



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

CONSERVATION COMMISSION MINUTES July 1, 2020

RECEIVED
TOWN CLERK
2020 SEP - 3 AM 10:11
TOWN OF WILMINGTON, MA

Donald Pearson called the meeting to order at 7:06 p.m. and read the following:

"Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, members of the public who wish to watch and listen to the meeting may do so in the following manner: WCTV (Channel 9 – Comcast Xfinity; Channel 37 Verizon Fios, and live stream wctv.org). 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 listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 841-4920-8177 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, Laura deWahl, Vincent Licciardi, Thomas Ollila, and Michael McInnis. Alexander Rittershaus was absent. Valerie Gingrich, Director of Planning & Conservation, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

REQUEST FOR DETERMINATION OF APPLICABILITY – 31 Eleanor Drive – Map 4 Parcel 21

Documents: Request for Determination of Applicability application, received June 16, 2020
 "Plot Plan", dated June 8, 2020
 "31 Eleanor Drive Grading & Layout Plan", 4 pages, dated June 24, 2020
 Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated June 26, 2020

Present in Interest: Frank & Kristen DiGiovanni, owners

F. DiGiovanni presented the proposed construction of an in-ground pool, retaining wall, patio and installation of a fence. Silt fence and silt socks have been installed for the project.

V. Gingrich advised that it was discovered that a retaining wall was already under construction and the homeowners that a wetlands permit was required. The owners submitted the Request for Determination making some design changes to the project to avoid the conservation restriction on

the property. V. Gingrich advised that the back retaining wall has already been constructed but did not follow the Conservation Restriction. F. DiGiovanni agreed to remove the wall and rebuild it to follow the Conservation Restriction. V. Gingrich asked if there were any trees removed in the Conservation Restriction. F. DiGiovanni advised that no trees were removed in the Conservation Restriction. V. Gingrich advised that the construction equipment must access the area on the right side of the demarcation boulders as the area to the left is not to be disturbed. F. DiGiovanni confirmed that the equipment is accessing the construction area by going between the demarcation boulders and the house.

V. Gingrich stated that a Determination of Applicability (DOA) does not usually have all the conditions on it that this project requires. Some of the conditions would be to stake the property lines, stake the Conservation Restriction, install erosion controls, and per the Engineering Division, have the applicant submit an as-built plan showing that none of the wetland areas are being encroached upon. In addition, some work already done on the property has disrupted the Conservation Restriction and requires restoration. V. Gingrich advised that an alternative approach would be to issue an Enforcement Order to require a Notice of Intent filing to allow for all the conditions and to close the permit out properly.

D. Pearson asked for comments from the Commission. M. McInnis asked V. Gingrich to confirm that a DOA would not assure that all the conditions mentioned would be met. V. Gingrich advised that conditions can be put in the DOA, but there is no close out process for the DOA and it would be a challenge especially for the restoration. M. McInnis asked about an Enforcement Order for the restoration. M. McInnis asked the applicant about planting replacement trees and if that would fall under the Tree and Vegetation Removal Policy. F. DiGiovanni advised that one (1) tree came down during a storm and that it was cut, but the stump was left. He said they would plant whatever the Commission required.

T. Ollila agreed with a DOA with conditions. V. Licciardi agreed with a DOA with conditions. L. deWahl asked for clarification on the setback for the Conservation Restriction. V. Gingrich advised this is a Conservation Subdivision which has a 30' no disturb setback. L. deWahl could not see where the stone markers are on the engineer's paperwork. V. Gingrich advised that you can't see that area well because the new wall blocks some of the markers. She advised that the wall was built in a straight line and does not follow the Conservation Restriction. L. deWahl would like to see a DOA with conditions restoring the disturbed area, vegetation replacement per the Tree and Vegetation Removal Policy, and installation of permanent markers showing the restriction.

T. Bradley asked for clarification of a Conservation Restriction. V. Gingrich advised that it is a restricted area that cannot be disturbed and is to remain a natural area. This area is decided on during the subdivision planning process.

