

April 5, 2017



TOWN OF WILMINGTON
121 GLEN ROAD
WILMINGTON, MA 01887

**PLANNING and CONSERVATION
DEPARTMENT**

(978) 658-8238

CONSERVATION COMMISSION MINUTES

April 5, 2017

Julie Flynn, Chair, called the meeting to order at 7:00 p.m. Laurie Finne, Vincent Licciardi, Donald Pearson, Sharon Kelley-Parrella, Theron Bradley, and Michael McInnis were present. 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 –
Cross Street at Yentile Recreation Facility – Map 39 Lot 05**

Documents: Sidewalk Extension Plan Site Plan, dated 3/22/17
Sidewalk Extension Plan Details, dated 3/22/17

Present in Interest: Paul Alunni, Town of Wilmington

P. Alunni explained that the new sidewalk, is for pedestrian safety and will extend about 106' between an existing sidewalk on Lowell Street to an existing sidewalk at the new entrance to Yentile Farm Recreation Facility. A hood in the existing catch basin will also be installed to act as an oil and water separator to provide water quality treatment. It is an important project to offer safer access to the newly opened Yentile Farm Recreation Facility.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public meeting for a for Cross Street at Yentile Farm
Recreation Facility – Map 39 Lot 05

VOTED: To issue a negative Determination of Applicability for Cross Street at
Yentile Recreation Facility – Map 39 Lot 05

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –
8 Allston Avenue – Map 67 Parcel 37**

Documents: Existing Conditions Plan, revised 3/21/17

Present in Interest: Amala Xavier, owner

A. Xavier's last Determination of Applicability to enlarge his rear deck had expired. Mr. Xavier is re-applying to build a 12'x16' deck to the rear of his house as well as install a 7'x10' (approximate size) storage shed.

W. McGowan asked if the homeowner had located a different area for the storage shed as the original requested area is too close to the wetlands. A. Xavier suggested either under the deck or over by the Cunningham Avenue side of the lot. Mr. Xavier will have to check with the Building Department to confirm setbacks required for the shed and will probably place it on the Cunningham Avenue side if it is allowed. If not, it will be placed under the deck. M. McInnis suggested approving both alternatives as long as zoning allows the Cunningham Avenue side.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public meeting for 8 Allston Avenue – Map 67 Parcel 37

VOTED: To issue a negative determination for 8 Allston Avenue – Map 67 Parcel 37

**PUBLIC MEETING – REQUEST FOR A DETERMINATION OF APPLICABILITY –
4 Tacoma Drive – Map 68 Parcel 29**

Documents: Plot Plan, dated 2/28/17
Certification Plan, dated 5/20/99

Present in Interest: Ken Chisolm, Bmc Builders LLC

K. Chisolm is proposing to build a 14'x16' addition to the side of the house, furthest from the wetlands. The addition does fall within 100' buffer zone.

W. McGowan did not see any concerns.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public meeting for 4 Tacoma Drive – Map 68 Parcel 29

VOTED: To issue a negative determination for 4 Tacoma Drive – Map 68 Parcel 29

**PUBLIC HEARING – NOTICE OF INTENT – 205R Aldrich Road – Map 9 Parcel
54E – DEP File #344-1356**

Documents: Proposed Subsurface Sewage Disposal System Site Plan, dated
3/21/17

Memo from Paul Alunni, Town Engineer, dated 4/3/17

Present in Interest: Greg Saab, ESS
James Newhouse, New House Investments LLC
Kathy Morgan, North Reading resident
Glen & Nancy McLaughlin, 12 Medford Ave, Wilmington
Michael Faulkingham, 203 Aldrich Road, Wilmington

G. Saab presented a proposal for new home with deck and garages under. The water line will come from Medford Avenue because Aldrich Road was recently paved.

W. McGowan summarized the comments made in the Town Engineer's memorandum and noted comment numbers 3 and 4 are of notable concern. G. Saab stated that he will meet with the P. Alunni and resolve any concerns.

W. McGowan asked if the septic system could be moved to the other side of the lot so it would be further away from the wetlands. G. Saab said he would address that with the stormwater filing. W. McGowan asked if anyone verified if the area was filled wetlands. J. Newhouse stated that Norse Environmental went out and that there are pictures and a write up verifying the information. He will make sure we receive a copy of the information. W. McGowan also had a question on the retaining wall and asked that the wall be moved to allow for erosion controls to be installed. She also asked if the infiltration system could possibly go on the other side of the driveway.

