



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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TOWN OF WILMINGTON, MA

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CONSERVATION COMMISSION MINUTES

June 1, 2022

Donald Pearson called the meeting to order at 7:06 p.m. after stating the following:

This meeting of the Wilmington Conservation Commission is being conducted via remote participation. **No in-person attendance of members of the public will be permitted,** but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to participate in the meeting via Zoom can do so by clicking on this link: <https://us02web.zoom.us/j/88637352920?pwd=REM4ZUdtK05FR2JzaTVjMVB1N084dz09> Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 886 3735 2920 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by following the steps previously noted then press *9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. In the event that despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able.

Vincent Licciardi, Melissa Gavegnano, and Alexander Rittershaus were also present. Valerie Gingrich, Director of Planning & Conservation, Cameron Lynch, Conservation Agent, and Erika Speight, Conservation Senior Clerk were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 114 Marion Street – Map 16 Parcel 30

Documents: Request for Determination of Applicability application and materials, received May 10, 2022
"Plot Plan of Land in Wilmington, MA" dated August 23, 2021 and last revised on May 8, 2022

Present in Interest: David Newhouse Jr, Newhouse and Sun Construction Inc.

D. Newhouse wishes to remove existing deck and stairs on rear side of property and in place build another deck and beside it, a closed in porch, both being the same size. An existing pressure treated deck, framed deck, and stairs to be removed. Proposed project will include constructing a 12x14 three-season porch and a 12x14 open deck beside the porch with a parallel stairway, halfway to the ground with a 4x8 platform and return stairs toward the deck to the ground ending with a poured concrete 2x4 landing pad. The three-season porch will be supported with a 6x6 pressure treated (PT) post on top of footings. The attached deck will be supported by a 4x6 PT post on top of 12-inch sonotube footings. The three-season porch will have a shed roof with a 12' gutter, one down spout on the end where the porch and open deck meet. A buried 4-inch PVC pipe will connect from the new downspout to an existing drainpipe at the right rear corner of the house that leads to the existing drywell. A concrete slab will be poured, and walls built to fit a utility storage shed with a small overhead door and a separate walkthrough door underneath the new enclosed porch. Straw wattles will be installed along the existing

chain link fence according to the plan for erosion control during construction and topography and vegetation will remain intact except for minor repair of grass around footing areas.

No comments were made from D. Pearson, V. Licciardi, M. Gavegnano, and A. Rittershaus.

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

VOTED: To issue a Negative Three (3) Determination of Applicability for 114 Marion Street – Map 16 Parcel 30

PUBLIC HEARING – NOTICE OF INTENT – Cross Street – Map 40 Parcel 11 – DEP File #344-????

Documents: Notice of Intent application and materials, received May 11, 2022
“Proposed Permit Site Plans” dated May 11, 2022
Stormwater Report dated May 11, 2022
Review Letter from Director of Planning & Conservation, Valerie Gingrich, dated June 1, 2022

Present in Interest: Jonathan Main, Applicant
Michael Juliano, Eaglebrook Engineering & Survey, LLC
Benjamin Minnix, Eaglebrook Engineering & Survey, LLC
Robert Peterson, Peterson Law

B. Minnix gave an overview of the undeveloped lot on Cross Street, located between Main Street and Lowell Street, across from Yentile Farm. Site to include two residential style buildings, each with 8 units, and a centralized parking area with 33 parking spots. B. Minnix explained they are within the 25' buffer of the wetlands and proposing parking within the 15' buffer. Proposing two deep sump catch basins with an infiltration system for stormwater runoff. In the rear of the development, there will be a 9' retaining wall. Proposing curbing along the street with a vegetated swale and riprap to handle runoff.