V. Gingrich asked the applicant to advise where the fence and patio area is proposed. F. DiGiovanni will send a color copy of the plan tomorrow showing the fence and patio. The patio area will then transition to lawn. V. Gingrich asked if the proposed fence would go along the property line or be pulled back from the property. F. DiGiovanni advised that it will go along the backside of the retaining wall, up the stone wall and across the new retaining wall.

D. Pearson asked if the fence follows the property line. F. DiGiovanni advised it does along the side. D. Pearson asked if the Commission issues an RDA, could an Enforcement Order (EO) be issued listing the Conditions for the restoration. V. Gingrich confirmed that a separate Enforcement Order could be issued listing the conditions.

V. Gingrich asked the Commission what date they would like to have a restoration plan submitted by if the Commission issues an EO for the restoration. D. Pearson asked to have the restoration plan in by July 28, 2020 or in time for the August 5, 2020 meeting. L. deWahl suggested that the landscape architect list plantings used in the restoration area. V. Gingrich advised that she will add removing the retaining wall and providing a restoration plan that will be reviewed by the Commission to the EO.

D. Pearson suggested a Negative 3 with the added conditions to stake out the Conservation Restriction and property line boundaries, install erosion and have them inspected by the Planning & Conservation Department, and provide an As-Built Plan. Also, to issue an EO that will cover the restoration plan.

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

V. Licciardi, T. Bradley, L. deWahl, M. McInnis, T. Ollila, and D. Pearson voted 6 – 0 to issue a Negative 3 Determination of Applicability for 31 Eleanor Drive – Map 4 Parcel 21 with the conditions as stated by D. Pearson

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

T. Ollila, M. McInnis, L. deWahl, T. Bradley, V. Licciardi, and D. Pearson voted 6 – 0 to issue an Enforcement Order for the restoration for the disturbed jurisdictional areas with the condition that the restoration plan be received by July 29, 2020.

REQUEST FOR DETERMINATION OF APPLICABILITY – 79 West Street – Map 72 Parcel 2A

Documents: Request for Determination of Applicability application, received June 17, 2020
“As-Built Plan”, dated August 1, 2014

Present in Interest: Brendan Noonan, owner

V. Gingrich advised that the applicant would like to construct an 8' x 8' concrete pad and a 12' x 12' deck extension to an existing deck at the rear of the house. BWVs are about 55' away, work will be done by hand, so erosion controls are not proposed. D. Pearson asked if the Engineering Division suggested erosion controls. L. deWahl confirmed that the Engineering Division did suggest erosion controls and an As-Built. V. Gingrich advised that after reviewing the comments with the Engineering Division, an As-Built Plan is not necessary unless the Commission requests it.

L. deWahl was satisfied with erosion controls and no As-Built.

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

M. McInnis, L. deWahl, T. Ollila, T. Bradley, V. Licciardi, and D. Pearson voted 6 – 0 to issue a Negative (3) Determination of Applicability for Map 72 Parcel 2A with the added condition that erosion controls be installed.

PUBLIC HEARING – NOTICE OF INTENT – 97 Glen Road – Map 54 Parcel 40 – DEP File #344-1464

Documents: Notice of Intent application, received June 17, 2020
“Proposed Subsurface Septic Disposal System Plan”, 2 pages, dated June 11, 2020

Memorandum from Paul Alunni, Town of Wilmington, Engineering Division, dated June 26, 2020

Present in Interest: Luke Roy, LJR Engineering, Inc.

L. Roy presented the proposed removal of the existing dwelling and construction of a new single-family dwelling, septic system, and associated site work. The existing dwelling is close to Glen Road. The new home will go further back on the lot and be an overall improvement to the site. The wetlands are not on the property, but on an adjacent piece of Town owned land. The proposed house will be 44' away from the wetlands and the proposed septic will be 55' from the BVW at the closest point. A roof drain infiltration system in the front of the proposed house will capture the roof runoff and a stone trench will run along a section of the driveway. The project is within the groundwater district and the driveway will have a section of porous pavement to stay within the impervious area restrictions. The proposed removal of trees is noted on the plan.

