



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

PLANNING & CONSERVATION  
DEPARTMENT

(978) 658-8238  
FAX (978) 658-3334

**CONSERVATION COMMISSION MINUTES**

October 7, 2015

Julie Flynn, Chair, called the meeting to order at 7:03 p.m. Sharon Kelley-Parrella, Charles Rooney III, Vincent Licciardi, Michael McInnis, Laurie Finne, and Don Pearson were present. Sharon Kelley-Parrella and Laurie Finne left the meeting early. Winifred McGowan, Assistant Director of Planning & Conservation, was also present.

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 31  
ELEANOR DRIVE – MAP 4 PARCEL 21 (SUBDIVISION LOT 34)**

Documents: Proposed Subsurface Septic Disposal System, plan revised 10/02/2015

Present in Interest: Luke Roy, LJR Engineering, Inc.  
Craig Newhouse, C. S. Newhouse Builders, Inc.

L. Roy presented a plan to construct a new single family home, septic system and associated site work. Plan shows a future pool which is not part of this filing. This subdivision has an Order of Conditions DEP File #344-1289 that covers overall stormwater management. A swale in the grading easement on this lot is next to the conservation restriction area. It catches runoff from the driveway and directs it toward the stormwater basin. The wetlands are just past the property line. Deck is 51 feet from the wetlands and the septic system is partially outside the 100 foot buffer zone. The infiltration units for roof runoff are located in the back of the house. There will be a fence and a stone retaining wall for a demarcation line in the rear of the property. Erosion controls will be used. Design of the septic system was approved by the Board of Health.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative Determination of Applicability for 31 Eleanor Drive -  
Map 4 Parcel 21

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 644  
WOBURN STREET - MAP 58 PARCEL 19B**

Documents: Plot Plan 644 Woburn Street revised 10/7/2015  
Untitled plan with additional work sketched on- revised at the meeting

Present in Interest: Matt Previte, Contractor  
Rachel Laquidara, owner

M. Previte presented a plan to build an attached, two car garage with an unfinished second level. It will be located about 55 feet from the wetland with an addition to the deck behind the garage. Erosion controls will be used. Applicant agreed to provide an area for yard waste away from the wetland.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a negative Determination of Applicability for 644 Woburn Street  
– Map 58 Parcel 19B

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 4  
TANNER ROAD - MAP 84 PARCEL 72**

Documents: Conservation As-Built DEP File #344-716, 4 Tanner Road revised  
10/28/2010, work sketched on (latest revision date not given)

Present in Interest: Mario Dimeco, owner

M. Dimeco presented a plan to remove an existing deck and construct a new, larger deck. The stairs will be located on the end of the deck towards the driveway. He will have to install one additional footing to expand this deck.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative Determination of Applicability for 4 Tanner Road -  
Map 84 Parcel 72

**PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – 34  
HOBSON AVENUE - MAP 45 PARCEL 12**

Documents: Plot Plan of Land in Wilmington, MA revised 9/18/2015  
Topographic Plot Plan dated 1/11/2013 (old plan)

Present in Interest: Claude Lavallee, Attorney  
Kenneth & Stacy Bonanno, owners

C. Lavallee presented a plan to raze an existing dwelling and construct a new single family home with rain garden and driveway with pavers. It will be on town sewer and will involve associated site work. They had previously received an Order of Condition to build an addition and found it was not practical. This new plan will pull the house further away from the wetlands and the brook. The impervious percentage will be reduced. The gutters will be directed into rain barrels and a rain garden. The driveway will consist of recycled existing pavers. A majority of the property is within 200 feet of the brook. Erosion controls will be used. The owners agreed to provide details for the rain garden planting and construction, landscaping, would add a yard waste area and would file a Request for a Certificate of Compliance for the open OOC. There was a brief discussion regarding the location of the demarcation fence so there would be a 100-foot wide area of natural vegetation along the river and project alternatives that were considered. K. Bonanno explained that the previous order required demarcation line and he already installed a fence 15 feet from the wetland. It was decided the line could stay where it is.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative Determination of Applicability for 34 Hobson Street – Map 45 Parcel 12

**CONTINUED PUBLIC MEETING - REQUEST FOR A DETERMINATION OF APPLICABILITY – BYRON STREET - MAP 6**

The applicant emailed a request to withdraw the application.

