



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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

CONSERVATION COMMISSION MINUTES

April 17, 2019

Donald Pearson, Chair, called the meeting to order at 7:00 p.m. Theron Bradley, Vincent Licciardi, Laurie Finne, Laura T. deWahl, and Michael McInnis were present. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 32 Chestnut Street – Map 29 Parcel 17

Documents: Request for Determination of Applicability, received March 27, 2019
"Plan", modified by Applicant, received March 27, 2019

Present in Interest: Stephen Berghaus, owner

S. Berghaus had two (2) trees fall on his property. One (1) tree fell from Town-owned land and one (1) is a neighbor's tree. He would like to cut the top of the tree that fell from Town-owned land and on to his property. S. Berghaus also mentioned that the culvert on Chestnut Street needs to be cleaned out.

R. Hale advised that the area involved is within the 100' buffer zone of an intermittent stream. He advised that the tree landed in a well vegetated area and that removing the fallen tree tops would not harm the vegetation, but possibly help some of the vegetation grow. R. Hale advised S. Berghaus to contact Jamie Magaldi from the Department of Public Works regarding the culvert.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 32 Chestnut Street – Map 29 Parcel 17

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 18 Biggar Avenue – Map 82 Parcel 29-129 – DEP File #344-1428

Documents: Notice of Intent, received March 8, 2019
"Site Plan", dated October 1, 2018

Present in Interest: Antonio Braga, owner

A. Braga presented his proposal to construct a 28' x 24' garage and remove the portion of an existing shed and pool cabana that is in Riverfront Area, Bordering Land Subject to Flooding, and the 100' buffer zone. Once the garage is built, he will move some of the items being stored in the shed to the garage then remove the part of the shed that is in Riverfront Area and the first 25' of the 100' buffer zone.

R. Hale advised that about one-half of the shed is in the Riverfront Area and BLSF and the other half is only in the 100' buffer zone. Once removed, it will bring the remainder of the structure to the edge the Riverfront area and to the 25' setback, as required in the Enforcement Order. R. Hale asked if the applicant has a time frame for the work. A. Braga hopes to have the work done by the end of October 2021. R. Hale recommends setting some milestone deadlines to ensure that the project is moving along.

T. Bradley asked how soon the owner can hire an architect. A Braga advised that he can hire an architect and have a set of plans in approximately six (6) months. V. Licciardi suggested six (6) months to have architectural plans and then a firm construction schedule after that. L. Finne suggested email updates. M. McInnis agreed to a six (6) month update. L. deWahl agreed to a six (6) month update with at least architectural plans at that time. D. Pearson agreed to the six (6) month update and that the applicant should have architectural sketches by October 2019. D. Pearson advised the applicant that the Order of Conditions is valid for three (3) years so October 2021 is within that timeframe. R. Hale will revise the draft Order of Conditions to reflect the changes discussed.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the Public Hearing for 18 Biggar Avenue – Map 82 Parcel 129
- DEP File #344-1428

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Order of Conditions for 18 Biggar Avenue – Map 82 Parcel 129 - DEP File #344-1428 with the added condition that the owner give an update by October 2019 showing substantial progress.

REQUEST FOR INSIGNIFICANT CHANGE – 70 Taplin Avenue – Map 44 Parcel 72 – DEP File #344-1398

Documents: Letter of Request, dated March 25, 2019
"Plot Plan As-Built", Modified by Applicant, received March 27, 2019
Pictures, undated

Present in Interest: Dion DeJesus, owner

D. DeJesus advised that erosion controls he had installed for the approved project were installed on the paper street next to 70 Taplin Avenue which was beyond the limit of work. During the construction process at 70 Taplin Avenue, he re-graded part of the paper street and planted a grass seed mix beyond the post and rail demarcation fence.

R. Hale advised that the approved limit of work is the property line at the post and rail fence. Anything beyond the post and rail fence was not approved and should have remained natural. A portion of the work was also in the 15' no disturb setback. R. Hale asked what kind of seed mix was planted. D. DeJesus was not sure of the kind. R. Hale advised that the seed mix that was planted may lead a future owner to think it is lawn that belongs to 70 Taplin Avenue. R. Hale suggested that D. DeJesus submit a request to amend the Order of Conditions which will allow the Conservation Commission to

condition restoration of the area and monitoring. In addition, the As-Built Plan that must be submitted with the Request for Certificate of Compliance will need to match approved conditions.

L. Finne asked about planting some shrubs on the other side of the demarcation fence 15' – 20' apart to prevent future owners from mowing that area. D. Pearson agreed with planting a native seed mix and some shrubs.

