



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

December 5, 2018

Donald Pearson, called the meeting to order at 7:02 p.m. Theron Bradley, Vincent Licciardi, and Michael McInnis were present. Sharon Kelley-Parrella and Laurie Finne were absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

PUBLIC MEETING - REQUEST FOR DETERMINATION OF APPLICABILITY

4, 6, 8, & 10 Hensey Way – Map R3 Parcels 8 & 10

Documents: Letter from Greenleaf's Tree Service Inc., dated November 12, 2018
Condominium Site Plan (modified by applicant), dated October 29, 2018
Pictures, undated

Present in Interest: Stephen Wright, Spruce Farm LLC

S. Wright presented the proposed removal of eight (8) trees that are close enough to the new condos that if they fell would damage them and is a safety issue. One (1) tree recently fell and damaged a deck. A certified arborist's letter confirmed that a northeast wind could cause the trees to fall. S. Wright would like to remove the trees with a crane and leave the stumps.

R. Hale advised that the trees are in the wetland and that seven (7) of the trees are greater than 24" in diameter and one (1) is less than 24" in diameter. Per the Tree Removal Policy, the Conservation Commission could ask for fifteen (15) replacement trees, but that may not be feasible with the property constraints.

V. Licciardi asked what the applicant proposes to plant. S. Wright advised that several trees have already been planted, but D. Pearson advised that those plantings are outside the wetlands and do not offer the same benefit to the wetland functions. D. Pearson suggested planting shrubs instead of trees in the wetlands. D. Pearson asked if trees #4, 5, and 8 are as much of a concern due to their proximity to the condominiums. S. Wright stated that tree #8 is an 80' tree that if it falls, will hit the house and that trees #4 and #5 are maple trees that are in questionable condition and should come down. R. Hale advised that part of this development has a Conservation Restriction.

The Commission agreed that planting fifteen (15) shrubs instead of fifteen (15) trees is acceptable.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (2) Determination of Applicability for

4, 6, 8, & 10 Hensley Way – Map R3 Parcels 8 & 10 with the added condition that fifteen (15) native shrubs be planted as approved by the Conservation Commission

210 Salem Street – Map 90 Parcel 3C

Documents: GIS Map (modified by applicant), dated November 13, 2018
Proposal, Northeast Tree, Inc., dated November 5, 2018
Pictures, undated

Present in Interest: Karen & James Hunter, homeowners

J. Hunter presented the proposed removal of six (6) decayed trees from his yard that present a danger to his home, power lines, and the road.

R. Hale confirmed the poor condition of the trees and suggested replacing them with shrubs. D. Pearson suggested planting native shrubs at a 2:1 ratio for the trees removed, for a total of 12 native shrubs. J. Hunter would like to plant them along the brook and the Commission agreed.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (3) Determination of Applicability for 210 Salem Street – Map 90 Parcel 3C with the added condition that twelve (12) native shrubs be planted along the brook

145 Chestnut Street – Map 15 Parcel 16A

Documents: GIS Map (modified by applicant), undated
Pictures, undated

R. Hale reviewed the proposed tree removal at 145 Chestnut Street, a property owned by the Chair of the Conservation Commission. There are six (6) dead trees in the wetland in the rear of the house and one (1) tree on the side of the house that is leaning towards the house. The trees are about 30' tall and if they fell, could hit the house. Typically, the Commission doesn't require replacement for removal of dead trees, but the tree on the side of the house is alive and should be replaced.

M. McInnis noted the typographical error in the application that said the applicant would replace the tree on the side of the house with a 12" tree not a 12' tree. The Commission agreed that it can be a 1-2" tree or two (2) native shrubs.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve a Negative (2) Determination of Applicability for 145 Chestnut Street – Map 15 Parcel 16A with the added condition that a 1-2" native tree or two (2) native shrubs be planted in the side yard

PUBLIC HEARING – NOTICE OF INTENT – 175 Middlesex Avenue – Map 63 Parcel 7 – DEP File #344-1420

Documents: GIS Map, dated November 8, 2018
Existing Conditions Plan, dated July 10, 2018
Outdoor Seating Area Plan, dated November 7, 2018