**PUBLIC HEARING - ORDER OF CONDITIONS AMENDMENT- 240 WOBURN STREET - MAP 87 PARCEL 13E - DEP FILE #344-1278**

Documents: Proposed Septic System Design revised 10/7/2015

Present in interest: John Barrows, Marchionda & Associates, L. P.  
David Kindred, Kindred Homes, Inc.

J. Barrows presented plans for a redesigned septic system and infiltration system that would reduce disturbance on the lot below the 20,000 sq. ft. that triggered a Stormwater Management Permit (SMP). If the Commission approves the change, the owner will only need a Simple Stormwater Management Permit instead of an SMP. The plan shows arborvitae planted by the no disturb area. The Board of Health approved the septic design. The Town Engineer was satisfied with the proposed stormwater features.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing to amend the Order of Conditions – Map 87 Parcel 14E – DEP File #344- 1278 for 240 Woburn Street

VOTED: To issue an Amendment to the Order of Conditions– Map 87 Parcel 14E – DEP File #344-1278 for 240 Woburn Street.

**PUBLIC HEARING - ORDER OF CONDITIONS AMENDMENT - 110 EAMES STREET - MAP 47 PARCEL 17 - DEP FILE #344-1249, STORMWATER MANAGEMENT PERMIT #13-2**

Documents: Parking Expansion Plan revised 8/24/2015  
Stormwater Management Report, 110 Eames Street, dated 10/6/2015

Present in interest: Eugene Sullivan, Eugene T. Sullivan, Inc.  
R. Gottschalk, trustee, Eames Street Realty Trust

G. Sullivan presented a plan to amend Order of Conditions #344-1249 for 110 Eames Street by expanding the parking area. A catch basin and water treatment unit will be added and connected to the existing stormwater basin. The basin had been sized for the additional pavement. The added pavement will be used as parking and staging for the landscape business. There was brief discussion on reconfiguring to shrink the proposed paved area and pull the pavement back from the wetlands, adding plantings to shade wetlands and pavement, mowing the no-disturb area, snow storage, moving the dumpster away from the wetland. E. Sullivan said the owner will stop mowing past the demarcation line and will remove excess snow from the lot. He noted that there will be room in the parking area for snow as there will be fewer vehicles parked there in winter. In response to questions E. Sullivan stated that regrading by the road, not shown on the plan, is for access for fire trucks, that they want to use as much of the parking lot as possible.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing to amend the Order of Conditions for 110 Eames Street - Map 38 Parcel 4D - DEP File #344-1249, Stormwater Management Permit #13-2

VOTED: To issue an Amendment to the Order of Conditions for 110 Eames Street-Map 38 Parcel 4D - DEP File #344-1249

**PUBLIC HEARING - NOTICE OF INTENT - 20 NORTH STREET - MAP 88 PARCEL 3 - DEP FILE #344-1318**

Documents: Proposed Subsurface Septic Disposal System dated 8/28/2015

Present in interest: Luke Roy, LJR Engineering, Inc.  
Michael Tkachuk, owner

L. Roy presented a plan to build a new single family dwelling, septic system, infiltration system for roof and driveway runoff, and associated site work. The previous home burned down several years ago; much of the upland is defined as degraded under the riverfront regulations. New impervious areas will be farther from the river than the existing degraded area. The home will be 44 feet from the wetlands. The septic system will be in front of the house; land will be raised for the septic system. Erosion controls will be used. A demarcation fence will run across the back of the yard. There was a brief discussion about where the edge of the river was and whether the project would meet the standards if the river line was much closer than shown (i.e. based on changes in vegetation among other indicators), about removing debris close to and in wetlands, about flag 6 apparently being shown farther out on the plan than it was. There is a lot of debris in the wetlands that the applicant said he would remove. The Board of Health approved the septic design.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 20 North Street - Map 88 Parcel 3 - DEP File #344-1318