C. Lynch explained that the proposed project includes a 9' tall retaining wall adjacent to the bordering vegetated wetlands (BVWs), and one of the residential buildings is located less than 25' away from the BVWs, which does not meet Conservation Commission policies. C. Lynch read through the following Conservation comments issued to the applicant. The applicant should provide additional information pertaining to the wall and let the Commission determine whether there will be impacts on the BVWs. A planting plan should be provided for review and native planting should be provided within 100' of the BVWs. Shade trees should be provided in the parking areas to combat heat island effect. Any proposed demarcation and or signage regarding the BVWs should be discussed with the Commission and should be shown on the plan. A photometric plan should be submitted, proposed lighting should be directed away from the BVWs.

R. Peterson explained that they are addressing the comments made earlier and explained that the retaining wall would be used as demarcation as well as placement of signage throughout the development regarding the wetlands. B. Minnix proposed building a concrete wall to keep all runoff from the site regarding stormwater, away from BVWs.

V. Licciardi questioned what the plan is pertaining to snow removal. B. Minnix explained that there is a snow storage area in the front which is relatively flat and located along Cross Street. Large amounts of snowfall will need to be trucked off site.

V. Licciardi asked V. Gingrich what the commercial property rules and regulations are regarding BVWs. V. Gingrich explained the policy of a 50' setback for commercial properties, however regarding residential properties, there's instances of having a lesser setback. D. Pearson asked V. Gingrich if it has ever been lower than 15'. She explained there has not been instances in recent times. It has been reduced in certain circumstances, but typically they like to see between the 25' to 50' offset for structures.

V. Licciardi asked if any units will be available for low income? R. Peterson responded with yes, it would be 10%. V. Licciardi proposed doing a wildlife study. M. Juliano explained that a wildlife study is not a requirement by the wetland protection act for this project, which is why it's not provided. Will be talked over with the applicant. M. Gavegnano had no comments.

A. Rittershaus explained that it seems to be quite intense use of the area so close to wetlands for the proximity. He would like to hear them speak to the impacts on the wetlands with this project. B. Minnix proposed having a landscape buffer, by adjusting the parking where the wall can be pulled back.

D. Pearson proposed that possibly having fewer units and moving the parking around a little bit would maybe be more feasible. R. Peterson explained they already cut down and began with 30 units which dropped to 24 units, which then after extensive conversations with planning and engineering got dropped to 16 units, with 8 units in each building. Two buildings with 8 units could be a responsible development of the property relative to the wetlands. D. Pearson questioned if it is a possibility to replicate wetlands on the Lowell Street side of development. M. Juliano explained it is certainly a possibility to replicate wetlands in that area. D. Pearson would like to hear a bit more as to how construction might go at the very closest point without disturbing the wetlands.

Limited space for snow storage is of concern and recommended to rule out snow removal. V. Licciardi questioned if they had received approval for sewerage. M. Juliano explained they don't need approval per say, since they are already in the sewer district.

R. Dupont, homeowner of 59 Lowell Street, expressed his concerns of his driveway being on Cross Street, and it is already hard enough to get out of his driveway without the proposed project in place. R. Dupont explained that there is a culvert which runs through his front yard and through his two other neighbors back yard in which the flow of water will increase onto his property. R. Dupont expressed his concern of the natural waterflow being redirected in the opposite direction, into his yard, and is curious as to where the excess water is going to go so that his yard doesn't result in flooding.

D. Pearson explained that considering drainage from this site, and by replicating wetlands, stormwater calculations would need to be redone, however it won't be something they can bear on today. M. Juliano clarified that all the roof runoff from the buildings will go into the catch basins in the parking lot and then into the infiltration system which recharges the ground water, resulting in no water going off site other than to the wetlands eventually.

D. Pearson suggests an opportunity to get together with the abutters on site to discuss all concerns and revisit this at the July 6th Conservation Commission meeting.

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

VOTED: To continue the Public Hearing for Cross Street – Map 40 Parcel 11 – DEP File #344-
???? To the July 6, 2022 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
– 800 Salem Street – Map R1 Parcel 24 – DEP File #344-????**

Documents: Email from Matthew Costa requesting to continue, received May 31, 2022

Present in Interest: Matthew Costa, Beals Associates Inc.