Present in Interest: Christina Stewart, Town of Wilmington, Library Director

D. Pearson had to recuse himself as he is a Trustee for the Wilmington Library. With only three (3) remaining Commissioners, the hearing was continued to the January 2, 2019 meeting due to lack of quorum.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 175 Middlesex Avenue – Map 63
Parcel 7 to the January 2, 2019 meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 911 Main Street – Map 25
Parcel 4 – DEP File #344-1400**

Documents: Existing Conditions (Aerial Image) Plan, 2 pages, dated April 30, 2018
Existing Conditions Plan, 5 pages, dated April 30, 2018
Post-Development Drainage Plan, dated July 22, 2008
As-Built Plan, 4 pages, dated November 6, 2012
Summary Letter Notice of Intent, dated April 30, 2018
Notice of Intent Plans, 5 pages, dated April 30, 2018
Memorandum from Paul Alunni & William Holt, Town Engineering Division, dated June 6, 2018
Email Request to Continue, dated July 11, 2018
Email Request to Continue, dated July 18, 2018
Request to Continue Letter, dated July 27, 2018
Notice of Intent Plans, 7 pages, revised August 10, 2018
Response to Comments Letter, dated August 12, 2018
Memorandum from Paul Alunni, Town Engineering Division, dated September 4, 2018
Request to Continue Letter, dated October 1, 2018
Request to Continue Letter, dated November 1, 2018
Post Development Drainage Plan, dated October 15, 2018
Notice of Intent Plans, 7 pages, revised October 15, 2018
Drainage Revisions, dated November 14, 2018
Site Plan Review Plan, 4 pages, revised November 14, 2018
Memorandum from Paul Alunni, Town Engineering Division, dated December 3, 2018

Present In Interest: Michael Newhouse, Attorney at Law
Steve Eriksen, Norse Environmental Services
Robert Autenzio, owner

S. Eriksen reviewed the proposed restoration of Riverfront Area and 100' buffer zone, reconstructing a portion of a stormwater basin, and the removal of material on an adjacent property in order to return the properties to compliance. The proposed plan includes a conservation seed mix in the specified areas as well as the removal of some

gravel followed by the planting of native shrubs. This public hearing was continued from last month's in order to address some comments from the Engineering Division. The comments have been addressed and the Engineering Division is satisfied with the proposed plan.

R. Hale did not have any additional comments or questions. M. McInnis questioned the property address as 911 Main Street and 917 Main Street are shown on the application documents. M. Newhouse advised that 911 Main Street is the legal address and 917 Main Street is the mailing address.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1400

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 7 Edwards Road – Map 8 Parcel 18 & Sherwood Road – DEP File #344-1419

Documents: Subsurface Sewage Disposal Plan, revised October 19, 2018
Sherwood Road Improvement Plan, 2 pages, revised October 19, 2018
Letter from Ryan Hale, Notice of Intent Comments, dated October 29, 2018
Letter, Notice of Intent Comments, dated November 5, 2018
Memorandum from William Holt & Paul Alunni, Town Engineering Division, dated November 5, 2018
Letter, Notice of Intent Comments, dated November 20, 2018
Sherwood Road Improvement Plan, revised November 20, 2018
Subsurface Sewage Disposal Plan, revised November 20, 2018
Memorandum from William Holt & Paul Alunni, Town Engineering Division, dated December 3, 2018

Present in Interest: Steve Eriksen, Norse Environmental Services, Inc.
Jonathan Langone, 74 Alexander Road, LLC

S. Eriksen reviewed the proposed removal of an existing swimming pool, construction of a new home and associated site improvements at 7 Edwards Road and improvements to Sherwood Road. Part of the roadway will be widened and repaved, an old clay pipe will be removed from the property and a new metal pipe will be installed in the road right-of-way. The public hearing was continued from last month in order to address the Engineering Division's comments. The comments have been addressed and approved by the Engineering Division.