VOTED: To issue an Order of Conditions for 20 North Street - Map 88 Parcel 3 - DEP File #344-1318

**PUBLIC HEARING - NOTICE OF INTENT - 18 BOUTWELL STREET - MAP 18 PARCEL 4 - DEP FILE #344-1319**

Documents: Proposed Subsurface Sewage Disposal System dated 9/14/2015

Present in interest: Greg Saab, ESS

G. Saab presented a plan to build a new single family house and a septic system with associated site work. Erosion controls will be used. A demarcation fence and composting area will be installed. There will be a stone trench for the driveway runoff and an infiltrator for the roof runoff. The Board of Health approved the septic system design. G. Saab agreed to have the owners remove yard waste from wetlands close to the stream on adjacent lots they own, as part of this project.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 18 Boutwell Street - Map 18 Parcel 4 - DEP File #344-1319

VOTED: To issue an Order of Conditions for 18 Boutwell Street - Map 18 Parcel 4 - DEP File #344-1319

**PUBLIC HEARING - NOTICE OF INTENT- 393 SHAWSHEEN AVENUE - MAP 35 PARCEL 23E - DEP FILE #344-1320**

Documents: Proposed Subsurface Septic Disposal System, revised 9/22/2015

Present in interest: Luke Roy, LJR Engineering, Inc.  
Chris Cormier, applicant

L. Roy presented a plan to demolish an existing home and construct a new single family dwelling. The proposed dwelling's deck is 34 feet from bordering vegetative wetlands. Stairs (not shown) will be installed at the end of the deck towards the driveway. The septic system will be in the front of the house. This will require the new house to be closer to the wetland than the existing house. Subsurface infiltrator units and a stone infiltration trench will be installed for the roof and driveway runoff respectively. Erosion controls will be used. A demarcation fence and yard wastes area will be installed. Applicant agreed that he would try to save some trees within the work area to shade the wetland. The Board of Health approved the septic design.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 393 Shawsheen Avenue - Map 35 Parcel 23E - DEP File #344-1320

VOTED: To issue an Order of Conditions for 393 Shawsheen Avenue - Map 35 Parcel 23E - DEP File #344-1320

**OTHER BUSINESS**

**DISCUSSION - 1 SOMERVILLE AVENUE - MAP 9 PARCEL 72A, 70  
DISCUSSION - 3 SOMERVILLE AVENUE- MAP 9 PARCEL 72B, 70**

Owners of these two parcels were told last year to remove their property from conservation land and to stop encroaching on town land. The encroachment has continued. The owners were asked to come tonight with a schedule for removing their items and restoring where they disturbed the conservation land. They did not attend. The Commission will send a follow up letter.

**CERTIFICATE OF COMPLIANCE - 326 BALLARDVALE STREET - MAP R3 PARCELS 25&25A - DEP FILE #344-818**

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 326 Ballardvale Street- Map R3 Parcels 25 & 25A - DEP File #344-818 (work not done)

**CERTIFICATE OF COMPLIANCE - 33 BALLARDVALE STREET - MAP 97 PARCEL 1  
- DEP FILE #344-1260**

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 33 Ballardvale Street – Map 97  
Parcel 1 – DEP File #344-1260

**CERTIFICATE OF COMPLIANCE - 10 WINSTON AVENUE - MAP 9 PARCEL 21A  
DEP FILE #344-1260**

The chain link fence does not meet the specified 15 feet from the wetlands. A tree house is within the no-structures area. The septic was replaced without an emergency certification. There was brief discussion about the setbacks. A letter will be sent to the owners saying that the fence does not need to be moved, however, shrubs will need to be planted and maintained where the fence is less than 15 feet from the wetland to serve as part of the demarcation line.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 10 Winston Avenue – Map 9  
Parcel 21A – DEP File #344-1260 but hold it until demarcation planting is  
done

**CERTIFICATE OF COMPLIANCE - 6301 POULIOT PLACE - MAP 106 PARCEL 101 -  
DEP FILE #344-475**

Present in Interest: Andrew Pojasek, Dana F. Perkins, Inc.