K. Morgan asked if an ANRAD was filed and if 205 Aldrich Road had received a Certificate of Compliance. K. Morgan asked to review the plans with the abutters. M. Faulkingham, gave the Commission copies of recent pictures and stated that he feels water from the stream runs onto his property.

J. Flynn stated that W. McGowan will try to meet with the wetland consultant to review the consultant's findings and if any wetlands were misplaced.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public meeting for 205R Aldrich Road – Map 9 Parcel 54E – DEP File #344-1356 until May 3, 2017

PUBLIC HEARING – NOTICE OF INTENT – 401 Andover Street – Map R3 Parcels 8&10 – DEP File #344-1355

Documents: Stormwater Analysis, dated March 2017
Site Plan, dated 3/6/17
Memo from Paul Alunni, Town Engineer, dated 3/31/17

Present in Interest: Luke Roy, LJR Engineering
Steve Wright, Spruce Farm LLC

Shawn Walker, 7 Fosters Pond Road, Andover
Steve & Joan Ellie, 10 Willard Circle, Andover
Kenneth Tamarkin, 22 Willard Circle, Andover

L. Roy presented a new over 55 development on 7.34 acres that was approved at the 2016 Town Meeting. The development will consist of nine (9) duplex units and nine (9) single units (3.8 units per acre) on 7.34 acres. The development includes 1370 linear feet of 22' wide roadway with a 4' wide sidewalk on at least one (1) side of the roadway and a proposed trail connecting the new roadway to the existing Foster's Pond Road. Parcel 8 currently has a single family home on it and Parcel 10 is a wooded area that was formerly used as a tree farm. The Conservation Commission issued an Order of Resource Area Delineation in September 2016 determining the site is not in a ground water protection area. Seven (7) units and related roadway are within the 100' buffer zone with Unit #2 being 26.5' off wetlands. The rest are located outside of the no-disturb zone. A post & rail demarcation fence will be installed around any units in the 15' no-disturb area and a series of catch basins will be piped to infiltration basins. The stormwater analysis report documents the flow rate and stormwater treatment and the erosion control plan has been provided. Common areas and yard areas will be maintained by the homeowner's association. L. Roy has reviewed P. Alunni's comments and stated that the comments will be addressed and resolved.

W. McGowan summarized P. Alunni's comments. L. Roy explained that they are proposing a culvert that will go under the roadway and an easement (for future maintenance) to address the drainage concerns at 399 and 333 Andover Street. W. McGowan noted that septic systems are not approved yet. W. McGowan asked about the grading for the berm along Foster's Pond Road and vehicle access for maintenance. L. Roy suggested adding some spot grades to represent the grading of the grading along Foster's Pond Road and will add a path showing accessibility.

S. Ellis, 10 Willard Circle, asked about the area behind units 19 and 20. L. Roy pointed out that the area S. Ellis is questioning is a temporary erosion control and advised that there is a basin and an overflow outlet. M. McInnis pointed out that there is a spillway. S. Ellis asked when the wetlands specialist did the delineation and if anyone from the Conservation Department has walked the area recently as the area is flowing at about 2' deep right now and dumping into Foster's Pond. L. Roy said the delineation was done in December 2015. S. Ellis stated that Foster's Pond is currently undergoing an in depth study about nutrient contributions and that the Spruce Farm development will add to the nutrient contributions.

W. McGowan noted that there are several conditions that will be stated in the Order of Conditions that will ease S. Ellis' concerns. S. Ellis asked about the residential density and who controls that. W. McGowan stated that the Board of Health could answer that question. L. Roy voiced a concern that a majority of the septic systems will be 5' above the water table. L. Roy advised that the over 55 housing regulations allow up to 8 units per acre whether sewer or septic. K. Tamarkin, 22 Willard Circle, asked about the types of vegetation. L. Roy pointed out the landscape areas and the

areas to remain wooded along all of the wetlands areas to keep the 15' no-disturb zone. The center of the site will be cleared and then landscaped post construction. Those areas will be maintained by the association. J. Flynn pointed out that the Order of Conditions will specify what pesticides can be used.

S. Walker, 7 Foster's Pond Road, voiced concern on the stormwater from Fiorenza Drive that runs into Foster's Pond and asked what can the Town could do to mitigate what gets dumped into Foster's Pond from Fiorenza Drive? J. Flynn mentioned that the Town could address these concerns once the Foster's Pond Study is complete.

