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TOWN of WILMINGTON
DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

October 7, 2020

Donald Pearson called the meeting to order at 7:05 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/88602104608?pwd=Vm03TGt3MUVRZDZJVM0psbDRLVktiUT09>. 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 886-0210-4608 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, Alexander Rittershaus, Laura deWahl, and Michael McInnis. Thomas Ollila 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 – Deming Way – Map 30 Parcel 1

Documents: Request for Determination of Applicability application, received September 23, 2020
 "Paving, Parking and Roadway Improvements Deming Way) 667-1, 667-2)
 Wilmington Housing Authority Wilmington, Massachusetts DHCD Project #342063",
 dated November 13, 2019
 Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated
 October 2, 2020

V. Gingrich stated that the applicant's engineer was not attending tonight's meeting. She then reviewed the Engineering Division's recommendation of Positive Determination for this Request for Determination of Applicability (RDA). This would require the applicant to submit a Notice of Intent (NOI) for this project as well as a Stormwater Management Permit. The scope of work includes repaving, cutting back some pavement, and adding some pavement to an area that is in Floodplain

and within 100' of the Riverfront. In addition, all of the resource areas were not properly addressed in this application.

Upon motion duly made by L. deWahl and seconded by T. Bradley,

L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 6 – 0 to issue a Positive (3) Determination of Applicability for Deming Way – Map 30 Parcel 1

PUBLIC HEARING – NOTICE OF INTENT – 18 Cunningham Street – Map 69 Parcel 80 – DEP File #344-1468

Documents: Notice of Intent application, received September 21, 2020
“Site Plan”, dated September 7, 2020

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the proposed 10' x 16' addition to the left side of an existing single-family home. Almost the entire property is within the 100' buffer zone. The addition is proposed for an area that is currently maintained lawn and will be about 32' from the wetlands. The existing shed will be removed and an infiltration system will be installed. The applicant would like to use the existing chain link fence as the demarcation fence even though Part of the fence is within the 15' no-disturb area, but another part is further away from the 15' no-disturb. The applicant will establish a compost area inside the existing fence.

C. Lynch asked if the Commission is agreeable to the applicant using the existing chain link fence for the demarcation fence. V. Gingrich stated that the applicant's engineer specify on the plan that the infiltration be at least 2' above the seasonal high ground water. V. Gingrich confirmed that the area currently surrounded by the chain link fence is existing lawn.

L. deWahl suggested that the applicant make a gap under the fence for possible wildlife passage. D. Pearson asked if there is a gate in the fence. L. Roy did not recall a gate in the fence. D. Pearson asked L. Roy to correct the address on one of the pages to read 18 Cunningham Street. T. Bradley asked the age of the fence and lawn. L. Roy advised the existing fence and lawn were established when the current homeowner purchased the home in 2014.

V. Gingrich reviewed Special condition #22 and asked that the plan be revised to show the 2' of separation to groundwater and that it be submitted prior to construction. Condition #48 allows the existing chain link fence without any gates or breaks, remain as permanent demarcation on the property. Condition #49 clarifies that the infiltration system is for the proposed addition and Condition #53 states that the stated setbacks be maintained in perpetuity and that no disturbance shall occur beyond the chain link demarcation fence. T. Bradley ask that the removal of the shed be included in the description in the Order of Conditions. V. Gingrich advised that it will be stated in the project description.

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

L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 6 – 0 to close the Public Hearing for 18 Cunningham Street – Map 69 Parcel 80 – DEP File #344-1468

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

V. Licciardi, L. deWahl, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted

6 – 0 to approve the Order of Conditions for 18 Cunningham Street – Map 69 Parcel 80 - DEP File #344-1468 as amended

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 September 29, 2020

V. Gingrich advised that P. Alunni submitted a letter requesting to continue the Public Hearing for Shady Lane Drive to the November 4, 2020 Conservation Commission meeting.

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

V. Licciardi, T. Bradley, L. deWahl, M. McInnis, A. Rittershaus, 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 November 4, 2020 Conservation Commission meeting.

CONTINUED PUBLIC HEARING – 687 Main Street – Map 31 Parcel 11A – DEP FILE #344-1451

Present in Interest: Attorney John McKenna

Attorney J. McKenna asked that the Public Hearing for 687 Main Street – Map 31 Parcel 11A – DEP File #344-1451 be continued to the November 4, 2020 Conservation Commission meeting.

V. Gingrich reminded the Commission that this project is in response to a Notice of Violation for pavement in the buffer zone, Riverfront Area, Floodplain, and Groundwater District that was done without approval. She advised that the applicant's submittals have not met the requirements and we have had a difficult time moving forward with the project. V. Gingrich recommends that the Conservation Commission (Commission) require that substantive material be submitted by the next meeting's deadline and if that is not done, then the Commission deny the NOI and issue an Enforcement Order.

