

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

June 5, 2019

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

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 8

Lexington Street – Map 69 Parcel 82

Documents: Request for Determination of Applicability, received May 1, 2019
"Plan of Lots 141-143 Lexington Street", dated April 25, 1997
Pictures, undated
Pictures, undated, received June 5, 2019

Present in Interest: David & Lei Cao, owners

D. Cao distributed pictures of their trees and presented the proposed removal of fourteen (14) trees in the 100-foot buffer zone of an intermittent stream that pose a danger to his home and to his neighbors.

R. Hale advised that all the trees are greater than 24" in diameter, which would mean replacing the fourteen (14) trees per the Tree and Vegetation Removal Policy. The Commission members agreed that the applicant should submit a certified arborist's report evaluating the health and potential hazards of the fourteen (14) trees before the Commission makes a decision.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Meeting for 8 Lexington Street – Map 69 Parcel 82 to the July 10, 2019 Conservation Commission Meeting.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 6A

Falcon Street – Map 70 Parcel 101-E4

Documents: Request for Determination of Applicability, received May 8, 2019
Letter from Mayer Tree Service, dated May 2, 2019
"Portion of Definitive Conservation Subdivision Plan", modified by applicant, received May 8, 2019
Pictures, dated May 6, 2019

Present in Interest: Janet Beaugard, owner

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J. Beaugard would like to take down two (2) trees in the 100-foot buffer zone of Bordering Vegetated Wetlands (BVWs) that an arborist has recommended be taken down because they are in poor health and could hit her house if they fell.

R. Hale agreed with the arborist assessment. One (1) of the trees is in a Conservation Restriction and the other tree is directly adjacent to Conservation Land. R. Hale recommends tree replacement per the Tree and Vegetation Removal Policy. The Commission agreed that tree #1 can be removed and replaced with either two (2) trees or four (4) shrubs and that tree #2 be dropped in place.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative (3) Determination of Applicability for 6A Falcon Street with conditions for tree or shrub replacement for tree #1 and to drop tree #2 in place Map 70 Parcel 101-E4

PUBLIC HEARING – NOTICE OF INTENT – 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1431

Documents: Notice of Intent, received May 8, 2019
"100 Research Drive Plan Set", 8 pages, dated April 26, 2019
Memorandum from Paul Alunni, Engineering Division, dated June 3, 2019

Present in Interest: Michael Juliano, Eaglebrook Engineering & Survey, LLC

M. Juliano presented the proposed construction of a 20,000 square foot commercial building on an existing paved parking lot partially within the 100-foot buffer zone of BVWs. The parking lot currently does not have any structures on it. Three (3) trees will be removed, pavement will be reduced in some areas and new pavement added for the proposed driveway. Stormwater will flow to catch basins. All roof runoff will be collected and flow into an infiltration system. Designated stockpile areas will be situated as far away from the wetlands as possible. There is a designated dewatering area, but it is not expected to be needed.

R. Hale commented that the building is proposed within the 50' no commercial structure setback and asked for a formal justification stating why the proposed building needs to be within that setback. The site will have to comply with DEP's Snow Disposal Guidance and Massachusetts Plant Nutrient Regulations, which should be noted in the operation and maintenance plan. There is also an existing open Order of Conditions that needs to be closed out.

V. Licciardi asked if a sewer pump station will be needed. M. Juliano advised no, that it would all be gravity fed. T. Bradley asked if the existing parking lot was approved. M. Juliano advised that there is an As-Built from 1986 showing just a parking lot. R. Hale suggested the parking lot may pre-date the regulations. R. Hale clarified that the open Order of Conditions is for a new building that was not built.

M. Juliano will meet with P. Alunni, Town Engineer, next week to review all the Engineering Division's comments in the June 3, 2019 memorandum.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 100 Research Drive – Map R3 Parcel 401 – DEP File #344-1431 to the July 10, 2019 Conservation Commission Meeting

PUBLIC HEARING – NOTICE OF INTENT – 635 Main Street – Map 40 Parcel 1 – DEP File #344-1432

Documents: Notice of Intent, received May 22, 2019
“635 Main Street Plan Set”, 12 pages, revised December 21, 2018
Letter, Notice of Intent Comments from Ryan Hale, Conservation Agent, dated May 29, 2019
Memorandum from Paul Alunni, Engineering Division, dated June 3, 2019

