



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 Glen Road, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

RECEIVED
TOWN CLERK

2021 FEB -4 PM 12:16

TOWN OF WILMINGTON, MA

CONSERVATION COMMISSION MINUTES

January 6, 2021

Donald Pearson called the meeting to order at 7:06 pm after stating the following:

"Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place. 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/84955908410?pwd=UIN5RWFmVUppRDIVTlpuVHd3YzgwUT09>.

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 849-5590-8410 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. All callers using this feature will be placed in queue in the order they entered the prompt. 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."

The following members were in attendance: Donald Pearson, Theron Bradley, Vincent Licciardi, Laura deWahl, Michael McInnis, and Thomas Ollila. Alexander Rittershaus was absent. Valerie Gingrich, Director of Planning and Conservation, Cameron Lynch, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 32 Cary Street - Map 67 Parcel 113C

Documents: Request for Determination of Applicability application, received December 9, 2020
Letter from Steven Eriksen, Norse Environmental Services, Inc., dated November 17, 2020
Google Aerial, dated 5/19
Photograph, undated

"Plan", modified by homeowner, undated

Present in Interest: A. Martiniello, owner

C. Lynch informed the Conservation Commission (Commission) that this is an after the fact Request for Determination of Applicability for the removal of five (5) trees within the Bordering Vegetated Wetland (BVW) 100' buffer zone.

A. Martiniello advised that all five (5) trees were in the 100' buffer zone and posed a safety hazard. All of the trees were part of a densely wooded area and within 15' of active use areas. Some of those trees had lost large branches and two (2) of the trees were diseased.

T. Bradley asked how far the trees were from the BVW. A. Martiniello confirmed that none of the trees were closer than 20' to the BVW. T. Bradley asked if enough foliage remained to offer shade for the wetlands. A. Martiniello confirmed that the area is densely populated and enough foliage remains to offer sufficient shade.

D. Pearson suggested that the applicant plant some shrubs to replace the trees that were removed. A. Martiniello confirmed that he is willing to plant bushes if required by the Commission.

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

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, M. McInnis, and D. Pearson voted 6 - 0 to issue a Negative (3) Determination of Applicability for 32 Cary Street – Map 67 Parcel 113C

REQUEST FOR DETERMINATION OF APPLICABILITY – 201 Lowell Street – Map 48 Parcel 73A

Documents: Request for Determination of Application, received December 16, 2020
"Site Plans Set", 13 pages, dated December 16, 2020
USGS Locus Map, dated December 2020
Aerial Project Map, dated December 2020

Present in Interest: Sarah French, VHB
Brittany. Gesner, VHB
Alec White, Cushman & Wakefield
Jeremy Howell, Textron Systems, Corp.
Cynthia Murphy, Margulies Perruzzi

B. Gesner presented the proposal to upgrade the HVAC to an existing external storage area on the site. Maple Meadow Brook runs through the middle of the 61 acres of the site and has an extensive wetland system associated with that brook. The existing external storage site, located in the center of the property, was constructed when the site was developed in the 1950's. The storage site consists of a series of above ground, earth covered concrete vaults with exposed doors for entry, and a paved access driveway. The HVAC system for the storage area is located in a nearby maintenance shed (located outside the 100' buffer zone) and has underground ductwork that goes from the maintenance shed to the storage vaults. The HVAC system has failed recently and requires repair by order of the State Fire Marshall's office. In addition, the ductwork going from the HVAC system to the storage vaults has failed due to water leaks and

deterioration of the ductwork. To reduce earth disturbance in the 100' buffer zone, the applicant proposes to abandon the failed ductwork and replace it with overhead ductwork that will go from the storage site to the maintenance shed. Two (2) posts every six (6) linear feet will support the above ground ductwork. The posts will sit on 3' x 3' concrete block footings, placed on top of 6" of crushed stone covered by filter fabric. Silt sock erosion control, will be installed around the entire perimeter of the project. There are four (4) 6'x 6' areas of temporary disturbance of earth above the concrete vaults. This is necessary to connect the new overhead ductwork to the storage area.

S. French advised that the resource areas on the site, Maple Meadow Brook, the Mean Annual High Water (MAHW), two (2) bordering vegetated wetland areas, the Borderland Land Subject to Flooding (BLSF), the 200' Riverfront Area, and the 100' BVW buffer zone have been delineated.