R. Hale had concerns regarding the sequence of the removal and replacement of the pipe. R. Hale would like to see it either replaced before construction, or protected in place and replaced later. S. Eriksen acknowledged that draft condition and will provide those details prior to the start of construction. S. Eriksen offered to put a steel plate over

the pipe if possible. R. Hale stated that a line of rhododendron and sweet pepperbush shrubs is proposed to compensate for the removal of some trees, in the location where people have been dumping lawn clippings and yard debris on town property. The shrubs will hopefully be a deterrent to access. D. Pearson asked if the Engineering Division was satisfied with the revised plans. R. Hale acknowledged that the Engineering Division was satisfied.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 7 Edwards Road – Map 8 Parcel 18 & Sherwood Road – DEP File #344-1419

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 7 Edwards Road – Map 8 Parcel 17 and Sherwood Road – DEP File #344-1419

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATES

30 Kilmarnock Street – Map 74 Parcel 6 - Matt Giangregorio, homeowner, reviewed the events that caused the violation. There was standing water in his backyard that was encroaching on one of his sheds and the propane tanks used to heat his house. M. Giangregorio then brought in fill without Conservation approval and spread it over the wetlands. R. Hale advised that the filled area is not only wetlands, but Riverfront Area, and floodplain.

R. Hale suggested two (2) options to correct this violation: either remove the fill down to the native soil and then replant the area, or apply for an after-the-fact wetlands permit. M. Giangregorio would like to remove the fill and either re-seed with native mix grass or plant shrubs, whatever will bring the property back into compliance. Lyndsey Giangregorio, homeowner, asked if conservation permits would be needed if the propane tanks had to be moved again due to water issues. R. Hale thought the potential moving of the tanks could be incorporated into the restoration plan. The owners agreed to submit a restoration plan for the January 2, 2019 meeting. R. Hale offered to write a letter to the owners confirming all that was agreed upon at tonight's meeting.

L. Giangregorio asked if the stockpiles of dirt could be removed now or if they had to wait until the spring. R. Hale advised that the stockpiles could be moved now.

91 Salem Street – Map 83 Parcel 7 – Edward and Winifred Barrasso reviewed the events that caused the violation. E. Barrasso advised that some trees had come down during a storm after which they hired a contractor to remove the downed trees as well as some other live trees that they felt were hazardous. E. Barrasso advised that a previous Conservation Agent had done a site visit several years ago and had verbally guided the homeowner on what to do regarding a tree that could potentially cause damage if it fell. Several years later, after a storm felled some trees, the homeowners removed the damaged tree and others that could potentially cause damage to their home if they were to fall. E. Barrasso has ten (10) dappled willows as well as some maple trees, a flowering apple tree, a flowering cherry tree, and some lilac bushes to plant as replacement for the trees that were downed.

D. Pearson asked how many trees were taken down. E. Barrasso advised that one (1) tree blew down and three (3) additional trees were removed when the downed tree was removed. The three (3) additional trees kept losing limbs.

R. Hale asked if the previous Conservation Agent spoke to the homeowners about one (1) specific tree or all the trees. E. Barrasso advised that he and the Conservation Agent walked his entire yard and verbally reviewed all the trees.

D. Pearson asked the size of the trees as some may have to be replaced at a 2:1 ratio. R. Hale suggested if the trees the homeowner has already purchased are not native, that they purchase and plant native replacement trees or bushes along the wetland boundary then plant the trees the homeowner already bought behind the native trees/bushes. E. Barrasso agreed. W. Barrasso asked about replacing the short fence as they have a dog. R. Hale advised that a fence is allowed if it allows for wildlife passage. E. Barrasso would like to install a post and rail fence and R. Hale advised that type of fence is favored by the Commission. R. Hale asked the homeowner to draft a restoration plan in time for the next Conservation Commission hearing, January 2, 2019.

18 Biggar Avenue – Map 18 Parcel 29 – R. Hale reviewed the Notices of Violation that were issued in December 2017 and April 2018 for the unauthorized construction of an outbuilding that appears to be in Riverfront Area, in the 100' foot buffer zone, and possibly Bordering Land Subject to Flooding (floodplain). R. Hale advised the homeowner to either remove the shed or submit an after-the-fact wetlands permit application. The homeowner gave R. Hale an update, advising R. Hale that the surveyor is working on the plans. R. Hale thought the homeowner's major challenge is the floodplain issue. V. Licciardi asked the size of the shed. R. Hale was unsure of the square footage and advised that the homeowner may be storing pool chemicals in the shed. D. Pearson asked if the homeowner would have to submit a Notice of Intent and R. Hale confirmed yes. D. Pearson asked that the applicant submit the Notice of Intent in time for the February 6, 2019 Conservation Commission meeting and the attending Commissioners agreed.