V. Gingrich commented that the Engineering Division did note that an Operation and Maintenance plan for the porous pavement is required and to make a citation in the deed so future owners will know how to maintain it. Engineering would like to see a section detail of the proposed retaining wall showing that it can be constructed on the property and no disturb adjacent properties and to confirm the distance between the proposed infiltrator and the septic system on the adjacent parcel at 95 Glen Road. Also, that there will be just a single retaining wall adjacent to the neighboring property. L. Roy will add the distance from the drainage roof drains to the septic system at 95 Glen Road.

L. deWahl confirmed that a discussion with the neighbor is in order regarding their retaining wall and if an agreement cannot be reached than the applicant will build their own retaining wall for the septic system.

V. Gingrich recommends that L. Roy submit the proposed agreement with the neighbor regarding the retaining wall prior to the next meeting. L. Roy confirmed he would do that.

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

T. Ollila, M. McInnis, T. Bradley, V. Licciardi, L. deWahl, and D. Pearson voted 6 – 0 to continue the Public Hearing for 97 Glen Road – Map 54 Parcel 40 – DEP File #344- 1464 to the August 5, 2020 Conservation Commission meeting.

PUBLIC HEARING – NOTICE OF INTENT – 11 Kendall Street – Map 20 Parcel 23 – DEP File #344-1465

Documents: Notice of Intent Application, received June 17, 2020
“Proposed Subsurface Septic Disposal System Plan, 2 pages, dated June 12, 2020
Memorandum from William Holt, Town of Wilmington, Engineering Division, dated June 26, 2020

Present in Interest: L. Roy, LJR Engineering, Inc.

L. Roy presented the proposed demolition of an existing dwelling and construction of a new single-family home, septic system, and related site work. The BVW is about 56' from the proposed dwelling, the proposed septic system will be about 80' from the BVW. The lot has a steep grade and a retaining wall is proposed along the property line to make up the grade differential. The driveway has a stone infiltration trench to slow water runoff at the back edge of the driveway. The roof drain

system at the low side of the house will capture the roof runoff. Erosion controls will be installed around the entire site. The property is in the Groundwater Protection District and will meet the requirements.

V. Gingrich reviewed the Engineering Division's comments that the proposed retaining wall, adjacent to the neighboring property be certified by a structural engineer and submitted prior to applying for a building permit. Engineering noted that the infiltration trench appears to go right to the retaining wall and asked that it be changed. Also, can the driveway and the home be shifted away from the property line which may shorten and potentially lower the wall.

L. Roy advised that the wall should be under 4' and that he will review the height and length of the wall. The stone continues down to the retaining wall mostly because that area would not be a lawn area, it is not meant to direct driveway runoff that way. He will clarify that on the plans. The lot has sufficient area and frontage to be subdivided for another house lot which is why the house is placed where it is on the lot. He will investigate some higher foundation walls and put a garage under the dwelling which will allow the driveway to shift away from the property line.

D. Pearson would like L. Roy to review lowering the driveway with the applicant. L. Roy agreed to continue the hearing to August 5, 2020.

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

M. McInnis, T. Ollila, T. Bradley, V. Licciardi, L. deWahl and D. Pearson voted 6 – 0 to continue the Public Hearing for 11 Kendall Street – Map 20 Parcel 23 – DEP File #344-1465 to the August 5, 2020 Conservation Commission meeting

**PUBLIC HEARING – REQUEST FOR AMENDMENT TO ORDER OF CONDITIONS – 93
McDonald Road – Map R2 Parcel 38 – DEP File #344-1383**

Documents: Letter from Elizabeth Wallis, Hayes Engineering, Inc., dated June 17, 2020
"As-Built Plan", dated June 2, 2020

Present in Interest: Elizabeth Wallis, Hayes Engineering, Inc.

E. Wallis requested approval for a patio and a retaining wall that was constructed within the 100' buffer zone that was not in the original Order of Conditions. The patio is a paver patio that goes up to a retaining wall that leads down to the basement entrance to the house. The current pavers are impervious and the applicant has agreed to switch them to pervious pavers to help with water infiltration.

V. Gingrich advised that the patio is about 50' from the wetlands and that switching the impervious pavers to pervious pavers will be sufficient.

V. Licciardi asked about rain infiltration and E. Wallis advised that replacing the impervious pavers with pervious pavers will allow the water to penetrate into the ground.