T. Ollila asked if hazardous materials are being stored in the storage units. A. White advised that materials that support their government programs are stored in the storage units. J. Howell advised that energetics are stored in the bunkers. B. Gesner advised that the same material that has been stored in the bunkers since the 1950's and that the project will not change what is stored in the units. L. deWahl asked if it is anything that can leak through the floor and into the ground during construction. J. Howell said it would not and that ATF and the State Fire Marshall have given approval for the products stored in the bunkers and the improvements. T. Bradley asked if just air would travel through the ductwork. A. White confirmed that it was just air going through the ductwork. V. Licciardi asked where the decay was. C. Murphy advised that the decay is from the top of the ductwork down to the storage units. M. McInnis asked what type of equipment will be used for the project and if it will impact the resource areas.

C. White advised that standard construction equipment will be used to bring the equipment onto the site and then use hand shovels on top of the storage units to connect the new ductwork. C. White stated that no liquids are stored and that all the stored materials are in a stable condition. B. Gessner advised that they are full concrete vaults. J. Howell confirmed that there are no liquids stored in the vaults and that there is curbing inside each concrete vault to keep everything inside the vaults.

D. Pearson asked what would happen if the storage facility would be re-purposed. C. White advised that if the materials stored in the bunkers were to change, the applicant would have to apply to the Town of Wilmington for a change of use. V. Licciardi asked if soil testing has ever been done in the area and if the Commission needs any soil testing done. B. Gessner, A. White, and J. Howell did not know of any soil samples. J. Howell advised that the surface water is consistently monitored by outside sources for any contaminants. V. Licciardi asked if the Commission could receive copies of the water reports. J. Howell agreed to supply copies of a water report. T. Bradley asked if receiving the report could be a condition to the decision. V. Gingrich did not believe a condition could be added. L. deWahl offered that in her experience, these type of facilities are designed to ensure that nothing leaches out and that contents of the bunker is not relative to the Commission's decision. D. Pearson asked if a recent water monitoring report could be supplied to the Commission as a courtesy. The applicant agreed.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, D. Pearson voted 5 - 0 to issue a Negative (2) Determination of Applicability for 201 Lowell Street- Map 48 Parcel 73A with M. McInnis voting against issuing the decision

PUBLIC HEARING NOTICE OF INTENT – 12 Clorinda Road – Map 53 Parcel 127 – DEP File #344-1471

Documents: Notice of Intent Application, received November 18, 2020
"Site Plan", dated November 16, 2020

Present in Interest: Luke Roy, LJR Engineering, Inc.
Lise Nichols, owner

L. Roy presented the proposed construction of a 17' x 20' addition to the rear of an existing single-family dwelling. The addition will be 32' from the BVW at its closest point and will take the place of an existing deck. A subsurface roof drain infiltration system is proposed and erosion controls will be installed. No new grading is proposed.

V. Gingrich advised that the Town did not have any comments, though there is an above ground pool and a shed that were constructed in the 15' no-disturb buffer without prior approval. The pool has been there about thirty (30) years and the shed for more than ten (10) years. The homeowner indicated that the pool is not in use and they expect to remove it in the next few years. The shed has a concrete foundation that would be difficult to move.

C. Lynch confirmed that the shed is on a concrete pad and moving it would cause more damage than leaving it in place.

D. Pearson asked if a draft Order of Conditions has been prepared. V. Gingrich confirmed that it has and reviewed condition #47 regarding demarcation that advised that there is an existing fence that demarcates the edge of yard, but does follow the typical demarcation line. There isn't any fence along the back side of the property, but it does pull back from the wetland line along that location. The existing fence is close to the wetlands and does not have any vegetation for a vegetated buffer. It does separate the yard from the wetlands, but does not provide for a vegetated buffer between the fence and the wetlands.

D. Pearson asked if the pool removal would come in front of the Conservation Commission. V. Gingrich advised that a Demolition permit for removal of the pool would trigger a review by the Commission and the opportunity to have a demarcation fence installed in a more appropriate location.

M. McInnis asked that the existing fence be maintained until such time that the pool is removed and the demarcation fence placed in the proper area. V. Gingrich advised that the fence encloses the pool area and that the fence has to remain as long as the pool remains.

