



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

PLANNING & CONSERVATION
DEPARTMENT

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

**CONSERVATION COMMISSION MINUTES
November 2, 2016**

Julie Flynn, Chair, called the meeting to order at 7:01 p.m., Vincent Licciardi, Laurie Finne, Donald Pearson and Michael McInnis were present. Sharon Kelley-Parrella was absent. Winifred McGowan, Assistant Director of Planning and Conservation and Cathy Pepe, Senior Clerk of Planning and conservation were also present.

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY – 10
King Street, Map 54, Parcel 70 and 13 Crescent Street, Map 54, Parcel 63**

Documents: Site Plan with work sketched on it, undated, pictures

Present in interest: Francis and Dawn Kumiega, owners

F. Kumiega stated that they would like to remove three trees and trim one tree. Trees #1, #2, and #3 on site plan are on their property. Tree #1 is leaning and some branches are touching their house. Tree #2 has some hollow sounds near the tree base and is leaning onto the property of 13 Crescent St. The tree company recommends taking it down. Tree #3 is leaning as well. Tree #4 is on 13 Crescent St property, is dead, and the neighbor is concerned with falling branches and has given them permission to cut to a safe height. Trees #1, #2, and #3 will be cut and removed by crane. Tree #4 will be trimmed. D. Kumeiga said there are several small trees already growing around the existing trees. W. McGowan stated that all trees are in the 15' no disturb area or wetland and that tree #1 could just be trimmed and suggested that tree #3 be replaced.

Upon motion duly made and seconded was

VOTE: To issue a negative Determination of Applicability for 10 King Street, Map 54, Parcel 70

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY – 11
Cunningham Street, Map 69, Parcel 77**

Documents: Plot Plan, dated 9/20/16
Drawings of proposed structure, dated 5/8/16

Present in interest: Laurie Dellascio, owner
Bob Towle

L. Dellascio would like to build a 16'x 18' addition on sonotubes to garage. W. McGowan stated that it is approx. 70' from wetlands and asked whether the owner had decided to

use a drip edge trench. L. Dellascio would like to put large plantings in and said this will improve what was there as there is an existing patio right now.

Upon motion duly made and seconded was

VOTE: To issue a negative Determination of Applicability for 11 Cunningham Street, Map 69, Parcel 88

PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY – 17 Broad Street, Map 67, Parcel 82

Documents: Plot Plan updated with dry wells, dated 9/23/16

Present in interest: Jennifer & Kevin Shackelford, owners

K. Shackelford applied for a building permit for a 16'x16' deck and a 12'x16' 3-season porch on a slab foundation with gutters and drywell. They will use hay bales for erosion.

Upon motion duly made and seconded was

VOTE: To issue a negative Determination of Applicability for 17 Broad Street, Map 67, Parcel 82

PUBLIC MEETING CONTINUED - REQUEST FOR A DETERMINATION OF APPLICABILITY – 12 Sprucewood Road, Map 80, Parcel 15

Documents: Plan: Proposed Subsurface Sewage Disposal System Plan, updated 10/13/16

Present in interest: Rich Stuart, Triton Construction

R. Stuart stated the following changes were made: moved the septic tank, lowered the grade, and moved the infiltration system. Neighbors confirmed that they were comfortable with the modifications via an email dated November 2, 2016.

Upon motion duly made and seconded, it was

VOTED: To issue a negative Determination of Applicability on the revised design for 12 Sprucewood Road, Map 80, Parcel 15 – with 1 abstention

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 708R Woburn Street, Map 57, Parcel 54 – DEP File #344-1343

Documents: Third Party review of Wetlands delineation proposed at Nelson Acres dated 10/24/16, including BVW sketch

Present in interest: James Brothers, JRB Realty Trust
Mary Trudeau, Wetlands Consultant

M. Trudeau summarized her peer review of wetlands delineation report. M. Trudeau is in agreement with flags 1A – 5A, 8A, 9A, 11A-14A, and 16A-18A. She said the following flags should be moved: 6A approximately 10' to the north, 7A approximately 22' to the north,

10A approximately 10' to the north, 15A approximately 35' to the north, and add flags 15B-15F to delineation. Soils at new flag 10A were marginal but gave a better line between flags 9A and 11A. The largest area of concern was between flags 14A and 15A as it did not include a low lying area where she found some of the best developed hydric soils. It appears that this area may store storm runoff for some part of the year.