Present in Interest: Jon Tilton, Williams & Sparages, LLC
Jacqueline Welch, Massachusetts Equity Investors, LLC

J. Tilton presented the proposed construction of two (2) buildings partially within BVWs and the 100-foot buffer zone. One (1) building will consist of ten (10) residential townhouses with parking. The other building will consist of thirty-nine (39) apartment style residential units in a 3-story building with parking below the building. The proposed new driveway will cross about 300 square feet of wetlands. The applicant proposes a 650 square foot wetland replication area as compensation for the driveway disturbance. In addition, the applicant proposes to remove several piles of debris from the 100-foot buffer zone adjacent to wetlands. Snow storage areas will be moved as suggested by the Town's engineer.

R. Hale presented his comments:

- The applicant should submit an alternatives analysis demonstrating the wetland impacts cannot be avoided or change the proposed scope of work so the wetlands are not impacted.
- The applicant should submit an analysis on the contents of the debris piles, the reasons for removing them, and an assessment of the 100-foot buffer zone impacts required to remove the piles.
- A justification for encroachment into the 15' no-disturb setback should be provided.
- The plans should be revised for consistency
- A reminder that the ten (10) deciduous trees from a previous Determination of Applicability still need to be planted

L. deWahl voiced concern regarding the possibility of hazardous materials in the debris piles and the possible related health hazards. She stated that the applicant should know what is in the piles and the Phase I and II Environmental Assessments should be submitted.

J. Tilton requested to continue to the July 10, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 635 Main Street – Map 40 Parcel 1 - DEP File #344-1432 to the July 10, 2019 Conservation Commission Meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1429

Present in Interest: Matthew Costa, Beals Associates, Inc.
Peter Crocker, PGA Realty Company, LLC, owner

M. Costa advised that they are reviewing the Town Engineer's comments and the Department of Planning & Conservation comments. They are working on the requested changes and should have new information submitted in time for the July 10, 2019 Conservation Commission Meeting. Buildings A and B will be shifted to allow more room around the corner of Building A and the grading has changed from a 1:1 slope to a 2:1 slope in that area. Erosion controls will be installed, footings for the crossing will be dug and pinned, and then a crane will drop the bridge sections onto the footings. No work will be done in the stream. The stormwater system has been redesigned and is now outside the 50' setback to wetlands.

R. Hale suggested the stormwater basin located near the stream would provide a natural buffer and habitat between the stream and the developed areas. T. Bradley asked if a vegetation replacement plan is proposed after the footings are installed. M. Costa advised that bushes will be planted after the footings are installed.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – DEP File #344-1429 to the July 10, 2019 Conservation Commission Meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 613 Main Street – Map 29 Parcel 11S – DEP File #344-1430

Documents: Email from Thomas Liddy of Lucas Environmental, LLC, dated May 24, 2019

T. Liddy emailed a request to continue to the July 10, 2019 Conservation Commission Meeting

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing for 613 Main Street – Map 29 Parcel 11S – DEP File #344-1430 to the July 10, 2019 Conservation Commission Meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE - 1 North Street – Map 88 Parcel 8 – DEP File #344-730

Documents: Request for Certificate of Compliance, dated May 29, 2019
"1 North Street Drainage As-Built Site Plan", dated May 30, 2019

R. Hale advised that the drainage was properly installed and the work is complete.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue the Certificate of Compliance for 1 North Street – Map 88 Parcel 8 – DEP File #344-730

EMERGENCY CERTIFICATION – 25 Burlington Avenue – Map 30 Parcel 10

R. Hale advised that the homeowner requested to remove some branches that broke off during a storm and a branch of a tree that is leaning over his driveway.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Emergency Certification for 25 Burlington Avenue – Map 30 Parcel 10

NOTICE OF VIOLATION – 55A Chestnut Street – Map 16 Parcel 2A

Present in Interest: Mark Cuddy, owner

M. Cuddy advised that he installed 1" diameter stone in the 15' no disturb setback without the Conservation Commission's permission.

R. Hale informed the Commission that a Determination of Applicability was issued for the construction of a garage 50' from the wetlands and that M. Cuddy removed vegetation within 50' of the wetlands and up to the wetland boundary.