The Commission members agreed to leave the existing fence as is and to remove condition #47 in the draft Order of Conditions. D. Pearson inquired about condition #49 in the draft Order of Conditions. V. Gingrich advised that condition #49 in the draft Order of Conditions is problematic due to the existing fence. D. Pearson suggested removing condition #49 as well. L. deWahl asked about changing the wording in condition #49 to mention no new structure and or disturbance. The Commission and L. Roy agreed to the change in wording to condition #49 in the draft Order of Conditions.

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

V. Licciardi, L. deWahl, T. Ollila, T. Bradley, M. McInnis, and D. Pearson voted 6 – 0 to close the Public Hearing for 12 Clorinda Road – Map 53 Parcel 127 – DEP File #344-1471

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

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, M. McInnis, and D. Pearson voted 6 – 0 to approve the Order of Conditions for 12 Clorinda Road – Map 53 Parcel 127 – DEP File #344-1471

PUBLIC HEARING NOTICE OF INTENT – 687 Main Street – Map 31 Parcel 11A – DEP File #344-1473

Documents: Notice of Intent Application, received December 16, 2020
Letter from Stephen Dresser, Dresser, Williams & Way, Inc. Response to Enforcement Order, dated December 11, 2020
Stormwater Drainage Report, dated December 18, 2020
“U-Haul Notice of Intent Plan Set”, 6 pages, dated December 8, 2020
Letter from Valerie Gingrich, Town of Wilmington, Planning & Conservation Department, dated January 5/, 2021
Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated January 6, 2021

Present in Interest: Stephen Dresser, Dresser, Williams, & Way, Inc.
Attorney John McKenna

Attorney J. McKenna confirmed that this application is a new design and that they have received comments from both V. Gingrich and P. Alunni. The applicant would like to meet with V. Gingrich and P. Alunni next week to review and resolve the comments. Attorney McKenna requested to continue the Public Hearing for 687 Main Street – DEP File #344-1473 to the February 3, 2021 Conservation Commission meeting.

V. Gingrich confirmed that they would set up a meeting next week to resolve the comments Engineering Division and the Planning & Conservation Department.

D. Pearson asked about the newly paved area on the “Existing Condition” page of the submitted plans that shows the 82 contour line and if the new pavement goes from that line up. D. Pearson also asked to have the alternatives analysis include additional alternatives such as moving the pavement away from the brook and to landscape the area. V. Gingrich advised that this was suggested to the applicant and to move the pavement away from the brook and restore more area along that edge. There is usually a requirement to have 100’ of undisturbed vegetation, but the condition of the area was before it was paved is unclear. This makes it hard to determine what was and was not altered.

Upon motion duly made by M. McInnis and seconded by L. deWahl,

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, M. McInnis, and D. Pearson voted 6 - 0 to continue the Public Hearing for 687 Main Street – Map 31 Parcel 11A – DEP File #344 – 1473 to the February 3, 2021 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF AREA RESOURCE AREA
DELINEATION – 6 Tobin Drive – Map 16 Parcel 22A – DEP File #344-1470**

Documents: Letter from Andrew Pojasek, Dana Perkins, Inc., dated December 22, 2020

V. Gingrich advised that the applicant has recently agreed to a peer review and that A. Pojasek of Dana Perkins, Inc., submitted a letter requesting to continue the Public Hearing for 6 Tobin Drive – Map 16 Parcel 22A – DEP File #344-1470 to the February 3, 2021 Conservation Commission Meeting.

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, M. McInnis, and D. Pearson voted 6 - 0 to continue the Public Hearing for 8 Tobin Drive – Map 16 Parcel 22 – DEP FILE #344-1470 to the February 3, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461

Documents: Letter from Paul Alunni, Town of Wilmington Engineering Division, dated December 22, 2020

V. Gingrich advised that P. Alunni submitted a letter requesting to continue the Public Hearing for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-11461 to the February 3, 2021 Conservation Commission meeting.

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

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, M. McInnis, and D. Pearson voted 6 – 0 to continue the Public Hearing for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461 to the February 3, 2021 Conservation Commission meeting

CONTINUED PUBLIC HEARING – 378 – 384 Middlesex Avenue & 200 Jefferson Road – Map 89 Parcels 8, 9, 10, 13A, & 13B – DEP File #344-1467

Documents: Email from Dan Endyke, Princeton Properties, Inc., dated January 6, 2021

V. Gingrich advised that the peer reviewer has completed the fieldwork and that the report should be submitted by Tuesday, January 12, 2021. As a result, D. Endyke emailed a request to continue the Public Hearing for 378 – 384 Middlesex Avenue & 200 Jefferson Road – Map 89 Parcels 8, 9, 10, 13A, & 13B – DEP File #344-1467 to the February 3, 2021 Conservation Commission meeting. V. Gingrich will send the peer review report to the Commission once it is received from LEC.

