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TOWN OF WILMINGTON, MA

**TOWN of WILMINGTON**
DEPARTMENT OF PLANNING & CONSERVATION
**121 Glen Road, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238**

**CONSERVATION COMMISSION MINUTES**
May 5, 2021

Donald Pearson called the meeting to order at 7:03 pm after stating the following:

"Pursuant to Governor Baker's COVID-19 Orders Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, sec 18, 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/82391474797?pwd=WkMvTHBFZ1BHZklFc1UwdkpTbkR1dz09. 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 823 9147 4797 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, Laura deWahl, and Alexander Rittershaus. Michael McInnis was absent. Valerie Gingrich, Director of Planning and Conservation, Cameron Lynch, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

**DISCUSSION – Silver Lake Management – Town of Wilmington – Maps 34, 45, & 55 Great Pond Parcel N/A – DEP File A#344-1139**

Present in Interest: Keith Gazaille, SOLitude Lake Management
Jamie Magaldi, Town of Wilmington, Public Works Department

J. Magaldi reviewed the Town's thirteenth year of monitoring the control of invasive plant species at Silver Lake (Lake). He introduced K. Gazaille of SOlitude, the Town's consultant for this project. K. Gazaille advised that SOlitude performed a vegetation survey at Silver Lake on May 3, 2021 and found evidence of milfoil as well as other invasive species. Based on the conditions found during the survey, the potential for additional growth over the next few weeks, and the fact that no active management was performed for the last two (2) years, SOlitude recommends an herbicide treatment this year. Treatment is recommended for the end of May or beginning of June.

J. Magaldi agrees with SOlitude's recommendation. He advised the Commission that DPW received several complaints from the middle to the end of the season last year about invasive vegetation. The chemical treatment ratio is approximately one (1) gallon of herbicide per acre.

T. Bradley asked if any testing is done on the water that flows into Silver Lake from the six (6) culverts. J. Magaldi advised that wet and dry weather flow testing is done as required per the existing NPDES permit. To date and to his knowledge, no harmful material has flowed through the pipes into the Lake. J. Magaldi confirmed that all conditions in the Order of Conditions will be followed during the treatment and that they will post the notice of treatment around the Lake as they have in the past.

**PUBLIC MEETING – REQUEST FOR DETERMINATION – 24 Washington Avenue – Map 43 Parcel 127**

Documents: Request for Determination Applicability Application received April 21, 2021
"Proposed Renovations to the Sousa Residence Plan Set", dated February 9, 2021
"Proposed Plan", dated March 8, 2021

Present in Interest: Shawn Sousa, owner

S. Sousa presented the proposed construction of a 4' x 8.89' front entrance addition with a 4' x 8.89' porch to the front of the existing home.

C. Lynch advised that the applicant put erosion controls and stockpile locations on the submitted plan. C. Lynch did ask the applicant who delineated the wetlands. S. Sousa will look that up and advise C. Lynch.

V. Gingrich asked to add the condition that the Conservation Agent approve the placement of erosion controls prior to construction.

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

> V. Licciardi, T. Bradley, A. Rittershaus, L. deWahl, and D. Pearson voted 5 - 0 to issue a Negative (3) Determination of Applicability for 24 Washington Avenue – Map 43 Parcel 127 with the added condition that the Conservation Agent approve the erosion controls prior to construction

**PUBLIC MEETING – REQUEST FOR DETERMINATION – 26 Upton Drive – Map R1 Parcel 18G**

Documents: Request for Determination of Applicability Application, received April 20, 2021
"Site No. 5063228/Site Name: Wilmington_9_MA-B" Plan Set, dated April 19, 2021

Present in Interest: Daniel Klasnick, Duval & Klasnick LLC

D. Klasnick presented the proposed construction of a 10' x 20' concrete pad, an ice bridge, and a 20' long infiltration trench with 1 ½" crushed stone. This is all within an existing 51' x 51" fenced in area that has an existing cell tower. The proposed pad will hold Verizon equipment cabinets and a platform cover. The ice bridge will have cables to connect the tower to the equipment in the cabinets. D. Klasnick confirmed that silt fence erosion controls will be installed within the fenced area.

C. Lynch had no comments.

V. Licciardi asked if the cover is a building with roof and sides. D. Klasnick advised it is a flat cover on metal stanchions that covers the equipment to protect it from the elements.

D. Pearson asked when the original fenced in area was approved and if the cover is flat or pitched. D. Klasnick said he believes the fenced in area was approved in 2003 and that the cover is a flat surface.