J. Brothers stated that his botanist went to view new flags on November 1, 2016 and the surveyors will go out soon. He will come back with a response for the December 7, 2016 meeting. W. McGowan mentioned to J. Brothers that he will have to explore alternative access that avoids filling the wetland.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for 708R Woburn Street - Map 57 Parcel 54 – DEP File #344-1343 until December 7, 2016 with the applicant's consent

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 804 Woburn Street – Map 46/47, Parcels 130/2 – DEP File #344-1338

A letter dated October 25, 2016 was received from Brian Lawlor, SMMA, requesting the public hearing be continued to the December 2016 meeting.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for 804 Woburn Street – Map 46/47, Parcels 130/2 – DEP #344-1338 to December 7, 2016.

OTHER BUSINESS

DISCUSSION - Railroad Restoration Plan - Map 90, Parcel 116

Documents: Keolis Wetlands Restoration Plan, dated 10/25/16
Federal Railroad Administration Categorical Exclusion Worksheet, dated 4/4/11

Present in interest: Clary Coutu, Keolis
Corey Kookan, TRC
Tony Gouveia, HNTB
Jack Connors, Keolis
Ron Williams, HNTB

M. McInnis recused himself.

T. Gouveia, Engineer of Record from HNTB, gave the Commission a copy of Federal Railroad Administration Categorical Exclusion Worksheet, dated April 4, 2011. This project is a federally funded project, not just a Keolis or an MBTA project. His firm went through the NEPA process and it was recently discovered that there is some ambiguity between the documents and the plan. He admitted that this was clearly their error and not intentional. They anticipate doing the restoration in the spring, after they coordinate with the various agencies involved and complete the project. Due to funding restrictions, they anticipate having this completed by the end of May 2017. J. Connors believes that there was some confusion and missed calculations causing them to omit part of the rail work in their permit.

C. Kooken stated they visited the site and came up with a restoration plan. The wetlands in the disturbed area have almost completely re-vegetated on their own and she recommends some seeding and removing some invasive vegetation – Japanese knotweed and black locust. D. Pearson asked when the best time to remove the invasive plants would be and if they had the resources to do that. C. Kooken stated that now would be the best time and they would find the resources to do it. C. Coutu asked W. McGowan to revisit the site soon to see what has grown naturally.

W. McGowan asked for the time frame for the restoration. C. Coutu stated that they would submit an NOI and incorporate that restoration schedule into the NOI. She said some areas may be done in advance, but will confirm what can be done in the NOI. She said they will submit the NOI by the November 21, 2016 deadline. They propose to complete the restoration after they complete the rail project. W. McGowan would like to see the planting done no later than in the spring 2017.

DISCUSSION - Shawsheen River Railroad Bridge Project, Temporary Access License – Map 36, Parcel 160

Railroad is still reviewing the draft.

REQUEST FOR MODIFICATION and CERTIFICATE OF COMPLIANCE - 205 Salem Street – Map 81, Parcel 3 – DEP File #344-1283

The owners emailed a request to modify condition #45b in the Order of Conditions.

W. McGowan noted that there is no documentation that the swale was built as proposed. D. Pearson suggested that Condition #45b be modified to tie the grading and resource areas from the proposed plan to the Certified Plot Plan, dated July 6, 2015.