M. Costa explained he is scheduled to go on site with Rich Kirby from LEC, who has been contracted to conduct the peer review, next week to walk the riverfront boundary and look at the wetlands as well. The Ipswich River Watershed Association, who provided a comment letter, was contacted, which resulted in a meeting on site with them. In the process of setting up a call with the Headwaters Stream Team (HST) to address the comment letter. M. Costa explained they are also in the process of addressing all parties and are actively pursuing that so the project can be presented at the July 6, 2022 Conservation Commission meeting.

No comments were made from D. Pearson, V. Licciardi, M. Gavegnano, and A. Rittershaus.

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

VOTED: To continue the Public Hearing for 800 Salem Street – Map R1 Parcel 24 – DEP File #344-???? To July 6, 2022 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 18 Kelley Road – Map 51 Parcel 93 –
DEP File #344-1503**

Documents: Notice of Intent application and materials, received April 20, 2022
“Subsurface Sewage Disposal System Design Plan – Upgrade” dated April 12, 2022

Present in Interest: Maureen Herald, Norse Environmental Services

M. Herald proposed replacement of a failed septic system located more than 50' from the BVWs.

C. Lynch pointed out two sheds inside of the no structure zone. M. Herald explained that ideally her clients would like to keep the sheds in place, if possible, since there is a tendency to damage them upon transfer.

D. Pearson asked if the date that the sheds were constructed was known, because to place them in that location, meeting with the Commission would have been necessary. M. Herald explained that the sheds were brought to her attention during the hearing regarding the failed septic system.

D. Pearson stated that one of the sheds looks 15' away from BVWs, or even less.

V. Licciardi stated that if the sheds have been there a long time, then leave well enough alone. M. Gavegnano stated she has no comments. A. Rittershaus agreed with V. Licciardi, only if there is an opportunity to require a reclamation that no further sheds be built, otherwise they are fine.

C. Lynch explained that there is a 25' no setback policy in place.

D. Pearson stated that behind the sheds should be a row of shrubs planted to distinguish wetland boundary.

M. Herald agreed that would be acceptable.

No comments were made by the public.

D. Pearson stated no new structures within 25', and demarcation at the 15' no disturbed setback with a line of shrubs.

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

VOTED: To close the Public Hearing for 18 Kelley Road – Map 51 Parcel 93 – DEP File #344-1503

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

VOTED: To issue the Order of Conditions with amendments discussed for 18 Kelley Road – Map 51 Parcel 93 – DEP File #344-1503

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494

Documents: Email from Kristen Costa, received May 31, 2022
Peer review from Mary Rimmer, received May 16, 2022

C. Lynch stated that the applicant has requested to continue to the July 6, 2022 Conservation Commission meeting. M. Rimmer conducted a peer review and the applicant is still addressing the comments that were made.

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

VOTED: To continue the Public Hearing for Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494 to the July 6, 2022 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1500

Documents: "Plans to Accompany" Plans dated April 29, 2022
Review Letter dated May 18, 2022, from Director of Planning & Conservation Valerie Gingrich
Response to Planning comments, dated April 29, 2022
Memo dated May 19, 2022 from Paul Alunni, Town Engineer
Response to Engineering comments, dated April 29, 2022
Stormwater report dated April 29, 2022

Present in Interest: Devin Howe, Beals Associates

D. Howe gave an overview and addressed the Commission's concerns regarding the retaining wall which needs to be at least 50' away from the stream. D. Howe continued by saying that they redesigned the corner of the site by dipping the road down, making a 1:1 mechanically stabilized slope. He continued by explaining that they were able to make the road which goes around the building emergency access only, allowing it to be pulled away from the intermittent stream, creating a reduced

width of 20'. In response to one of the comments regarding the stormwater management system, stormwater is to be released into the detention system that will now be released into the infiltration system. D. Howe stated that to demarcate the 15' buffer off the intermittent stream, there has been a series of sweet pepper bush and high bush blueberries proposed along the 15' buffer.