V. Gingrich asked to add the condition that the erosion controls be approved by the Conservation Agent prior to construction.

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

> V. Licciardi, L. DeWahl, A. Rittershaus, T. Bradley, and D. Pearson voted 5 - 0 to issue a Negative (3) Determination of Applicability for 26 Upton Drive – Map R1 Parcel 18G with the added condition that the erosions controls be approved by the Conservation Agent prior to construction

**PUBLIC MEETING - REQUEST FOR DETERMINATION – 26 Upton Drive – Map R1 Parcel 18G**

Documents: Request for Determination of Applicability application, received April 21, 2021
"Upton Crown BU NO. 875104 2020 VEM 180 Installation Plan Set", dated April 13, 2021

Present in Interest: Michael Dolan, Brown Rudnick LLP

M. Dolan presented the proposed construction of two (2) concrete pads and a stormwater infiltration trench within an existing 51' x 51' fenced in area. There will also be a 10' x 10' concrete pad outside the fenced in area for a transformer that will be installed by Reading Municipal Light Department. The 10' x 10' pad will be further away from the wetlands and in a previously disturbed area.

C. Lynch recommended putting erosion controls around the concrete pad outside the fenced area. Also, that the accumulated trash be removed prior to construction.

M. Dolan agreed to both recommendations made by C. Lynch.

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

> V. Licciardi, L. deWahl, A. Rittershaus, T. Bradley, and D. Pearson voted 5 - 0 to issue a Negative (3) Determination of Applicability for 26 Upton Drive – R1 Parcel 18G with the added condition that erosion controls be approved by the Conservation Agent and that all trash be removed prior to construction

**PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 29 Mystic Avenue – Map 65 Parcel 22**

Documents: Request for Determination of Applicability Application, received April 21, 2021
"Plot Plan", dated February 3, 2021

Present in Interest: Brendan Mallon, representative

B. Mallon presented the construction of a simple flat roof carport that will have three (3) 4" x 4" support posts holding it up. The homeowner is aware that the entire property is within the 100' buffer zone. All staging and cutting will be done in the front north side of the property and any excavation will be done by hand.

C. Lynch requested that erosion controls be installed and inspected prior to construction. B. Mallon agreed to the request.

Upon motion duly made by V. Licciardi and seconded by A. Rittershaus,

> V. Licciardi, A. Rittershaus, L. deWahl, T. Bradley, and D. Pearson voted 5 - 0 to issue a Negative (3) Determination of Applicability for 29 Mystic Avenue – Map 65 Parcel 22 with the added condition that erosion controls be inspected by the Conservation Agent prior to construction

**PUBLIC HEARING – NOTICE OF INTENT – Salem Street Rear – Map 101 Parcels 3 & 5 – DEP FILE #344-1477**

Documents: Notice of Intent Application, received April 21, 2021
"Salem Street Wellfield Replacement" Plan Set, dated April 2021
Comments from Suzanne Sullivan, Headwaters Stream Team, dated May 5, 2021
Letter from Wayne Castonquay, Ipswich River Watershed Association, dated May 5, 2021

Present in Interest: Joseph Lobao, Town of Wilmington, Utility & Business Manager
Paul Alunni, Town of Wilmington, Engineering Division
Tyler Bernier, Kleinfelder
Kirsten Ryan, Kleinfelder

J. Lobao presented the Town's proposed installation of three (3) new wells and associated piping that will replace the three (3) existing wells that are nearing the end of their life expectancy. The first well was constructed in 1969 and other two (2) wells were constructed in the early 2000's. The yield from all three (3) wells has deteriorated substantially due to clogging, corrosion, and other required maintenance activities. Replacement of these wells is the best option to restore the yield. The proposed wells will be 18" x 24" diameter wells and have underground pipes that will connect the new wells to the existing infrastructure. New fencing will be installed as well as some electrical improvements made within the building. Once the new wells are installed, the existing wells will be abandoned per Massachusetts Department of Environmental Protection's (Mass DEP) specifications. All the proposed work is outside the BVW, but within the 100-foot buffer zone and 200-foot of Riverfront.

T. Bernier advised that the project covers about 7200 square feet of area and includes Bordering Land Subject to Flooding (BLSF). There will be about 90 linear feet of 6" iron ductile pipe to connect the new wells to the existing piping within the pump station. In addition, some electrical conduits will be installed to power the electronics and pumps within the wells. The fence line will be expanded along the east side of the project to secure one (1) of the new wells. Both the fence and erosion controls will be installed outside the BVW. Two (2) 15" deciduous trees will be removed to install the fencing, and will be replaced on a 1:1 ratio per the Town's Tree Removal Policy.

