. Approximately eight (8) trees of different sizes were removed from the property adjacent to the driveway, located in the southeast corner of the site. Noted that many mature and healthy trees still remain in the area. The count and details of those trees are on page three; 30" Eastern White Pine 4' from the paved driveway, 23" Eastern White Pine 10' from the driveway (the closest to the wetland boundary), 12" White Oak 6' from the paved driveway, 26" White Oak 3' from the driveway, four (4) White Oak Saplings 4' from the paved driveway, 80' is the total length of the impacted area. Tree removal equipment remained within the paved surface at all times, hand removal was utilized for tree removal. Stated that the wetland area appeared not to be impacted. The actions that were taken were based on safety issues, stated that Textron sincerely apologizes. They immediately stopped all actions and put in place a plan to remediate; a root cause of analysis to assess the direct and systemic causes and make sure to put in place a sustainable corrective action plan. VHB consultant, David Fenstermacher, was hired along with wetland scientist Eric Olson to help with replication. On the last slide of the handout, the offered remedy is as follows; recommend to the Commission for submission of an after the fact RDA, in accordance with the tree removal policy. May include remedies for existing hazards in the area. Along with remediation recommendations from wetland scientists, specifically including the replanting of two (2) White Pines and two (2) White Oaks, using a reputable contractor. Erosion and sediment control measures will be implemented per the policy upon approval from the Commission. Additionally, internally they will be conducting extensive awareness training within Textron Systems, as well as recommended posted signage.

C. Lynch asked J. Glowacki to confirm that it was only the four (4) trees. He then stated that he visited the site and counted about a dozen smaller trees, the four were the biggest and most obvious, but walking along the whole driveway, there were others that had been cut down (6"-12" trees) before the curve in the driveway, towards main street. Following the driveway down, it was all along, and about a dozen trees. The number of plantings should change accordingly.

J. Glowacki stated that they will bring the wetland scientist out again and include this information in the submittal as well.

D. Pearson asked if they were all dead trees.

C. Lynch stated that they did not look like dead trees, the bigger ones could have been, but the small ones seemed healthy. Stated that he was only looking at the stump which can be hard to tell. D. Pearson asked if it was not clear why they might have been removed. C. Lynch stated that he can understand why the large ones were targeted, but not so much the small ones.

J. Glowacki stated that those will be included in the RDA.

N. Salazar asked what the root cause was. J. Glowacki stated that insufficient posted signage was one cause, another being a lack of awareness and training, and the safety hazards they may have caused. N. Salazar asked about the remediation and training. J. Glowacki stated they first have to create it then implement it, but it is being taken very seriously.

T. Bradley stated that on page four there were dead trees that were pointed out on the property, asked why they were pointed out.

J. Glowacki stated that it is important to flag areas with risk and put everything in the RDA. There are flagged trees not on the property, but within the wetland that could be a risk.

M. McInnis asked about the dead trees and considering not taking them down totally, they may be a hazard, but leaving a portion of the tree would be good for the environment. J. Glowacki agreed to take that into consideration. M. McInnis also asked if the training would also be for the contractor.

J. Glowacki stated that it will be for the contractor as well. First it will be internally so that other employees can direct the contractor, but also making sure anyone who does work for the site is aware.

D. Pearson stated that he appreciates J. Glowacki taking it on so systematically while driving the training and awareness into the organization.

ADMINISTRATIVE TREE or SHRUB REMOVAL

5 Cambridge Avenue – Map 9 Parcel 67

C. Lynch stated that there were two (2) large Oaks by the house and leaning over, an arborist went out to assess. As well as a small Black Cherry tree that was completely dead, in the way of removing the other two trees. The added fourth tree that was shown on the plan was outside of the 100' buffer zone.

D. Pearson asked if the Cherry tree was on town property.

C. Lynch stated that it was in the paper street.

1 Cottonwood Circle – Map R4 Parcel 17

C. Lynch stated that there was an Oak tree leaning up against a transformer for Reading Municipal Light, pushing it out of place. Needed to be removed for the transformer to work properly. Stated that it was about 30' away from BVWs (Bordering Vegetated Wetlands), it was removed 2 weeks ago.

D. Pearson asked if it was something that the utility company does on their own.

C. Lynch stated that they usually do, but they came in to remediate after they saw how close it was to wetlands.

DISCUSSION

Approval of 2022 meetings and deadlines

No further comments were made.

MINUTES – September 1, 2021

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

N. Salazar, V. Licciardi, L. deWahl, T. Bradley, and D. Pearson voted 5-0 to accept the minutes for the September 1, 2021 Conservation Commission meeting. A. Rittershaus and M. McInnis abstained.

MINUTES – October 6, 2021

Upon motion duly made by T. Bradley and seconded by M. McInnis,

V. Licciardi, M. McInnis, T. Bradley, and D. Pearson voted 4-0 to accept the minutes for the October 6, 2021 Conservation Commission meeting. N. Salazar, A. Rittershaus, and L. deWahl abstained.

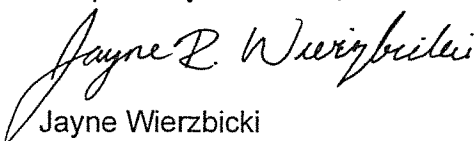
NEXT MEETING – December 1, 2021

ADJOURN

There being no additional business to come before the Conservation Commission, A. Rittershaus motioned and V. Licciardi seconded, it was unanimously

VOTED: To adjourn the meeting at 9:18 pm.

Respectfully submitted,



Jayne Wierzbicki
Senior Clerk