J. Flynn stated that the intent of this development is not to compound the existing stormwater issues from other streets. L. Roy reinforced that the majority of the stormwater events will be captured and treated. S. Walker asked about snow removal and L. Roy stated that they will specify snow storage areas in the revised plans. S. Ellis asked about possible illegal tie-ins and L. Roy stated that is a Board of Health concern.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 401 Andover Street – Map R3
Parcels 8&10 - DEP File #344-1355 until May 3, 2017

**PUBLIC HEARING – NOTICE OF INTENT – 40-50 Fordham Road – MAP 91 Lots
131 & 131A/1 – DEP File #344-1354**

Documents: Site Plan for Tenant Improvements, revised 3/22/17

Present in Interest: Richard O'Connell, RJO'Connell & Associates, Inc.
Ron Dardeno, Trustee,
Gary Stanewich, Trustee,

R. O'Connell presented the renovation of 132,000 square feet of existing building and the rehabilitation of an existing 900 vehicle parking lot and updating the stormwater management plan. The proposed work is within the buffer zone and the flood plain. They will cut back the existing parking (eliminating unnecessary parking spaces) and install a stormwater management system. Two (2) existing roof drains run under the parking lot into the wetlands. The wetlands were flagged in December 2016 and come right up to the edge of the existing parking lot. Wet swales systems will be installed in the new parking lot to absorb sheetwater runoff along with some landscape bio-retention areas. R. O'Connell has reviewed the comments from the Town Engineer and stated they are mostly text concerns. R. O'Connell plans to meet with the Town Engineer next week to resolve the concerns and will forward the boring figures. The comment that the work is being down within the 15' no disturb area is the removal of the existing pavement which needs to be done to improve the stormwater. R. O'Connell addressed the comment that the test pits were not done

and advised that the area is under an AUL and would like to dig the test pits during the construction process and address it at that time.

W. McGowan asked how much of the site is covered by the AUL. R O'Connell stated that the AUL (Activity Use Limitation) does cover the buildings and parking lot that are being renovated. The area not covered by the AUL is not being renovated. R O'Connell stated there is a pump station on the property. W. McGowan asked if there is a problem with infiltration with the AUL. R. O'Connell said no.

W. McGowan summarized the Town Engineer's comments for the Commission's benefit.

D. Pearson asked how much of the pavement that is being removed will be ground up and re-used. D. Pearson also asked where the operation and maintenance records will be kept. R. O'Connell stated that most of the dug up pavement will be re-used and that the operation and maintenance records will be kept with the trust. M. McInnis asked about the gravel road and if any work will be done to that road. R O'Connell said no, it is the road leading to septic system.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 40-50 Fordham Road – Map 91 Lots 131 & 131A/1 – DEP File #344-1354 to May 3, 2017

PUBLIC HEARING – NOTICE OF INTENT – 5 Green Meadow Drive (Lot #1) – Map 2 Parcel 202 - DEP File #344-1358

Documents: Subsurface Sewage Disposal Plan, revised 3-21-17

Present in Interest: Doug Lees, Land Engineering & Environmental Services, Inc.
Joseph Langone, Duffer Realty Trust

D. Lees stated that the original subdivision was approved in the 1990's and revised the plans in the last year and became a Conservation subdivision in 2016. They are proposing to build a new home on each of the first two (2) lots, now 5 & 7 Green Meadow Drive. have a 30' no-disturb. The proposed houses will be 59' from the no-disturb 30' no-disturb area. The post & rail fence and the signs were moved to conform to the limit of the straw water line. D. Lees distributed revised drawings to the Commission showing the new position of the post & rail fence and the conservation signs.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 5 Green Meadow Drive (Lot #1) – Map 2 Parcel 202 – DEP File #344-1358

VOTED: To issue an Order of Conditions for 5 Green Meadow Drive (Lot #1) – Map 2 Parcel 202 - DEP File #344-1358

PUBLIC HEARING – NOTICE OF INTENT – 7 Green Meadow Drive (Lot#3) – Map 2 Parcel 203 - DEP File #344-1357

Documents - Subsurface Sewage Disposal Plan, revised 3-21-17

Present in Interest: Doug Lees, Land Engineering & Environmental Services, Inc.
Joseph Langone, Duffer Realty Trust

See notes from 5 Green Meadow Drive

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 7 Green Meadow Drive (Lot #3) – Map 2 Parcel 203 - DEP File #344-1357

VOTED: To issue the Order of Condition for 7 Green Meadow Drive (Lot #3) – Map 2 Parcel 203 – DEP File #344-1357

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 168 Lowell Street – Map 58 Parcel 1 – DEP File #344-1349