T. Bernier advised that a small sampling station will be installed along the gravel roadway so the Town can collect water quality samples.

C. Lynch asked that the erosion controls and fence line be installed as far from the wetlands as possible. T. Bernier confirmed that the proposed fencing is as far away as possible and still allow construction vehicles to access to the site.

V. Gingrich advised that the two (2) trees the applicant wishes to remove have a great deal of bittersweet and invasive species growing on and around them as well as dead debris and invasive species in the area. V. Gingrich suggested having C. Lynch approve the location of the replacement trees prior to planting. V. Gingrich stated that the Town hired Seekamp Environmental Consulting, Inc. to confirm the wetland flags and that the 100-foot and 200-foot Riverfront lines were taking from the edge of the brook

V. Licciardi asked if the water entering the pipelines would be treated. J. Lobao advised that the water from these wells would be treated at the Sargent Water Treatment Plant. D. Pearson asked if the new wells are adjacent to the existing wells. T. Bernier said they are within 20'-30' of the existing wells. D. Pearson asked the Town to address the limit of water drawn from the new wells and how it will affect the Ipswich River especially during times of drought.

J. Lobao advised that the Town is limited by DEP as to how much they can withdraw from wells. The Town also has the ability to access water from the Massachusetts Water Resource Authority (MWRA) and has done so in previous years during peak season (spring through summer) to meet the Town's water demands.

Wayne Castonguay of Ipswich River Watershed Associates, fully supports the Town's redevelopment of the wells, but has concerns for the withdrawal limits. W. Castonguay

would like to see a flow trigger installed on the withdrawal of wells as agreed to in the Town's 2006 Comprehensive Water Resources Management Plan.

Suzanne Sullivan of Headwaters Stream Team asked if the project is within the inner Riverfront. T. Bernier confirmed that it is within the outer Riverfront area.
S. Sullivan disagreed with T. Bernier and stated that it is 100% within inner Riverfront and that the invasive species there has a value to wildlife. S. Sullivan considers this an environmental crime, and to prevent an appeal, she requires the Town to submit a better planting plan, to restore the inner riparian around the inner fenced in area, and maybe further down where impacts exist from a prior development as she considers this redevelopment, and to plant more than two (2) trees. She also stated that the limit of work is not clear on the plan and asked if there would be work inside the road. If so, what is the distance from the fenced area where the wells are down the road. T. Bernier advised that the limit of work is defined on the erosion control plan and that all work will be contained within that limit. T. Bernier also advised that plan C2 calls out the tree species and size that will be planted and that the proposed replanting exceeds the Town's Tree Removal Policy. T. Bernier advised that only two (2) 15" diameter trees would be removed. All the little trees will remain.

Martha Stevenson of Headwaters Stream Team asked if the Commission received the comments that were emailed late that afternoon. V. Gingrich confirmed that the comments were received and forwarded to the Commission and the applicant. M. Stevenson advised that the Headwaters Stream Team's major concern, always, is properly delineating Riverfront on every project. She feels that it is important for the Commission to understand how to properly delineate Riverfront on all of our headwater streams.

D. Pearson reviewed some of the items/comments to be addressed at the next meeting.

First, clarify and confirm where the project falls within Riverfront area.

Also, the Commission is not involved in the monitoring the flow rate policy. K. Ryan confirmed that Mass DEP withdrawal amounts is a separate issue. M. Stevenson feels the drinking water resource comes under the Conservation Commission's purview as it protects our water resources.

K. Ryan advised that this is a replacement project and that the Town is within its rights to withdraw the amount of water allocated by DEP. The statement that these wells are pumping the river dry are unfounded as there is no direct evidence in the research they have done that proves these wells are harming the brook. W. Castonguay disagreed with K. Ryan's statement and has documented this in 2016 and 2020.

D. Pearson asked if the applicant would like to continue to the next meeting to give the applicant the opportunity to confirm the Riverfront delineation.

T. Bernier stated that even if the Riverfront were changed, the proposed project would remain the same. D. Pearson acknowledged T. Bernier's statement.

V. Gingrich also recommended pulling the erosion controls away from the fence where possible and suggested that the Commission visit the site. The Commission can better determine adding more plantings after members visit the site.