V. Gingrich advised that the revised plan show the replacement of the impervious pavers with pervious pavers and that the change will be referenced in the amended Order of Conditions.

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

VOTED: M. McInnis, T. Bradley, T. Ollila, L. deWahl, V. Licciardi, and D. Pearson voted to close the Public Hearing for 93 McDonald Road – Map R2 Parcel 38 – DEP File #344-1383

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

T. Ollila, T. Bradley, L. deWahl, V. Licciardi, M. McInnis and D. Pearson voted 6 – 0 to issue the Amended Order of Conditions for 93 McDonald Road – Map R2 Parcel 38 – DEP File #344-1383 with the added condition that the pavers be pervious

PUBLIC HEARING – REQUEST FOR AMENDMENT TO ORDER OF CONDITIONS – 635 Main Street – Map 40 Parcel 1 – DEP File #344-1432

Documents: Letter from Jon Tilton, Williams & Sparages, LLC, dated June 17, 2020
Letter from Jon Tilton, Williams & Sparages, LLC, to Mass DEP, dated June 17, 2020
“Grading Plan”, dated June 2, 2020
“Drainage Plan”, dated June 2, 2020
“Utility Plan”, dated June 2, 2020
New England Wetland Seed Mix list, received June 26, 2020
Email from Jon Tilton, Williams & Sparages, dated June 29, 2020

V. Gingrich advised that J. Tilton emailed a request to continue the Public Hearing for 635 Main Street DEP File #344-1383 to the August 5, 2020 Conservation Commission meeting because DEP has not completed their file review.

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

M. McInnis, L. deWahl, T. Ollila, T. Bradley, V. Licciardi, and D. Pearson voted 6 – 0 to continue the Public Hearing for the Request for Amendment to Order of Conditions – 635 Main Street – Map 40 Parcel 1 – DEP File #344-1432 to the August 5, 2020

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

Documents: Letter from Paul Alunni, Town of Wilmington, Engineering Division, dated June 24, 2020

V. Gingrich advised that P. Alunni submitted a letter requesting to continue the Public Hearing for Shady Lane Drive, DEP File #344-1461 to the August 5, 2020 Conservation Commission meeting.

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

L. deWahl, M. McInnis, T. Ollila, T. Bradley, V. Licciardi, and D. Pearson voted 6 – 0 to continue the Public Hearing for Shady Lane Drive – Map 79 Parcel Road ROW near Parcel 15A – DEP File #344-1461 to the August 5, 2020 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 687 Main Street – Map 31 Parcel 11A – DEP File #344-1451

Documents: Email from Attorney J. McKenna, dated June 25, 2020

D. Pearson advised that Attorney J. McKenna has requested a meeting to discuss the proposed improvements for 687 Main Street. V. Gingrich advised that a virtual meeting will be set up and that the applicant wished to continue the Public Hearing for 687 Main Street DEP File #344-1451 to the September 2, 2020 Conservation Commission meeting.

Upon motion duly made by D. Pearson and seconded by L. deWahl,

L. deWahl, M. McInnis, T. Bradley, T. Ollila, V. Licciardi, and D. Pearson voted 6 – 0 to continue the Public Hearing for 687 Main Street – Map 31 Parcel 11A – DEP File #344-1451 to the September 2, 2020 Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 100 Eames Street – Map 38 Parcels 4 & 4C – DEP File #344-1457

Documents: Memorandum from Paul Alunni, Town of Wilmington Engineering Division, dated June 15, 2020
Email from Valerie Gingrich, Planning & Conservation Department, dated June 16, 2020
Email from Patrick McCarty, McCarty Companies, dated June 24, 2020

D. Pearson advised that P. McCarty emailed a request to continue the Public Hearing for 100 Eames Street, DEP File #344-1457 to the August 5, 2020 Conservation Commission meeting.

