

2022 JUN -6 PM 3: 54



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

May 4, 2022

Donald Pearson called the meeting to order at 7:02 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/81108437335?pwd=WTVjcDJ6cXZyM3B0bmxORFpPRlcyUT09>

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 811 0843 7335 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.

Theron Bradley, Vincent Licciardi, Alexander Rittershaus, and Melissa Gavegnano were also present. Valerie Gingrich, Director of Planning & Conservation and Cameron Lynch, Conservation Agent were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 18 Patch's Pond Lane – Map 29 Parcel 58

Documents: Request for Determination of Applicability application and materials, received April 21, 2022
"Plot Plan of Land in Wilmington, MA" dated May 17, 2004

Present in Interest: Christian Kermarrec, Applicant/Owner

C. Kermarrec was having problems with his audio and C. Lynch explained that there is a dead tree within the BVW that the resident would like to take down to avoid the tree falling on the house. C. Lynch recommended leaving a 10-15' snag for habitat and if the Commission wanted they could require leaving the rest of the tree in the BVW. T. Bradley agreed with the snag requirement.

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

VOTED: To issue a Negative Two (2) Determination of Applicability for 18 Patch's Pond Lane – May 29 Parcel 58

PUBLIC HEARING – REQUEST TO AMEND ORDER OF CONDITIONS – 201 Lowell Street Parcel B – Map 48 Parcel 73A – DEP File #344-1479

Documents: Letter Requesting to Amend the Order of Conditions, dated April 20, 2022
Revised page 3 of the Notice of Intent Application
“Site Plans” latest issue April 20, 2022
“Summary of Changes Figure” received April 20, 2022

Present in Interest: David Fenstermacher, VHB

D. Fenstermacher presented the proposed changes to the site, which include further detail on fencing and gates. For Parcel B, the driveway for Textron will have a gate and fencing with a key reader island. A slight grading change will be needed and will impact Bordering Land Subject to Flooding by about 50 square feet. The fencing plan was reviewed and changes were noted. D. Fenstermacher stated that revised flood compensation impacts were provided.

C. Lynch stated that there are no outstanding comments and draft amended Orders were prepared. D. Pearson asked about updated BLSF calculations. D. Fenstermacher reviewed the slight change in grading.

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

VOTED: To close the Public Hearing for 201 Lowell Street Parcel B – Map 48 Parcel 73A – DEP File #344-1479 to the June 1, 2022 Conservation Commission meeting

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

VOTED: To approve the Order of Conditions as amended for 201 Lowell Street Parcel B – Map 48 Parcel 73A – DEP File #344-1479

PUBLIC HEARING – REQUEST TO AMEND ORDER OF CONDITIONS – 201 Lowell Street Parcel A – Map 48 Parcel 73A – DEP File #344-1480

Documents: Letter Requesting to Amend the Order of Conditions, dated April 20, 2022
“Site Plans” latest issue April 20, 2022
“Summary of Changes Figure” received April 20, 2022

Present in Interest: David Fenstermacher, VHB

D. Fenstermacher presented the proposed changes to the site, which include further detail on fencing and gates. For Parcel B, the driveway for Textron will have a gate and fencing with a key reader island. A slight grading change will be needed and will impact Bordering Land Subject to Flooding by about 50 square feet. The fencing plan was reviewed and changes were noted. D. Fenstermacher stated that revised flood compensation impacts were provided.

C. Lynch stated that there are no outstanding comments and draft amended Orders were prepared. D. Pearson asked about updated BLSF calculations. D. Fenstermacher reviewed the slight change in grading.

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

VOTED: To close the Public Hearing for 201 Lowell Street Parcel A – Map 48 Parcel 73A – DEP File #344-1480 to the June 1, 2022 Conservation Commission meeting

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

VOTED: To approve the Order of Conditions as amended for 201 Lowell Street Parcel A – Map 48 Parcel 73A – DEP File #344-1480

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

C. Lynch explained that the applicant asked to continue because a DEP file number has not been issued.

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

VOTED: To continue the Public Hearing for 18 Kelley Road – Map 51 Parcel 93 – DEP File #344-1503 To the June 1, 2022 Conservation Commission meeting

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

Documents: Abbreviated Notice of Resource Area Delineation application and materials, dated April 20, 2022
“Abbreviated Notice of Resource Area Delineation” plan, dated April 20, 2022

Present in Interest: Lawrence Beals, Beals Associates Inc.
Matthew Costa, Beals Associates Inc.