D. Pearson asked the applicant to continue to the June 2, 2021 Conservation Commission meeting and the applicant agreed.

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

> L. deWahl, A. Rittershaus, T. Bradley, V. Licciardi, and D. Pearson voted 5 – 0 to continue the Public Hearing for Salem Street Rear – Map 101 Parcels 3 & 5 – DEP File #344-1477 to the June 2, 2021 Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – Middlesex Avenue – Near Maps 88 & 89 Parcels 12, 13, & 13B – DEP File #344-1478**

Documents: Notice of Intent Application, received April 21, 2021
"Middlesex Avenue (Route 62) NOI Submittal Plan" Set, dated April 21, 2021
Comments from Suzanne Sullivan and Martha Stevenson, Headwaters Stream Team, dated May 5, 2021
Letter from Richard Kirby, LEC Environmental Consultants, Inc., dated May 5, 2021
Letter from Wayne Castonguay, Ipswich River Watershed Association, dated May 5, 2021
PowerPoint presentation by TEC, dated May 5, 2021

Present in Interest: Paul Alunni, Town of Wilmington, Engineering Division
Peter Ellison, TEC, Inc.
Bob Niccoli, TEC, Inc.
Richard Kirby, LEC Environmental Consultants, Inc.

P. Alunni presented the proposed culvert replacement that will be funded through a $2.89 million Mass Works grant. The Town will use $1.23 million dollars of that grant for this culvert project. The catalyst for the grant was the Princeton Properties project at 378 – 384 Middlesex Avenue. P. Alunni advised that TEC, the Town's consultant for this project, hired Hancock Associates to do the resource area delineation and the survey work, as they were the consultant for the Princeton Properties project, which adjoins this site. The Town also hired LEC Environmental Consultants to do a peer review of the resource area delineation.

P. Alunni advised that the Middlesex Avenue culvert is in the vicinity of a heavily traveled area that is about .5 miles from Route 93 and provides access to a lot of businesses and residences. This road is the fastest and most direct route for our emergency response teams to access North Wilmington. P. Alunni stated that the two (2) existing metal culverts, built in 1960, are failing and "on borrowed time". The February 2021 Massachusetts Department of Transportation (Mass DOT) underwater inspection report, classifies this culvert as a 3, which signifies serious condition, and S-P, which indicates severe and to prioritize replacement. This means major deficiencies and in some sections, 100% section loss. P. Alunni stated that, plainly speaking, Mass DOT is identifying holes in the top of both culvert pipes. There is a dip in the roadway where the largest hole in the culvert barrel is located. A sinkhole could develop in this area, which could possibly be repaired by installing a plate over it, or the roadway could collapse. The

ultimate goal is to fully permit the project late spring or early summer and have it out for bid by the fall. The Town's Engineering Division has had preliminary discussions and will continue to have discussions with the emergency response departments, the school department, and Town officials, as this project will cause a full closure of this section of Middlesex Avenue for three to five (3 – 5) weeks. P. Alunni stated that he did not expect a vote tonight as TEC has to correct some errors in the submitted materials as well as address comments from LEC Environmental, the Headwaters Stream Team, and the Ipswich River Watershed Association.

B. Niccoli, the structural engineer on the project, confirmed that the culvert is deteriorating, that gravel and sand are traveling into the brook, and that Mass DOT is monitoring the sag in the culvert. The project goals are to replace the deteriorated corrugated metal culvert, minimize traffic disruptions as much as possible, reduce the public safety risk, improve traffic features at the crossing location, and to minimize impacts to the resource areas to the greatest extent practicable. The severe skew angle of the culvert (about a 45° angle), eliminates several replacement alternatives. The surrounding houses, businesses, MBTA tracks, utilities, and resource areas limit the ability to raise the roadway profile. In addition, working with the MBTA for the railroad crossing and the presence of utilities will add to the difficulty of this project. The width of the roadway and the presence of boulders beneath the surface, eliminates the use of sheeting and a phased construction process. There are also Verizon duct banks beneath the sidewalk, a National Grid gas line beneath the north shoulder, a water main on the south side of the bridge, a future sewer infrastructure that will run overtop the culvert, and drainage infrastructure within the area. The goal is to meet the Massachusetts Stream Crossing Standards to the greatest extent practicable given all of the constraints. B. Niccoli advised that an open bottom, aluminum arch culvert that will rest on precast concrete footings is proposed. The rise of the new culvert will roughly match the rise of the existing culvert and the hydraulic opening will increase by 56%. The proposed culvert will pass the 25-year design storm and meet the Massachusetts Stream Crossing Standards as much as practicable.