Upon motion duly made by D. Pearson and seconded by L. deWahl,

V. Licciardi, T. Bradley, T. Ollila, M. McInnis, L. deWahl, and D. Pearson voted 6 – 0 to continue the Public Hearing for 100 Eames Street – Map 38 Parcels 4 & 4C – DEP File #344-1459 to the August 5, 2020 Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREVIATED NOTICE OF RESOURCE AREA
DELINEATION – 378-384 Middlesex Avenue & 200 Jefferson Road – Map 89 Parcels 8, 9, 10, 13A & 13B – DEP File #344-1462**

Documents: “Sketch Plan/Progress 2020-03-23”, dated Jan 3, 2020
“Partial Existing Conditions Plan of Land in Wilmington, MA”, dated July 1, 2020
Letter from David Cowell, Hancock Associates, dated July 1, 2020
“ANRAD Plan”, 3 pages, dated September 5, 2002
Letter from Keith Hannon, BSC Group, Inc., dated June 30, 2020
Email from Suzanne Sullivan, Headwater Stream Team, dated June 30, 2020
Email from Suzanne Sullivan, Headwater Stream Team, dated July 1, 2020
Email from Suzanne Sullivan, Headwater Stream Team, dated July 1, 2020

Present in Interest: Joseph Peznola, Hancock Associates
Andrew Chaban, Princeton Properties
Dan Endyke, Princeton Properties
David Cowell, Hancock Associates
Alex Weisheit, KP Law (Town Counsel)
Keith Hannon, BSC Group (peer review)
David Cowl, Hancock Associates

J. Peznola advised that following the June 30, 2020 site visit, Hancock Associates submitted revised plans today. The revised plan added flags Z32, Z33, and Z34. They also added flags Z100 and Z101 to see how that would affect the riverfront line. The riverfront line does pass over the BVW line. In response to BSC's comments, they do provide additional information regarding the species of vegetation at flags Z32, Z33, and Z34 which he feels is sufficient. However, in the spirit of cooperation and without additional data gathering, an agreed upon line between the parties is acceptable to Hancock Associates. The other area between flags B18 - B23 line, at the intermittent stream, they agreed to disagree with BSC and will keep the original line based on the 2004 FORAD line. J. Peznola noted that flags Z12A and Z12B were added as suggested by BSC.

J. Peznola also advised that Hancock Associates responded to Headwater Stream Team's (HST) letter dated June 2, 2020. In addition, the main points of BSC's and HST's letters were addressed at the June 30, 2020 site visit. The parcels referenced in the ANRAD submitted May 7, 2020, have been revised and no longer include parcels 7 and 8A. The abutters' list submitted with the ANRAD submitted May 7, 2020 is correct and does not include parcels 7 and 8A. Hancock Associates has since submitted a revised ANRAD omitting parcels 7 and 8A. In addition, the buffer zones from the BVW on the Middlesex Avenue lot were added and completes the buffer zones on the entire property.

L. deWahl looked at the different variations around Z31 and does not believe it changes the area of the 100' riparian zone or the 200' riverfront area outside of the wetland. The difference is so slight that it should not affect a future project. During the site walk, trees were found between flags Z32 and Z34 that the parties used to agree on the muck line. Flags Z18 - Z23 Hancock is more conservative than the previous plan, but she would like to see more of a curve in the line than a straight jump across. She would like to see more of a jump across between flags Z19 - Z23. This would be more impactful to the curve, show a bit more of the curve and show velocity of the stream during high water.

D. Pearson agreed that going straight across was not realistic. He would like to see a flag added as well. J. Peznola suggested adding a flag at the intersection of the line that is noted as "Lot Line to be removed" and the MAHW line.

V. Licciardi asked who delineated the flags Z21 - Z31. D. Cowell advised that he has walked every single flag delineated and that, as a Senior Wetland Scientist he attests that all the flags are true. V. Licciardi then asked about the water marks that are about 12" - 16" in height on some trees in Lubbers Brook and would like to know how it effects the intermittent stream at the high level. Also, what is the size of the pipe that crosses Jefferson Road. J. Peznola advised that a small watershed to the south of Jefferson Road that crosses under Jefferson Road through a 12" culvert and some of the Jefferson Road drainage drains into the culvert through catch basins. V. Licciardi asked where the water comes from. J. Peznola advised that it comes from the south of Jefferson Road as noted by the A series flags as well as road drainage from Jefferson Road. V. Licciardi asked if it ever backed up from Lubbers Brook. J. Peznola said it could back up if Lubbers Brook is high enough. V. Licciardi questioned if the area from Lubbers Brook to Jefferson Road ever floods. J. Peznola stated no as defined by the MAWH, the Floodplain (elevation 82) and the BVW. No work is proposed in the Floodplain or the BVW. V. Licciardi asked if water table figures are available from 2005 and from recent years. J. Peznola advised no, that in 2003, water staining was visible in the culvert at elevation 80.3.