W. McGowan noted that gutters were installed and discharge to the ground surface; the fence is further back than what is specified in the Order. In other cases the Commission has required infiltrators to be put in. Although boulders were specified, the Commission agreed that the fence could serve as the demarcation line. Commission noted that it can not require work on the abutting lot, although some gutters from #6301 discharge on the abutting lot. A follow up letter will be sent.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Request for a partial Certificate of Compliance for 6301  
Pouliot Place – Map 106 parcel 101 – DEP File #344-475

**CERTIFICATE OF COMPLIANCE - 4 COTTAGE STREET - MAP 45 PARCEL 70 -  
DEP FILE #344-1307**

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 4 Cottage Street - Map 45 Parcel  
70 - DEP File #344-1307

**CERTIFICATE OF COMPLIANCE – 1 POND STREET - MAP 34 PARCEL 151 - DEP  
FILE #344-1150**

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Certificate of Compliance for 1 Pond Street - Map 34 Parcel 151 - DEP File #344-1150

**LAND DONATION - MURRAY HILL SUBDIVISION OPEN SPACE - MAP 4 PARCELS 4K, 6, 11, 17, 20, 26, 41, 42, AND 7J**

After a brief discussion regarding potential reservation of nitrogen credits and providing a title certificate, the Commission tabled the vote to accept the open space parcels.

**EMERGENCY CERTIFICATION - 45 ANDOVER STREET - MAP 103 PARCEL 14**

W. McGowan stated she issued an Emergency Certification to replace a failed septic system.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for 45 Andover Street - Map 103 Parcel 14

**EMERGENCY CERTIFICATION - 128 GLEN ROAD - MAP 55 PARCEL 1**

W. McGowan stated she issued an Emergency Certification to replace a failed sewer line.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for 128 Glen Road - Map 55 Parcel 1

**EMERGENCY CERTIFICATION - 6 HANSON ROAD - MAP 57 PARCEL 47**

W. McGowan stated she issued an Emergency Certification to replace a failed septic system.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for 6 Hanson Road - Map 57 Parcel 47

**AGENT UPDATE - 3 HAROLD AVENUE - MAP 23 PARCEL 24**

The owners have not finished the work. They took down most of the shed, but have not removed the fill from the floodplain. They were supposed to have provided an as-built plan as of today. A letter will be sent giving them a month extension to complete the restoration and provide an as-built plan.

**AGENT UPDATE - 114 WEST STREET - MAP 71 PARCELS 7, 8**

Present in Interest: John Christopher, Green River Development

The contractor stated that the as-built was not completed due to water detained in the stormwater basin. Now that it has stopped raining the surveyor can complete the as-built. He will send an email giving the date the as-built will be finished. The Commission granted him time to get the as-built done.

**AGENT UPDATE - 8 RIVER STREET - MAP 44 PARCEL 150**

Present in Interest: Steven DiFava, owner

The Enforcement Order stated that the owner needed to provide pictures showing that the shed had been removed, fences were relocated or removed, and the areas were replanted. The homeowner submitted the pictures and attended this meeting.

**AGENT UPDATE - 5 HOPKINS STREET - MAP 22 PARCEL 10D - DEP FILE #344-1315**

The applicant cleared beyond where he was allowed to clear, in violation of the Order of Conditions #344-1315. He cleared up to the wetland and past the agreed-upon limit of the rear yard. He will be required to restore the area with large enough trees to provide shade to the wetland. If he does not provide the restoration plan by the next meeting then an enforcement order will be issued. A letter will be sent to the owner.

**MINUTES - June 3, 2015, July 1, 2015, August 5, 2015, & September 2, 2015**

Upon motion duly made and seconded, it was

VOTED: To approve the minutes of June 3, 2015, with three abstaining

VOTED: To approve the minutes of July 1, 2025 as corrected, with two abstaining

VOTED: To approve the minutes of August 5, 2015, with three abstaining

VOTED: To approve the minutes of September 2, 2015, with three abstaining

**ADJOURN**

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

VOTED: To adjourn the meeting at 10:30 pm.

Respectfully submitted,

Elizabeth Lawrenson  
Senior Clerk