P. Ellison reviewed the four (4) resource areas that are present within the limits of the project and the impacts that are proposed with this project. There are four (4) areas of BVW. The northwest quadrant of the project has the A series BVW flags, the northeast quadrant has the B series BVW flags, the southeast quadrant has the C series BVW flags, and the southwest quadrant has the D series BVW flags. The full limit of the project is within the buffer zone and the Riverfront area. There will be some temporary and permanent impacts to resource areas with this project. P. Ellison advised that a mistake in the NOI regarding the Mean Annual High Water Line (MAHWL) in the northwest quadrant will be corrected to reflect what was approved in the Princeton Properties Order of Conditions. P. Ellison explained that the full limit of the project stretches for about 250' and includes improvements to the stormwater system in addition to the other improvements given by B. Niccoli. There will also be about 250' of new pavement, new concrete sidewalks, and new guardrails on the bridgework. The temporary impacts made to the bank will be restored after construction, as well as the 265 square feet of temporary impacts to the BVW in the southeast quadrant, mainly due to proposed dewatering system during construction. In addition, there will be 2635 square feet of temporary impacts to Land Under Water (LUW). There are 45 square feet of permanent impacts to BVW proposed. The permanent impacts are a result of construction of new rip rap to stabilize slopes which will cross over slightly into the BVW. More detail will be provided on the replication area and the temporary impacts of construction of the streambed, as well as other areas after TEC has reviewed all of LEC's comments.

P. Alunni added that the $2.89 million Mass Works grant has three (3) parts to it. One (1) part is the proposed culvert replacement. Another part is a sewer extension project that will go from Jefferson Road northeasterly through the High Street and Middlesex Avenue intersection to Salem Street where the gravity line they would tie into currently exists. The last part is roadway improvements in the area that will consist of re-striping and improvements to the traffic lights at the intersection of Middlesex Avenue and High Street.

V. Gingrich advised that the Town contracted LEC Environmental to perform a peer review of the project. Richard Kirby of LEC did the review and submitted a report this afternoon.

R. Kirby stated that he reviewed the northeast, southeast, and southwest quadrants of the project for MAHW. He had one (1) minor flag change on the northeast quadrant but the southeast quadrant had 5'-10'-changes to a few flags due to the presence of bankful indicators beyond the flags. The primary channel narrows to about 15' on the south side where it exits the culverts and the channel seems inadequate to contain bankful flow. The flags on the southwest side look good, but the plans were a little bit off. R. Kirby reviewed the BVW delineation and suggested moving one (1) flag on the southeast side up against the culvert that should be moved up about two (2) feet to encapsulate an area that has some standing water, wetland plants, and wetland soils.

R. Kirby also reviewed the NOI and provided some preliminary comments. Some of the comments were addressed by TEC during their presentation and he recommends that TEC submit the PowerPoint presentation from tonight as part of the meeting record. R. Kirby suggested more details on the plan and a narrative form for the restoration, including plantings, soil specifications, erosion control, and things like that. R. Kirby also suggested a dewatering plan or at least a special condition requiring the contractor to submit a dewatering plan prior to the start of work. A dewatering detail should be added to the plan or add a Special Condition in the Order of Conditions requiring the contractor to submit a dewatering plan prior to the star of construction. If there are impacts to BLSF, then state the numbers or temporary or permanent impact, as well as the proposed restoration or the proposed compensatory flood storage to offset those impacts. Lastly, this is a redevelopment project and the applicant should go through the Riverfront Area performance standards and demonstrate how the applicant plans to meet those standards and comply with 10:58 4 and 5. The applicant should also show how the project will improve the area.

V. Gingrich thought additional details for the replication area will be helpful and possibly looking at a different area.

V. Licciardi asked if damming the brook would affect any of the surrounding residences. B. Niccoli advised that temporary piping would be used for a controlled water plan and the water flow and a control will be put in place to prevent local flooding. B. Niccoli will review the plan and make sure there is a control in place.

D. Pearson mentioned that the Operation and Maintenance Plan refers to the Town of Holden. B. Niccoli advised that it is a typographical error that will be corrected.

W. Castonguay of the Ipswich River Watershed Association would like to see the stream crossing improved upon. He asked that the applicant think "outside the box" and allow for wildlife passage with some possible dry culverts, possibly open the span up and get more

BLSF and riparian zone credits. These design changes may get you closer to meeting the Massachusetts Stream Crossing Standards. He would like to see the MAHWL revisited.

Suzanne Sullivan of the Headwaters Stream Team stated that using stream stats was inappropriate and will supply a link to the Commission to the USGS documents that address streams flowing through extensive wetlands. S. Sullivan thinks the applicant should be able to meet the 1.2 bankful width of the river if the river is delineated correctly in the plan. She feels the plan and the application contradict each other regarding bankful width. She will wait for the Commission and the applicant to review her comments and hopes to avoid another appeal process.