C. Lynch stated there are no comments at the moment and any comments will be provided when the revised plans are submitted.

No comments from D. Pearson, V. Licciardi, M. Gavegnano, and A. Rittershaus.

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 #344-1500 to the July 6, 2022, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 5 Stonehedge Drive – Map 107 Parcel 17 – DEP File #344-491

Documents: Request for Certificate of Compliance received May 11, 2022
"As Built Plan of Land," dated April 4, 2022

C. Lynch stated that there was stone demarcation and the property looked good.

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

VOTED: To issue the Certificate of Compliance for 5 Stonehedge Drive – Map 107 Parcel 17 – DEP File #344-491

REQUEST FOR CERTIFICATE OF COMPLIANCE – 36 & 38 Upton Drive – Map R1 Parcel 18 & 18L – DEP File #344-1429

Documents: Request for Certificate of Compliance, received May 11, 2022
"38 Upton Drive, As-Built Plan," dated April 26, 2022

C. Lynch explained closing of the previous Order and that they cleared the land and have a new Order for the project.

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

VOTED: To issue the Certificate of Compliance for 36 & 38 Upton Drive – Map R1 Parcel 18 & 18L – DEP File #344-1429.

NOTICE OF VIOLATION

4 Wilton Drive – Map 21 Parcel 3M

C. Lynch explained he and V. Gingrich walked the trail and stumbled across a homeowner's backyard and noticed a lot of dirt and debris scraped up and pushed against the wetlands. C. Lynch also explained that it might be on Town owned conservation land, along with some personal items. C. Lynch sent a violation letter dated May 13, 2022, with no response.

D. Pearson and Commission agreed for a second attempt of outreach informing the homeowner to attend the July 6, 2022 Conservation Commission meeting. If no response prior to, and failure to show, further action will take place.

29 Lawrence Street – Map 80 Parcel 76 – Update

C. Lynch explained that the homeowner has everything ready to file, however did not meet the deadline for this meeting. Will be able to present at the July 6, 2022 Conservation Commission meeting.

Lord's Tree Service – Update

No new updates.

ENFORCEMENT ORDER

34 Birchwood Road – Map 81 Parcel 28

C. Lynch explained that the homeowner should be starting restoration sometime soon and that he put his erosion control up on May 31, 2022. Removal of all fill and planting of the conservation and wetland seed mix is proposed. C. Lynch explained a row of demarcation trees and bushes will be placed along the 15' line. The Commission discussed a deadline for restoration to be complete and decided on by October 19, 2022, which is the deadline for the November 2, 2022 Conservation Commission meeting.

702 Sandy Lane – Map 106 Parcel 124 – Update

C. Lynch explained the wetland scientist and surveyor were onsite roughly two weeks ago. Working on restoration plan to submit for the July 6, 2022 Conservation Commission meeting. No updates since then. The next court hearing is scheduled for June 23, 2022.

ELECTION OF CHAIR AND VICE-CHAIR

The Commission agreed to put off the election until the next meeting.

MINUTES – May 4, 2022

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

D. Pearson, M. Gavegnano, V. Licciardi, A. Rittershaus, voted 4-0 to accept the minutes for the May 4th, Conservation Commission meeting

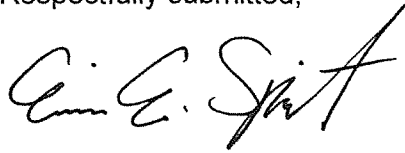
NEXT MEETING – July 6, 2022

ADJOURN

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

VOTED: By D. Pearson, V. Licciardi, A. Rittershaus, and M. Gavegnano to adjourn the meeting at 8:41 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erika Speight". The signature is fluid and cursive, with a large, stylized "A" at the end.

Erika Speight
Senior Clerk