Richard Stuart emailed a request on March 27, 2017 to continue the public hearing for 168 Lowell Street – Map 58 Parcel 1 to the May 3, 2017 meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 168 Lowell Street – Map 58 Parcel 1 – DEP File #344-1349 to May 3, 2017

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 16, 16R, 18R Boutwell Street – Map 18 Parcels 3B, 3D, 4A – DEP File #344-1353

Documents: Site Plan 16R & 18R Boutwell Street, revised 3/9/17
Memo from Paul Alunni, Town Engineer, dated 3/30/17

Present in Interest: Greg Saab

G. Saab presented the changes made since the last meeting. The 2% pitch to the driveway will be added for the stormwater permit. (don't put in ?????– row of shrubs, a small isolated wetlands area, stone wall will be used for permanent demarcation, ??? , moved the driveway, install either a boulder wall or fence along , add 2% to the driveway pitch (will be done when stormwater permit is submitted.

W. McGowan stated that some isolated wetlands were found, but assumes they were pre-Wetlands Protection Act. Some yardwaste was dumped (probably 18 Boutwell Street) that need to be removed. G. Saab stated he will correct prior to the Certificate of Compliance for 18 Boutwell Street being issued. W. McGowan summarized the comments from the Town Engineer. G. Saab stated that most of the comments have been adequately addressed though he is still looking into the NPDES question – it is 106 pages long and will need some time to look through it closely. If a NPDES needs to be filed it, they will do so during stormwater permitting process.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for 16, 16R, 18R Boutwell Street – Map 18
Parcels 3B, 3D, 4A – DEP File #344-1353

VOTED: To issue the Order of Conditions for 16, 16R, 18R Boutwell Street –
Map 18 Parcels 3B, 3D, 4A – DEP File #344-1353

**CONTINUED PUBLIC HEARING - NOTICE OF INTENT – 5 Waltham Street – Map
79 Parcel 31G – DEP File #344-1202**

Documents: Site Improvements Plan, revised 3/22/17
Memo from Paul Alunni, Town Engineer, dated 4/2/17
Stormwater Management Report, dated 3/22/17

Eugene Sullivan emailed a request on April 5, 2017 to continue the public hearing for 5 Waltham Street – Map 79 Parcel 31G – DEP File #344-1351 to the May 3, 2017 meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 5 Waltham Street – Map 79 Parcel
31G – DEP File #344-1351 until May 3, 2017

OTHER BUSINESS

**DISCUSSION – Enforcement Order - Railroad Map 90 Parcel 116 – DEP File
#344-1211**

Documents: Restoration Plan, dated March 24, 2017

Clary Coutu emailed a request on April 4, 2017 to continue the delay the discussion of the Enforcement Order – Map 90 Parcel 116 – DEP File #344-1211 until May 3, 2017.

**EXTENSION PERMIT –
57 Ashwood Avenue – Ma R4 Parcel 123 – DEP File #344-1168**

Present in Interest: Greg Saab, EES

W. McGowan confirmed that the wetland flags were reset.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Extension Permit for Orders of Conditions – 57
Ashwood Avenue – Map R4 Parcel 123 – DEP File #344-1168

CONTINUED CERTIFICATE OF COMPLIANCE – 128 Glen Road – Map 55 Parcel 1 – DEP File #344-1202

Documents: E-mail from Denise Abell, homeowner, dated 3/7/2017

D. Abell emailed the materials and calculations for the infiltration system installed under the driveway as requested at the March 5, 2017 Conservation Commission meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the for a Certificate of Compliance for 128 Glen Road – Map 55 Parcel 1 – DEP File #344-1202

Agent Update

Keolis (Railroad) 2017 Yearly Operational Plan allows for comments through May 5, 2017.

Priority Habitate Map of rare Species – W. McGowan suggested going on line to

S. Kelley-Parrella has asked that the Conservation Office be proactive in getting Certificate of Compliances closed out. Most new owners are not made aware of an open Order of Conditions and it poses a problem for the current homeowner.

V. Licciardi asked what can be put in the Order of Condition?

MINUTES – February 1, 2017 and March 1, 2017

VOTED: To approve the minutes for February 1, 2017 with one (1) abstention

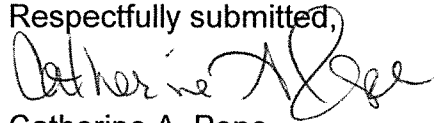
VOTED: To approve the minutes for March 1, 2017 with one (1) correction on Page 2

ADJOURN

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

VOTED: To adjourn the meeting at 10:06 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine A. Pepe".

Catherine A. Pepe
Senior Clerk