D. Pearson proposed to continue this Public Hearing to the June 2, 2021 Conservation Commission meeting.

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

> V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 - 0 to continue the Public Hearing for Middlesex Avenue – Near Maps 88 & 89 Parcels 12, 13, & 13B – DEP File #344-1478 to the June 2, 2021 Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – 135 Wildwood Street – Map 63 Parcel 1 (portion of) – DEP File #344- 1476**

Documents: Notice of Intent Application, received April 16, 2021
"Proposed Subsurface Septic Disposal System Plan", dated April 12, 2021

Present in Interest: Luke Roy, LJR Engineering, Inc.
Carl Crupi, C.C. & Sons Builders, applicant

L. Roy presented the proposed construction of a single family home on a new lot created from a 3.8-acre lot. The proposed home is outside the 100' wetland buffer zone, but the proposed septic system and associated grading, is 91' from the Bordering Vegetated Wetland (BVW) at the closest point. Erosion controls will be installed around the limit of work and stormwater roof drains will be installed per the Stormwater Management By-Law.

C. Lynch asked that trash be removed from inside the erosion controls and that the erosion controls be moved in about 10' from where they are shown on the plans.

V. Gingrich advised that the Special Conditions in the draft Order of Conditions contains all standard conditions and that the demarcation condition was removed from the Special Conditions because the BVW is so far from the limit of work.

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

> V. Licciardi, L. deWahl, A. Rittershaus, T. Bradley, and D. Pearson voted 5 – 0 to close the Public Hearing for 135 Middlesex Avenue – Map 63 Parcel 1 (portion of) – DEP File #344-1476

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 – 0 to approve the Order of Conditions for 135 Middlesex Avenue – Map 63 Parcel 1 (portion of) – DEP File #344-1476

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461**

Documents: Letter from Scott L'Italien, Town of Wilmington, Engineering Division, dated March 24, 2021
Amended Notice of Intent Application, received March 24, 2021
Letter from Michael Seekamp, Seekamp Environmental Consulting, Inc., dated March 11, 2021
Construction Site Erosion & Sediment Control with Operation and Maintenance Plan (O & M Plan), dated March 23, 2021
"Proposed Site Plan Shady Lane Sidewalk Extension, dated March 23, 2021
Letter from Paul Alunni, Town of Wilmington, Engineering Division, dated April 2, 2021
Letter from Scott L'Italien, Town of Wilmington, Engineering Division, dated April 21, 2021
Amended Notice of Intent Application, received April 21, 2021
"Proposed Site Plan Shady Lane Sidewalk Extension Plan", dated April 20, 2021
Email from Paul Alunni, Town of Wilmington, Engineering Division, dated May 5, 2021

V. Gingrich advised that the applicant requested to continue the Public Hearing for Shady Lane Drive to the June 2, 2021 Conservation Commission meeting.

Upon motion duly made by V. Licciardi and seconded by D. Pearson,

V. Licciardi, T. Bradley, L. deWahl, A. Rittershaus, and D. Pearson voted 5 - 0 to continue the Public Hearing for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461 to the June 2, 2021 Conservation Commission meeting

**CONTINUED PUBLIC HEARING NOTICE OF INTENT – 687 Main Street – Map 31 Parcel 11A – DEP File #344-1473**

Documents: "Notice of Intent Plan" Set, dated April 19, 2021
Letter from Attorney John McKenna, dated May 5, 2021

V. Gingrich advised that the applicant requested to continue to the June 2, 2021 Conservation Commission meeting as they are in the process of applying for the Special Permit for Groundwater.

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

V. Licciardi, T. Bradley, L. deWahl, A. Rittershaus and D. Pearson voted 5 - 0 to continue the Public Hearing for 687 Main Street – Map 31 Parcel 11A –

DEP File #344-1473 to the June 2, 2021 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF AREA RESOURCE AREA DELINEATION – 6 Tobin Drive – Map 16 Parcel 22A – DEP File #344-1470**

Documents: Letter from Thomas Peragallo, LEC Environmental Consultants, Inc., Dated April 19, 2021
"A.N.R.A.D. Plan of Land", dated April 15, 2021

Present in Interest: Andrew Pojasek, Dana Perkins, Inc.
Tom Peragallo, LEC Environmental Consultants, Inc.
Khan Khalib, Applicant

Andrew Pojasek advised that the revised plan includes the minor changes as recommended by LEC Environmental Consultants, Inc.