D. Pearson asked if the applicant could have anything substantive for the next meeting and Attorney J. McKenna hopes to be able to meet the deadline for the next meeting.

V. Gingrich suggested that the applicant submit good quality material that meets the requirements for the October 21, 2020 Conservation Commission meeting deadline. If that is not done, then the Commission should move forward with denying the application. L. deWahl asked for clarification as to what the Commission should consider substantive documents. V. Gingrich advised that the applicant should address both the Engineering Division's and the Conservation comments and submit documents in response to those documents for the Commission to review for the November 4, 2020 Conservation Commission meeting.

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

L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 6 – 0 to continue the Public Hearing for 687 Main Street – Map 31 Parcel 11 – DEP File #344-1451 to the November 4, 2020 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 378 – 384 Middlesex Avenue & 200 Jefferson Road - Map 89 Parcels 8, 9, 10, 13A, & 13B – DEP File E344-1467

Documents: Letter from David Cowell, Princeton Properties, dated September 22, 2020
Letter from Jeff Brown, Princeton Properties, dated October 1, 2020

V. Gingrich advised that J. Brown submitted a letter requesting to continue the Public Hearing for 378 – 384 Middlesex Avenue and 200 Jefferson Road to the November 4, 2020 Conservation Commission meeting.

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

T. Bradley, V. Licciardi, A. Rittershaus, L. deWahl, 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 November 4, 2020 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 205R Aldrich Road – Map 9 Parcel 54 – DEP File #344-1356

Documents: Email from Attorney Michael Newhouse, dated September 22, 2020

V. Gingrich advised that Attorney M. Newhouse emailed a request to table the Request for Certificate of Compliance for 205R Aldrich Road to the November 4, 2020 Conservation Commission meeting.

Upon motion duly made by L. deWahl and seconded by T. Bradley,

L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 6 - 0 to table the Request for Certificate of Compliance for 205R Aldrich Road – Map 9 Parcel 54 – DEP File #344-1356 to the November 4, 2020 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 70 Taplin Avenue – Map 44 Parcel 72 – DEP File #344-1398

Documents: Request for Certificate of Compliance, received September 22, 2020
“As-Built Plan”, dated August 18, 2020

C. Lynch advised that all conditions have been met.

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

T. Bradley, A. Rittershaus, L. deWahl, V. Licciardi, M. McInnis, and D. Pearson voted 6 - 0 to issue the Certificate of Compliance for 70 Taplin Avenue – Map 44 Parcel 72 – DEP File #344-1398

REQUEST FOR CERTIFICATE OF COMPLIANCE – 16, 16R, & 18R Boutwell Street – Map 18 Parcels 3B, 3D, & 4A – DEP File #344-1353

Documents: Request for Certificate of Compliance, received September 16, 2020
“As-Built Plan”, dated August 18, 2020

C. Lynch advised that all conditions have been met.

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

T. Bradley, L. deWahl, V. Licciardi, M. McInnis, A. Rittershaus, and D. Pearson voted 6 – 0 to issue the Certificate of Compliance for 16, 16R, & 18R Boutwell Street – Map 18 Parcels 3B, 3D, & 4A – DEP File #344-1353

REQUEST FOR CERTIFICATE OF COMPLIANCE – 25 Green Meadow Drive – Map 3 Parcel 212 – DEP File #344-1397

Documents: Request for Certificate of Compliance, received September 22, 2020
“As-Built Plan”, dated September 2, 2020

C. Lynch advised that all conditions have been met.

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

L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 6 – 0 to issue the Certificate of Compliance for 25 Green Meadow Drive – Map 3 Parcel 212 – DEP File #344-1397

REQUEST FOR CERTIFICATE OF COMPLIANCE – 175 Middlesex Avenue – Map 63 Parcel 7 – DEP File #344-1420

Documents: Request for Certificate of Compliance, received September 22, 2020
“Asbuilt Plan, dated August 27, 2020

D. Pearson recused himself from the vote as he is a library trustee.

C. Lynch advised that all conditions have been met.

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

T. Bradley, L. deWahl, V. Licciardi, M. McInnis, and A. Rittershaus, voted 5 – 0 to issue the Certificate of Compliance for 175 Middlesex Avenue – Map 63 Parcel 7 – DEP File #344-1420 with D. Pearson abstaining from the vote

REQUEST FOR CERTIFICATE OF COMPLIANCE – 7 Kelley Road – Map 51 Parcel 106 – DEP File #344-1424

Documents: Request for Certificate of Compliance, received September 23, 2020
“COC As-Built Plan”, dated September 22, 2020