L. Beals stated that he will introduce the site to the Commission tonight but they expect that a peer review will be done and they will be back before the Commission again. L. Beals provided an overview of the site located at 800 Salem Street and listed the resource areas that exist on the site, including Bordering Vegetated Wetlands (BVW), Riverfront, and Bordering Land Subject to Flooding (BLSF). There is also a natural heritage boundary on the site. The site is currently home to Lynch Materials, an active operation. There are open ponds on the site that are human made gravel pits. Vegetation and soils were evaluated for BVW. A drone was used for imaging of the resource areas. L. Beals stated that he launched a canoe from Salem Street to review the conditions. Historic photos were reviewed to display the channel of Martin’s brook and associated wetlands. He described a pond that the brook flows into and then out of before reaching Route 62. A video of drone footage was shown. L. Beals stated that they will be filing a letter of map amendment with FEMA to correct the floodplain on site.

C. Lynch recommended a peer review by Rich Kirby of LEC. He also stated that the Riverfront will need to be delineated in the field for review instead of relying on aerial photography. L. Beals agreed that Rich Kirby would be appropriate for a peer review and they would be happy to fund the review. L. Beals stated that they will field delineate as best they can since the water and muck are deep.

T. Bradley asked about the gravel pond history on the site. L. Beals stated that they do not appear to be naturally occurring, they appear to be man made. He reviewed the imagery to show the history of the site.

D. Pearson asked about erosion on the site from the stockpiles. L. Beals described the erosion controls on the site and stated that he has not observed any erosion on the slopes. He stated that the operation is very clean.

Suzanne Sullivan stated that comments from the Headwaters Stream Team (HST) were provided to the Commission today. She stated that they disagree with the assertion that there is a pond. She recommended the Commission revisit the previous delineation from the enforcement action with Heffron. S. Sullivan stated that they will need to field delineate the resource area and that she believes the ponded area is mean high water that is restricted by the culvert/dam. She reminded the Commission that this area of Martin's Brook is directly related to the Brown's Crossing Wellfield. She stated that Martha Stevenson asked the Commission to look at the property lines to make sure there isn't any encroachment on the Town's Conservation land. She stated that they will be watching this process closely.

L. Beals stated that the comments are appreciated, and they will respond to the comments in writing.

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

VOTED: To continue the Public Hearing for 800 Salem Street – Map R1 Parcel 24 – DEP File #344-???? To June 1, 2022 Conservation Commission meeting

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

Documents: "Definitive Subdivision Plan 'Eagleview Subdivision'" last revised March 10, 2022
Response Letter dated March 28, 2022
Revised page 3 of the Notice of Intent, received April 20, 2022
Email from Kristen Costa, received May 2, 2022

C. Lynch stated that the applicant has requested to continue. Mary Rimmer will be visiting the site tomorrow and provide a peer review.

Upon motion duly made by T. Bradley and seconded by V. Licciardi, 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 June 1, 2022 Conservation Commission meeting

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

Documents: Continuance request from Devin Howe, Beals Associates, Inc., received May 2, 2022

C. Lynch stated that the applicant has requested to continue. No new information has been received.

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

VOTED: To continue the Public Hearing for 30 Upton Drive – Map R1 Parcel 18H – DEP File #344-1500 to the June 1, 2022, Conservation Commission meeting

TABLED REQUEST FOR CERTIFICATE OF COMPLIANCE – 55A Chestnut Street – Map 16 Parcel 2A – DEP File #344-1443

Documents: Email from Luke Roy, LJR Engineering, Inc., dated April 27, 2022

C. Lynch stated that the applicant requested that the Commission table the request so that the required restoration area monitoring report can be prepared.