L. deWahl asked what benchmark was used for elevation for the Z series flags. J. Peznola advised that the North American Vertical Datum of 1988 which is what FEMA uses for their mapping.

A. Chaban asked for clarification on which Conservation Commission members were allowed to vote. A. Weisheit, advised that only the members of the Commission who have attended all the hearings where public testimony has been heard can vote. V. Gingrich advised that D. Pearson, T. Bradley, L. deWahl, and V. Licciardi were the members who attended all the meetings. A. Weisheit advised that only those members could vote and a majority of the four attendees or three (3) votes are needed.

Suzanne Sullivan of HST asked for confirmation that the commission members received the information that she sent today. The Commission members acknowledged receiving the information.

S. Sullivan stated that she would like to see that the waterfront area be properly delineated as riverfront as it will relate to future wetland permit filings. She asked the Commission to review the MASS GIS map that she submitted to the Commission today. S. Sullivan asked if the intermittent stream would be added to this ANRAD as part of the area resource delineation. D. Cowell advised that the inner bank associated with the intermittent stream that is within the BVW is not relevant as it is an encapsulated body and is not necessary. S. Sullivan disagreed with this approach as she thinks it is a wetland crossing, not an intermittent stream as there do not appear to be defined banks which helps define an intermittent stream.

L. deWahl advised that the intermittent stream does not have Riverfront Area and as long as it is encapsulated by BVW should not be stated separately in the ANRAD. S. Sullivan disagrees with using it to diminish Riverfront for Lubbers Brook. S. Sullivan wants to see the delineation continue past flags Z100 and Z101 as it could affect future wetland filings. D. Pearson advised that that can be addressed in a future wetland filing, if it is necessary.

D. Pearson asked if delineating beyond flag Z100 will affect the 100' and 200' Riverfront area and if it would it have any meaning. J. Peznola advised that it does not have any meaning, that they would like to stop delineation of the Riverfront at flag Z101, and place a perpendicular line 200' from flag Z101, that it intersects the intersection of the 200' Riverfront and the wetland. It has no bearing on moving forward with the development plans. J. Peznola stated that the only question will be how do they quantify the total Riverfront within the 23 acres for the purposes of the NOI and the limitation the Commission has in allowing up to a 10% discretionary allowance impact of that total onsite Riverfront. They will conservatively approach the total Riverfront to avoid over estimating it. S. Sullivan wants the Riverfront removed from the plan before the Commission approves the plan.

D. Pearson asked J. Peznola to confirm that the 100' and the 200' Riverfront to the left of flag Z101 is acceptable. J. Peznola agreed that the limit go to flag Z101 and that the associated Riverfronts, both inner riparian and outer riparian are only as far as flag Z101 as it clearly delineates the non-riverfront, non-wetland area available for development.

L. deWahl asked where Hancock Associates got the information for the intermittent stream that is there. J. Peznola advised that it was taken from a prior topographic survey. D. Pearson asked if the the intermittent stream is shown as an artifact from a previous survey. J. Peznola confirmed it was.

S. Sullivan asked if the survey J. Peznola referenced has been submitted to the Commission and if it was something she could view. J. Peznola advised that it was a previous survey done that was supplied to the applicant by the current owner and has not been submitted to the Commission. J. Peznola advised that it does not have any bearing on the project.

S. Sullivan asked that the information from the previous survey be made public and stated that the intermittent stream should not be on the plan if the Commission is not going to make a decision on it.

D. Pearson asked why J. Peznola the intermittent stream would not be shown as a wetland. J. Peznola advised that it is a feature on the plan and that they are not asking for a delineation and that it is not labeled on the plan as an intermittent stream. J. Peznola advised that the materials supplied are sufficient for the Commission to make a finding.