R. Hale suggested removing the stone within the 15-foot no disturb setback, and planting a native seed mix and shrubs to restore the area. The Commission agreed that M. Cuddy must submit a Notice of Intent (NOI) in time for the August 7, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 55A Chestnut Street – Map 16 Parcel 2A

NOTICE OF VIOLATION – 16 Hillside Way – Map 2 Parcel 7

Present in Interest: Steven Kenyon

R. Hale advised that the homeowner's landscaper placed stockpiles in and adjacent to the wetlands. Silt fence has been installed around the stockpiles and the homeowner will submit a Request for Determination of Applicability in time for the July 10, 2019 Conservation Commission Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation for 16 Hillside Way – Map 2 Parcel 7

ENFORCEMENT ORDER/NOTICE OF VIOLATION UPDATE
14 Bond Street – Map 21 Parcel 5-31A

R. Hale advised that the wetland replication area has been planted in compliance with the Enforcement Order. The two (2) years of monitoring will begin.

1 North Street – Map 88 Parcel 68

Documents: Pictures, undated, received June 5, 2019

Present in Interest: Joe Bulger, owner's representative
James Kavanaugh, PE, Environmental Consultant
Sarah Pesanelli, prospective buyer

R. Hale advised that the septic system materials have been removed from the wetlands and that the area has been restored, seeded and demarcation boulders installed. The distribution box still needs to be removed from the back lawn. R. Hale confirmed that the restoration that was proposed and approved has been installed.

S. Pesanelli questioned the approved restoration plan and submitted undated pictures showing more yard area than is in the approved restoration plan. R. Hale stated that the restoration plan submitted by J. Kavanaugh was approved, and that the pictures now being presented were not provided with the restoration plan. Commission members viewed the pictures and discussed that the previous extent of the yard is not clear. They questioned procedure and whether an Enforcement Order can be modified.

R. Hale offered to contact the Department of Environmental Protection (DEP) to see if the Enforcement Order can be modified. The Commission agreed to R. Hale researching possible alternatives and advising the Commission at the July 10, 2019 Conservation Commission meeting. The Commission also agreed that if changes are procedurally possible, that an accurate plan to scale with measurements and/or calculations be provided by the owner's engineer showing exactly where the boundary between the lawn and wetland was located.

30 Kilmarnock Street – Map 74 Parcel 6

Present in Interest: Matthew Giangregorio, owner

M Giangregorio is requesting an extension to the May 31, 2019 wetland restoration deadline. The wet weather has resulted in poor ground conditions for excavating and the equipment is sinking into the ground. M. Giangregorio would like to wait for drier weather and improved ground conditions before resuming the restoration project. He has moved the small shed successfully as approved and will complete the restoration project as soon as possible.

R. Hale confirmed the ground conditions are poor and that waiting for better ground conditions before resuming the restoration is best. He suggested M. Giangregorio give weekly updates on the ground conditions.

The Conservation Commission agreed to weekly monitoring of the site for progress of the restoration plan and that the restoration work should be completed by Labor Day 2019.

DISCUSSION

Tree and Vegetation Removal Policy – R. Hale reviewed a draft outline of discussion topics and suggestions regarding potential revisions to the Tree and Vegetation Removal Policy. R. Hale advised that a draft of the Revised Tree and Vegetation Removal Policy will be ready for the Commission members to review and discuss in more detail at the July 10, 2019 Conservation Commission Meeting. V. Gingrich advised that the Town's legal counsel will have to review the policy before it can be issued to see if the Commission has the power to issue it and if it can be applied to all projects. Also, should it apply to just within Bordering Vegetated Wetlands (BVW) or outside BVW, such as Floodplain or Riverfront Area.

The Commission discussed differences between tree removal for single family residential and larger commercial projects.

MINUTES – May 15, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To accept the minutes for the May 15, 2019 Conservation Commission Meeting with one (1) abstention

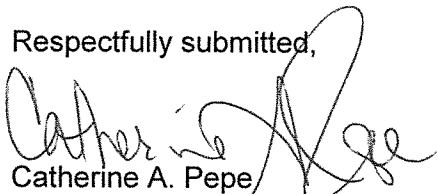
NEXT MEETING – July 10, 2019

ADJOURN

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

VOTED: To adjourn the meeting at 9:44 pm.

Respectfully submitted,


Catherine A. Pepe
Senior Clerk