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

VOTED: To table the Certificate of Compliance for 55A Andover Street – Map 24 Parcel 33A – DEP File #344-1443 to the June 1, 2022 Conservation Commission meeting

NOTICE OF VIOLATION

29 Lawrence Street – Map 80 Parcel 76

D. Pearson asked the Garret DeBlois to provide an overview of the project. G. DeBlois stated that he purchased the home recently and started a smaller renovation that turned into a larger renovation without filing the appropriate permits. G. DeBlois stated that he built an addition and would like to relocate the deck. He stated that he has contacted a wetland consultant and surveyor and the wetland flagging was completed today. The surveyor will provide the existing conditions and the proposed conditions. He stated that no new material was brought to the site. He will install erosion controls and he did his best to not disturb the wetlands. He is looking to move forward and resolve the issue.

D. Pearson stated that they look forward to seeing him in June. D. Pearson asked if there is an existing Order of Conditions for the house. C. Lynch stated that there was not a file for the property.

34 Birchwood Road – Map 81 Parcel 28 – Update

Andrew Herlihy stated that he had the delineation completed and a survey done. He showed the plan on the screen and proposed to remove the fill from the floodplain area, and place it outside the floodplain. The goal is to get back into compliance and reseed the area. The Commission discussed requiring a Notice of Intent for the restoration.

Lord's Tree Service – Update

C. Lynch stated that they are still working with DEP on how to approach this. There may be a different way to accomplish the goal of being notified by the tree company before they cut trees.

ENFORCEMENT ORDER

702 Sandy Lane – Map 106 Parcel 124 – Update

C. Lynch stated that there is a court date set for May 19th. C. Lynch explained that the homeowner has stated that the materials were removed and he and V. Gingrich will do a site visit this week.

ADMINISTRATIVE TREE or SHRUB REMOVAL

26 Nathan Road – Map 60 Parcel 108

C. Lynch explained that a tree was located about 98' from BVW and the homeowner applied for administrative approval for removal of a split and cracked tree.

EMERGENCY CERTIFICATION

109 Burlington Avenue – Map 17 Parcel 21

C. Lynch explained that the septic was failed and the Board of Health ordered the replacement.

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

VOTED: To ratify the Emergency Certification for 109 Burlington Avenue – Map 17 Parcel 21

DISCUSSION

Silver Lake Invasive Treatment Plan – Solitude Lake Management

Jamie Magaldi, DPW Operations Manager stated that they are here to give an update on the ongoing Silver Lake Invasive Management project and introduced Emily Vulgamore from SOLitude Lake Management. E. Vulgamore reviewed the history of invasive species in Silver Lake. An herbicide was applied in 2021. No treatment is expected this year but monitoring will continue. E. Vulgamore asked for the Commission's support should an herbicide application be necessary following monitoring.

T. Bradley asked about pipes going into the lake and whether discharge is tested. J. Magaldi stated that there are several outfalls into the lake and testing is done per the NPDES permit. T. Bradley asked about fertilizers getting into the lake. J. Magaldi agreed that fertilizer is a general, ongoing problem and if there are any observations of issues, they will be happy to investigate.

D. Pearson stated that the Commission supports treatment if necessary, understanding that treatment is not planned for this year.

ELECTION OF CHAIR AND VICE-CHAIR

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

MINUTES – April 6, 2022

D. Pearson pointed out a typo in the Notice of Violation section and suggested revised wording for the section on Hopkins Street.

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

D. Pearson, T. Bradley, V. Licciardi, A. Rittershaus, voted 6-0 to accept the minutes for the April 6, 2022 as amended, Conservation Commission meeting, M. Gavegnano abstained.

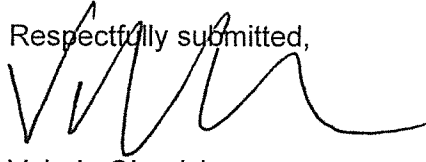
NEXT MEETING – June 1, 2022

ADJOURN

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

VOTED: By D. Pearson, T. Bradley, V. Licciardi, A. Rittershaus, and M. Gavegnano to adjourn the meeting at 8:52 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Valerie Gingrich', written over the text 'Respectfully submitted,'.

Valerie Gingrich
Director of Planning & Conservation