T. Peragallo advised that the revised ANRAD plan, dated April 15, 2021, includes the two (2) suggested areas of adjustment and that he has no further comments.

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

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 - 0 to close the Public Hearing for the Abbreviated Notice of Area Resource Delineation – 6 Tobin Drive – Map 16 Parcel 22A – DEP File #344-1470

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

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus and D. Pearson voted 5 - 0 to approve the Order of Resource Area Delineation – 6 Tobin Drive – Map 16 Parcel 22A – DEP File #344-1470

**CONTINUED PUBLIC HEARING - ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 71 & 73 Marion Street – Map 5 Parcels 1J, 3, & 3A – DEP File #344-1474**

Documents: Letters from Mary Trudeau, Wetlands Consultant, dated March 22, 2021
Amended Notice of Intent Application, received March 23, 2021
"Plan to Accompany Abbreviated Notice of Resource Area Delineation", dated March 15, 2021
Letter from Mary Rimmer, Rimmer Environmental Consulting, LLC, dated April 7, 2021
Letter from Luke Roy, LJR Engineering, dated April 20, 2021
"Plan to Accompany Abbreviated Notice of Resource Area Delineation", dated April 19, 2021
Letter from Mary Rimmer, Rimmer Environmental Consulting, LLC, dated April 30, 2021

Present in Interest: Mary Rimmer, Rimmer Environmental.
Kristen Costa, LA Associates

Luke Roy, LJR Engineering, Inc.

L. Roy presented the revised delineation plan as agreed between the applicant's wetland specialist and the Town's peer review wetland consultant. In addition, new bank flags and the 200' buffer were added to the revised plan. L. Roy acknowledged that he may have misinterpreted some of the peer review comments. They did not locate the flags upstream from the first bank flag, where the river bends away from the site, but did update the new bank flags downstream. L. Roy performed a detailed field survey along the entire BVW boundary and shot spot grades within the BVW and up gradient of the wetland line to develop the 100-year flood elevation as shown on the plan and offered to add the spot grades to the plan. He will review the most recent comment letter from Mary Rimmer and make any suggested changes.

V. Gingrich asked if the applicant is requesting to add Bordering Land Subject to Flooding (BLSF) to the ANRAD. L. Roy thought the peer reviewer wanted it added to the plan based on his interpretation of the peer reviewer's letter, dated April 7, 2021.

M. Rimmer advised that the adjustments to the BVW boundary were agreed upon when she and Mary Trudeau, the applicant's wetland scientist, walked the site. Some of the Riverfront flags were extended to the east to accurately depict the 200-foot offset where it intersects the property line. They also agreed to extend flags upstream to the west, but those flags are more than 200 feet from the property and probably not necessary to demonstrate any Riverfront on the property. M. Rimmer commented on the 100-year Floodplain that is shown on the plan and is comfortable with the explanation given by L. Roy. In addition, M. Rimmer commented on the plan note that says there are no additional wetland resources in the remaining back portion of 73 Marion Street. M. Rimmer did not review any portion of that property beyond the stonewall and she cannot concur with that statement beyond what is noted on the plan, though she did say there was nothing within 100 feet of the stone wall. M. Rimmer is comfortable with the changes provided in the revised plan. L. Roy clarified that the Locus Map was also updated because of a DEP comment.

D. Pearson suggested eliminating that note from the plan and L. Roy agreed. M. Rimmer suggested removing the note from the plan and include in the Order of Resource Area Delineation (ORAD), that no determination was made beyond the area west of the stonewall. D. Pearson agreed to that suggestion that no determination of resource area was made beyond the stonewall. M. Rimmer suggested adding that any area from the floodplain elevation to the BVW be considered Bordering Land Subject to Flooding. D. Pearson agreed to add that to the decision.

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

> V. Licciardi, L. deWahl, A. Rittershaus, T. Bradley, and D. Pearson voted 5 – 0 to close the Public Hearing for 71 & 71 Marion Street – Map 5 Parcels 1J, 3, & 3A – DEP File #344 -1474

Upon motion duly made by V. Licciardi and seconded by D. Pearson,

> V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and Donald. Pearson voted 5 - 0 to approve the Order of Resource Area Delineation for 71 &

73 Marion Street – Map 5 Parcels 1J, 3, & 3A – DEP File #344-1474 with the added statements/conditions as agreed

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 375 Ballardvale Street – Map R3 Parcel 50A – DEP File #344-1363**

Documents: Request for Certificate of Compliance Application, received April 21, 2021
Letter from Drew Garvin, Meridian Associates, dated April 21, 2021
"Record Conditions Plan of Land Plan", dated May 24, 2019

D. Garvin reviewed the parking lot changes and addition projects that are complete and presented the Request for Certificate of Compliance for 375 Ballardvale Street.