C. Lynch advised that all conditions have been met.

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

L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson, voted 6 – 0 to issue the Certificate of Compliance for 7 Kelley Road – Map 51 Parcel 106 – DEP File #344-1424

REQUEST FOR CERTIFICATE OF COMPLIANCE – 61 Ashwood Avenue – Map R4 Parcel 121 – DEP File #344-1412

Documents: Request for Certificate of Compliance, received September 29, 2020
“Existing Conditions Plan”, dated September 25, 2020

V. Gingrich advised that all conditions have been met.

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

L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson
voted 6 – 0 to issue the Certificate of Compliance for 7 Kelley Road – Map 51 Parcel
106 – DEP File #344-1412

NOTICE OF VIOLATION UPDATE

1A Kendall Street – Map 21 Parcel 33 – V. Gingrich advised the Commission that the homeowner did supply the proper documentation showing that the depression previously called Bordering Vegetated Wetland (BVW) is in fact, an isolated wetland and is not large enough to be labeled Isolated Land Subject to Flooding (ILSF). Therefore, it is not a jurisdictional area. V. Gingrich will research if a letter is needed stating that the previous order does not apply to the property.

DISCUSSION

911 Main Street – Map 25 Parcel 4 – DEP File #344-1400 – V. Gingrich advised the Commission that the original Order of Conditions (OOC) was approved in December of 2018. The OOC was issued to rectify previous unpermitted work that was done and to bring the site into compliance with stormwater standards and riverfront standards. The work has not begun on the project and V. Gingrich has asked the applicant to attend this meeting. V. Gingrich would like the Commission to consider setting deadlines to get the site back into compliance and get a commitment from the applicant.

R. Autenzio advised that Attorney Newhouse is working on getting a license agreement with the owner of the property behind 911 Main Street as the proposed work includes about seventeen (17) square feet in the northwest corner of that property.

V. Gingrich advised that plans were submitted to the Planning Board (Board) and endorsed by the Board at their meeting last night. V. Gingrich suggested that the applicant review the conditions that were issued by the Commission and the Board, submit the necessary documents and organize a pre-construction meeting. V. Gingrich advised that work can begin on 911 Main Street while waiting for permission from the abutter. V. Gingrich advised that the work on the other property is encroachment, that work can begin while waiting for permission from the other landowner, and that the applicant should be able to remove their things from that property without too many issues.

D. Pearson would like to see the necessary documents submitted by October 21, 2020. V. Gingrich suggested a construction start and end date. L. deWahl asked that construction begin by the end of the year. V. Gingrich asked how formal the Commission would like to make the dates and if the Commission wishes to consider an Enforcement Order for those dates. V. Gingrich asked R. Autenzio how long the construction would take. R. Autenzio would like to start the project next spring.

V. Licciardi asked for clarification on what type of construction is required. V. Gingrich advised that the applicant has to re-shape the stormwater basin, remove some pavement, and a few other items including stabilization of the property in the spring.

D. Pearson suggested starting construction by the middle of December. L. deWahl agrees with beginning before the end of the year. A. Rittershaus asked how many days the work would take. L. deWahl advised a few days. V. Gingrich advised that the end of the year to begin is generous and suggested the end of July 2021 to complete the project including seeding and stabilization. L. deWahl would like to see an update at the next meeting and if not, move forward with Enforcement.

The Commission agreed that construction is to begin before December 31, 2020 and completed by July 1, 2021. If the applicant does not comply, then the Commission would issue an Enforcement Order with associated fines.

ADMINISTRATIVE TREE OR SHRUB REMOVAL

109 Aldrich Road – Map 20 Parcel 2-102 – C. Lynch advised that there is a large dead tree in the rear yard about 90' from the wetlands. If that tree falls towards the house, it could damage the house. The dead tree does not require replacement.

UPDATE

Open Space Plan – V. Gingrich advised that the Open Space Committee will be reaching out to the public for feedback soon.

Public Hearing Training via ZOOM – KP Law, the Town's counsel is conducting Public Hearing training for the various Town Boards, Commissions, and Committees on Thursday, October 22, 2020. Please confirm your attendance with V. Gingrich.

MINUTES - September 2, 2020

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

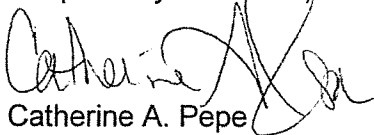
L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson voted 6 - 0 to accept the minutes for the September 2, 2020 Conservation Commission meeting with one (1) amendment

Next meeting – November 4, 2020

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

VOTED BY: L. deWahl, V. Licciardi, T. Bradley, M. McInnis, A. Rittershaus, and D. Pearson to adjourn the meeting at 8:23 pm.

Respectfully submitted,


Catherine A. Pepe
Senior Clerk