T. Bradley suggested a site visit (weather permitting) if, after reviewing the report, any Commission members feel it is necessary. V. Gingrich agreed to set up a site visit if, after reviewing the peer review report, any of the Commission members felt it was necessary.

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

V. Licciardi, L. deWahl, T. Bradley, T. Ollila, M. McInnis, and D. Pearson voted 6 - 0 to continue the Public Hearing for 378 - 384 Middlesex Avenue & 200 Jefferson Road - Map 89 Parcels 8, 9, 10, 13A, & 13B - DEP File #344-1467 to the February 3, 2021 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE - 27 Green Meadow Drive - Map 3 Parcel 213 - DEP File #344-1396

Documents: Request for Certificate of Compliance application, received December 1, 2020
"As-Built Plan", dated November 11, 2020

C. Lynch advised that all conditions were met.

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

V. Licciardi, L. deWahl, T. Bradley, M. McInnis, T. Ollila, and D. Pearson voted 6 - 0 to issue the Certificate of Compliance for 7 Green Meadow Drive - Map 3 Parcel 213 - DEP File #344-1396

ADMINISTRATIVE TREE or SHRUB REMOVAL

18 Patch's Pond Lane - Map 29 Parcel 58 - D. Pearson asked for questions or comments from the Commission. None were voiced.

25 Marjorie Road - Map 70 Parcel 64 - D. Pearson asked for questions or comments from the Commission. None were voiced.

DISCUSSION

Remote Participation Policy - V. Gingrich asked if all the comments she captured in her draft memorandum were satisfactory to the Commission and asked that if anyone has additional comments, to submit them to her by tomorrow morning. If no additional comments, she will submit it to the Town Manager on January 7, 2021.

Bat Houses - Sean Riley and Sam Juergens are seniors at Wilmington High School who are taking a Service Learning class at school. The overall theme of the class is a service project. Both Sean and Sam are interested in the climate, local conservation, and local animal population. Bat houses are basically birdhouses that house bats. They would like to install six (6) bat houses on Wilmington conservation land. Two (2) in Hathaway Acres, two (2) in Wilmington Town Forest, and two (2) behind the Medical center on Route 62 across from the Hathaway Acres neighborhood. Sam explained that he constructed the bat houses with wood and weather resistant screws and they will be installed 10' - 15' high with weather resistant materials. He further explained that the bat houses would help keep the bats away from residential homes and reduce the mosquito population.

D. Pearson asked if they would update the Commission when the houses were populated. V. Licciardi asked how they planned to attract the bats. Sam explained that bats naturally roost in dead trees, attics, and barns and that once one (1) bat inhabits the house, it will attract additional bats. M. McInnis asked how many bats could live in each house. Sam explained that they hope to house four (4) bats per house.

DEP Appeal of the Town of Wilmington's Brentwood Avenue Drainage Order of Conditions #344-1469 – V. Gingrich confirmed receipt of the DEP appeal and DEP was going to set up a site visit and would discuss it with the Town's Engineer.

MINUTES – December 2, 2020

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

V. Licciardi, L. deWahl, T. Bradley, M. McInnis, T. Ollila, and D. Pearson voted 6 - 0 to accept the minutes for the December 2, 2020 Conservation Commission

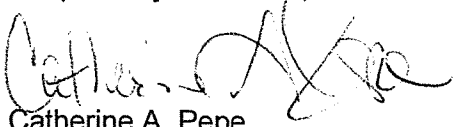
Next meeting – February 3, 2020

There being no additional business to come before the Conservation Commission, the Commission voted to adjourn the meeting at 8:41 pm

Upon motion duly made by L. deWahl and seconded by V. Licciardi,

V. Licciardi, L. deWahl, T. Bradley, M. McInnis, T. Ollila, and D. Pearson voted 6 - 0 to adjourn the meeting at 8:41 pm.

Respectfully submitted,



Catherine A. Pepe
Senior Clerk