C. Lynch advised that the back right corner has riprap inside the BVW, but he was not allowed on the property to get a better look at the area. An appointment is scheduled for the following week to visit both this site and the site at 377 Ballardvale Street.

D. Garvin advised that the riprap was part of an improvement to that area and was approved in the Order of Conditions.

D. Pearson suggested tabling this Request for Certificate of Compliance to the June 2, 2021 Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 - 0 to table the Certificate of Compliance for 375 Ballardvale Street – Map R3 Parcel 50A – DEP File E344-1363 to table the Request for Certificate of Compliance until the June 2, 2021 Conservation Commission meeting

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 377 Ballardvale Street – Map R3 Parcel 50B – DEP File #344-1418**

Documents: Request for Certificate of Compliance Application, received April 21, 2021
Letter from Drew Garvin, Meridian Associates, dated April 21, 2021
"Record Conditions Plan of Land Plan", dated May 24, 2019

D. Garvin reviewed the parking lot changes and addition projects that are complete and presented the Request for Certificate of Compliance for 377 Ballardvale Street.

C. Lynch advised that an appointment is set up for a site visit next week for this site as well as 375 Ballardvale Street.

D. Pearson suggested tabling this Request for Certificate of Compliance to the June 2, 2021 Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by V. Licciardi,

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 - 0 to table the Certificate of Compliance for 375 Ballardvale Street – Map

R3 Parcel 50A – DEP File E344-1363 to table the Request for Certificate of Compliance to the June 2, 2021 Conservation Commission meeting

**ADMINISTRATIVE TREE OR SHRUB REMOVAL**
4501 Pouliot Place – Map 106 Parcel 86 – C. Lynch advised that two (2) damaged trees will be removed through this Administrative Tree or Shrub Removal application and that the homeowner will submit an RDA for an additional four (4) healthy trees in the near future.

**NOTICE OF VIOLATION**
6 Towpath Drive – Map 28 Parcel 7 – The homeowner removed two (2) trees that were within the 100' Buffer Zone of BVW. Since receiving the Notice of Violation, the homeowner has had the wetlands delineated and will submit an RDA in time for the June 2, 2021 Conservation Commission meeting.

**UPDATE**
66 Lawrence Street – Map 28 Parcel 7 – Attorney Philip Taylor advised that the wetlands have been flagged and the applicant is waiting for LJR Engineering to complete the plot plan. The applicant will submit an RDA in time for the July 7, 2021 Conservation Commission meeting.

5 Oxbow Drive – Map 47 Parcel 38 - J. Lavorato advised that a wetland specialist will flag the wetlands on May 6, 2021 and he hopes to submit the RDA in time for the June 2, 2021 Conservation Commission meeting.

**DONATION OF LAND**
Map R2 Parcel 11 - V. Gingrich advised that the owner would like to donate a 66-acre parcel of land to the Conservation Commission. The parcel borders Arlene Avenue to the south, the Railroad tracks to the west, and Route 93 to the east. The parcel has both uplands and wetlands, but the uplands are landlocked by the wetlands and the highway. V. Gingrich stated that this parcel would be a great addition to the Town's Open Space and that the parcel has a lot of habitat and borders an area of rare species.

Upon motion duly made by V. Licciardi and seconded by T. Bradley,

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 – 0 to accept the donation of land designated map R2 and parcel 11.

**DISCUSSION**
2021 Yearly Operational Plan for Keolis Commuter Services - V. Gingrich advised the Commission that the 2021 Yearly Operational Plan (the Plan) for Keolis Commuter Services is available to review. If the Commission wishes to discuss the plan after they have reviewed it, it can be placed on the June 2, 2021 Conservation Commission meeting agenda.

**MINUTES – April 7, 2021**

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

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 - 0 to accept the minutes for the April 7, 2021 Conservation Commission meeting

**Next meeting** – June 2, 2021

There being no additional business to come before the Conservation Commission, the Commission voted to adjourn the meeting at 10:14 pm

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

V. Licciardi, L. deWahl, T. Bradley, A. Rittershaus, and D. Pearson voted 5 - 0 to adjourn the meeting

Respectfully submitted,

Catherine A. Pepe
Senior Clerk