Upon motion duly made and seconded, it was

VOTED: To modify #45B in the Order of Conditions for 205 Salem Street – Map 81, Parcel 3 – DEP File #344-1283 to read: "An as-built plan at the same scale as the approved plan, signed and stamped by a registered land surveyor. The as-built should show and label all construction and permanent demarcation. The approved plan, entitled "Site Plan, Tax Map 81 Lot 3 205 Salem Street, Wilmington, MA" dated 10/22/2013, revised to 4/7/2014, shall be linked to the as-built plan with reference to the resource areas and grading within the 200-foot Riverfront Area."

VOTED: To issue a Certificate of Compliance for 205 Salem Street – Map 81, Parcel 3 – DEP File #344-1283

ACCEPTING OPEN SPACE

Green Meadow Drive open space for subdivision – deed is still being reviewed

CERTIFICATION OF COMPLIANCE – 15 Church Street – Map 41, Parcels 108 & 109 – DEP File #344-1133

Documents: As-Built Plan, 15 Church Street, dated 7/11/16

W. McGowan stated that signs are in and everything appears to be in order.

Upon motion duly made and seconded, it was

VOTED: To issue a Certificate of Compliance for 15 Church Street – Map 41,
Parcels 108 & 109 – DEP File #344-1133

**CERTIFICATION OF COMPLIANCE - 42, 44 Marjorie Road – Map 70, Parcels 101C,
101D, 101F – DEP File #344-1074**

Documents: Existing Conditions Plan, revised 12/15/15
Wetland Monitoring Report, dated 10/11/16

Present in interest: Linda & Larry Walsh, owners 44 Marjorie Road
Natalie Ginzburg & Vladimire Luppov, owners 42 Marjorie Road

W. McGowan stated that the outstanding issues were addressed.

Upon motion duly made and seconded, it was

VOTED: To issue a Certificate of Compliance for 42, 44 Marjorie Road – Map 70,
Parcels 101C, 101D, & 101F – DEP File #344-1074

**CERTIFICATION OF COMPLIANCE - 393 Shawsheen Avenue – Map 35, Parcel 23E
– DEP File #344-1320**

W. McGowan stated that debris and erosion controls were removed and the grass grew in.

Upon motion duly made and seconded, it was

VOTED: To issue a Certificate of Compliance for 393 Shawsheen Ave – Map 35,
Parcel 23E – DEP File #344-1320

**CERTIFICATION OF COMPLIANCE - 79 Marion Street – Map 5, Parcel 2M – DEP File
#344-555**

Documents: As-Built Plan, 79 Marion Street, revised 11/1/16

W. McGowan stated that most of the debris was removed and suggested that the Commission could issue a Certificate of Compliance, but hold it until the rest of the debris is removed.

Upon motion duly made and seconded, it was

VOTED: To issue a partial Certificate of Compliance for 79 Marion Street – Map 5,
Parcel 2M, DEP File #344-555

**CERTIFICATION OF COMPLIANCE - 47 Andover Street – Map 103, Parcel 13 - DEP
File #344-1324**

Documents: Existing Conditions Plan, dated 10/25/16

W. McGowan suggested that Commission could issue the Certificate of Compliance and hold it until the erosion controls are removed.

Upon motion duly made and seconded, it was

VOTED: To issue a Certificate of Compliance for 47 Andover Street, Map 103,
Parcel 13, DEP File #344-1324

AGENT UPDATE

159 Church Street – Map 63 Parcel 10 - DEP File #344-1233 (High School)

Water has not flowed out the drain pipe at the artificial turf field, so the groundwater has been tested instead. Test results of the irrigation well water has been coming in under the maximum allowed levels for the specified compounds.

MINUTES – October 5, 2016.

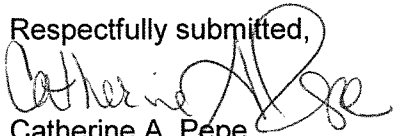
VOTED: To approve the minutes for October 5, 2016 as corrected, with one
abstention

ADJOURN

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

VOTED: To adjourn the meeting at 8:21 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine A. Pepe", written over the printed name.

Catherine A. Pepe
Senior Clerk of Planning and Conservation