140 Lowell Street – Map 49 Parcel 1 – R. Hale updated the Commission on the ongoing violations at this site including landscape materials in wetlands and floodplain, the 15' no-disturb fence needs to be installed, unapproved concrete landscape bins, large stockpiles of materials in floodplain, and that there are two (2) open Orders of Conditions. It has been difficult getting the owner and the tenant involved in bringing the site back into compliance. Overall, it is a complicated situation as an existing conditions plan is needed that needs to be compared to the original approved conditions. D. Pearson asked if the tenant is responsive and if they could be stopped from re-stocking their materials in the spring. R. Hale was not sure. V. Licciardi suggested that as landscapers, they should be aware of the conditions. The Commission agreed to the owners submitting their Notice of Intent in time for the February 6, 2019 Conservation Commission meeting.

EMERGENCY CERTIFICATION

74 Lawrence Street – Map 81 Parcel 8 – The homeowner wanted to remove one (1) leader from a two (2) leader tree that is leaning towards his house. R. Hale issued an Emergency Certification for the removal on November 8, 2018.

Upon motion duly made and unanimously

VOTED: To ratify the Emergency Certification for 74 Lawrence Street – Map 81 Parcel 8

**REQUEST FOR CERTIFICATE OF COMPLIANCE
492 Shawsheen Avenue – Map 23 Parcel 7E – DEP File #344-610**

R. Hale advised that all conditions have been met.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 492 Shawsheen Avenue – Map 23 Parcel 7E – DEP File #344-610

34 Mill Road – Map 3 Parcel 3E – DEP File #344-1081

Documents: As-Built Swimming Pool Plan, dated September 13, 2018

R. Hale advised that there are some outstanding items and recommends tabling the Request for Certificate of Compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To table the Certificate of Compliance for 34 Mill Road – Map 3 Parcel 3E – DEP File #344-1081

**CONSERVATION RESTRICTION
401 Andover Street – Map 3 Parcels 8 & 10 – DEP File #344-1355**

R. Hale briefed the Commission on the Conservation Restriction required by the Department of Planning and Conservation. This Conservation Restriction goes all around the development and is a mixture of landscaped and wetland areas. V. Licciardi questioned who is responsible for the maintenance of the Conservation Restriction. R. Hale advised that there are provisions in the Conservation Restriction for most maintenance concerns. R. Hale also advised that the developer will have to provide a baseline document report with photographs documenting the state of the Conservation Restriction before the last occupancy certificate is applied for.

Upon motion duly made and seconded, it was unanimously

VOTED: To sign the Conservation Restriction for 401 Andover Street – Map 3 Parcels 8 & 10

DISCUSSION

Plant Nutrient Regulations – R. Hale advised that the plant nutrient regulations applies to both homeowners and commercial businesses. Commercial businesses need to track what chemicals are used and where, whereas the homeowner does not have to track what is used. The regulation is referenced in one of the special conditions that goes into the Order of Conditions.

Earth Day Events – R. Hale advised that he will be giving a 1-1.5 hour talk at the Wilmington Library in April for Earth Day 2019I, as well as planning a family friendly nature walk through Town Forest, holding another Town Clean-Up Day, and a few other things. The hope is to to have a week of events during the week prior to Earth Day.

Buffer Zone Conference – The 2.5 hour conference was a good review of the basic Buffer Zone regulations. It brought out the frustration from several attendees of what can and cannot be enforced if the city/town does not have a bylaw. It was suggested by some attendees that DEP should distribute guidelines for the buffer zone that can be enforced. DEP is coming out with a new Buffer Manual in the next few months to help. C. Pepe can forward and/or print the power point presentation from the conference for the Commission members that could not attend any of the conferences.

New Conservation Commission Member – Laura deWalt will be joining the Commission in time for the January 2019 Conservation Commission meeting. Laura is an environmental engineer who has worked for several large companies and is looking forward to joining our Commission.

MINUTES – November 7, 2018

Upon motion duly made and seconded, it was unanimously

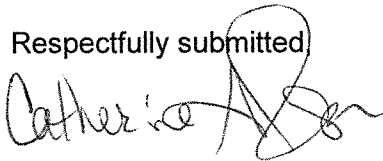
VOTED: To approve the minutes for the November 7, 2018 meeting with one (1) correction on page 4

ADJOURN

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

VOTED: To adjourn the meeting at 8:41 pm.

Respectfully submitted



Catherine A. Pepe
Senior Clerk