Upon motion duly made and seconded, it was unanimously

VOTED: To deny the Request for Insignificant Change for 70 Taplin Avenue – Map 44 Parcel 72 – DEP File #344-1398

REQUEST FOR CERTIFICATE OF COMPLIANCE – 22 Seneca Lane – Map 68 Parcel 18 – DEP File #344-1405

Documents: Request for Certificate of Compliance, received March 28, 2019
"As-Built Pool & Deck Plan", dated September 20, 2018

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 22 Seneca Lane – Map 68 Parcel 18 – DEP File #344-1405

REQUEST FOR CERTIFICATE OF COMPLIANCE – 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-880

Documents: Request for Certificate of Compliance, received April 5, 2019

Present in Interest: Paul Doherty, D & D Mulch & Landscaping

P. Doherty informed the Commission that as the tenant, he is helping the owner close out the two (2) open Orders of Conditions.

R. Hale advised that this request is for a partial Certificate of Compliance as most of the work did not get done and that the post and rail fence has been installed. The next step is to file a Notice of Intent to bring the site into compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Partial Certificate of Compliance for 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-880

REQUEST FOR CERTIFICATE OF COMPLIANCE – 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-923

Documents: Request for Certificate of Compliance, received April 5, 2019

Present in Interest: P. Doherty, D & D Mulch & Landscaping

R. Hale advised that this request is for a Partial Certificate of Compliance. A Notice of Intent must be filed to bring the site into compliance.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Partial Certificate of Compliance for 140 Lowell Street – Map 49 Parcel 1 – DEP File #344-923

NOTICE OF VIOLATION/ENFORCEMENT ORDER UPDATES

10 Boutwell Street – Map 18 Parcel 1F – R. Hale advised that a resident called in and mentioned that the owner of 10 Boutwell Street was cutting down trees within 100' of wetlands, trees on Town owned land, and trees on a neighbor's property. A Notice of Violation was issued to the owner of 10 Boutwell Street with the requirements that he hire a wetland scientist to map the resource areas and a surveyor to mark the property and wetland boundaries. Also that he appear at tonight's meeting to discuss correcting this violation, though he is not in attendance. R. Hale advised that the owner is agreeable to planting new trees. He will reach out to the owner and advise him that he must come to the May 1, 2019 Conservation Commission meeting.

L. deWahl suggested granite markers for demarcation. R. Hale thought that could be a condition in the Order of Conditions once a Notice of Intent is filed.

14 Bond Street – Map 21 Parcel 5-31A – DEP File #344-1293 – R. Hale advised that the wetland replication area that was in the Order of Conditions has not been successfully created. A Notice of Violation was issued on April 11, 2019 stating that the applicant must attend the April 17, 2019 Conservation Commission Meeting, complete the grading for the replication area by May 1, 2019, complete the planting and temporary stabilization by May 31, 2019, and have the site inspection immediately following completion of the replication. The applicant did not come to the meeting, so the Conservation Commission can issue a fine under the local wetlands enforcement bylaw, and an Enforcement Order. V. Licciardi suggested issuing the Enforcement Order and the initial fine of \$50. The Commission voted to issue the Enforcement Order and the fine.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue an Enforcement Order for 14 Bond Street – Map 21 Parcel 5-31A – DEP File #344-1293 for the remaining deadlines in the Notice of Violation to be followed and attendance at the May 1, 2019 meeting.

Upon motion duly made and seconded, it was unanimously

VOTE: To issue a \$50.00 fine for 14 Bond Street – Map 21 Parcel 5-31A – DEP File #344-1293 for not complying with the terms in the Notice of Violation

DISCUSSION

Earth Day Events – The presentation at the Wilmington Town Library went well and had about 35 attendees. The Town Forest Nature Walk also went well with 41 attendees. The initial Vernal Pool Survey day also went well. Town Clean-Up Day and the Land Stewardship Program Introduction Workshop will both be held on April 27, 2019. Town

Clean-Up Day will begin at DPW on Andover Street at 8:30 am, followed by the Land Stewardship Program starting at 1:00 pm at Cormier Park.

Tree Removal Policy –R. Hale asked if the Commission would consider administrative approval in certain circumstances so owners do not have to submit applications for every tree removal. R. Hale suggested developing some parameters and amending the Tree Removal Policy to allow Administrative Approval under certain circumstances. R. Hale advised using distance to wetlands as a guideline. R. Hale will provide some good examples of other towns' and cities' tree removal policies for the Conservation Commission to review and offer suggestions to Wilmington's current Tree Removal Policy. All the Commissioners agreed with the idea of amending the existing Tree Removal Policy to allow administrative approvals under specific circumstances.

MINUTES – April 3, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the April 3, 2019 Conservation Commission Meeting with one (1) abstention

NEXT MEETING – May 1, 2019

ADJOURN

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

VOTED: To adjourn the meeting at 8:10 pm.

Respectfully submitted,


Catherine A. Pepe
Senior Clerk