Upon motion duly made by D. Pearson and seconded by L. deWahl,

T. Bradley, L. deWahl, D. Pearson, and V. Licciardi voted 4 – 0 to close the Public Hearing for the Abbreviated Notice of Resource Area Delineation for 378 – 384 Middlesex Avenue & 200 Jefferson Road – Map 89 Parcels 8, 9, 10, 13A & 13B – DEP File #344-1462

Upon motion duly made by D. Pearson and seconded by L. deWahl,

D. Pearson, L. deWahl, and T. Bradley voted 3 – 0 to approve the Order of Resource Area Delineation as accurate with an additional Z flag added for the MAHW at the intersection of lot line to be removed and the transect. V. Licciardi voted in opposition

REQUEST FOR CERTIFICATE OF COMPLIANCE – 44 Towpath Drive – Map 29 Parcel 43 – DEP File #344-1417

Documents: Request for Certificate of Compliance application, received June 4, 2020
“As-Built Plan”, dated June 1, 2020

V. Gingrich advised that all conditions have been met.

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

VOTED: T. Bradley, V. Licciardi, L. deWahl, T. Ollila, M. McInnis, and D. Pearson voted 6 – 0 to issue the Certificate of Compliance for 44 Towpath Drive – Map 29 Parcel 43 – DEP File #344-1417

REQUESTS FOR CERTIFICATE OF COMPLIANCE – 53 High Street – Map 87 Parcel 6F – DEP File #344-1031

Documents: Letter from Luke Roy, LJR Engineering, Inc., dated June 17, 2020
“As-Built Plan”, dated June 17, 2020

V. Gingrich advised that all conditions were met. However, the driveway has additional pavement and the demarcation boulders range vary between 12’ from the BVW at some points and further than the 15’ setback at other points but overall the area well vegetated and did not see any cause for concern.

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

L. deWahl, M. McInnis, T. Ollila, V. Licciardi, T. Bradley, and D. Pearson voted 6 – 0 to issue the Certificate of Compliance for 53 High Street – Map 87 Parcel 6F – DEP File #344-1031

REQUEST FOR CERTIFICATE OF COMPLIANCE – MBTA ROW – Map R2 Parcel 116 – DEP File #344-1211

Documents: Request for Certificate of Compliance application, received June 17, 2020
“MBTA Haverhill Line Improvements Project Wilmington Junction to Lowell Junction Plan”, 9 pages, dated June 10, 2020

Present in Interest: Samuel Moffett, TRC Companies

V. Gingrich advised that a site visit is needed to review the culverts and the areas involved. That site visit will be coordinated and a report ready for the August 5, 2020 Conservation Commission meeting.

S. Moffett advised that TRC is prepared to arrange a safe site visit in the next few weeks.

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

VOTED: M. McInnis, L. deWahl, T. Ollila, V. Licciardi, T. Bradley, and D. Pearson voted to table the Request for Certificate of Compliance for MBTA ROW – Map R2 Parcel 116 – DEP File #344-1211 to the August 5, 2020 Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – Railroad ROW – Wilmington Junction to Lowell Junction – Map 90 Parcel 90-116 – DEP File #344-1344

Documents: Request for Certificate of Compliance application, received June 17, 2020
“MBTA Haverhill Line Improvements Project Wilmington Junction to Lowell Junction Plan”, 9 pages, dated June 10, 2020

Present in Interest: Samuel Moffett, TRC Companies

V. Gingrich advised that a site visit is needed to review the culverts and the areas involved. That site visit will be coordinated and a report ready for the August 5, 2020 Conservation Commission meeting.

Upon motion duly made by D. Pearson and seconded by L. deWahl,

M. McInnis, L. deWahl, T. Ollila, V. Licciardi, T. Bradley, and D. Pearson voted 6 – 0 to table the Request for Certificate of Compliance for Railroad ROW – Wilmington Junction to Lowell Junction – Map 90 Parcel 90-116 – DEP File #344-1344 to the August 5, 2020 Conservation Commission meeting.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 7 Edwards Road & Sherwood Road – Map 8 Parcel 18 – DEP File #344-1419

Documents: Request for Certification of Compliance application, received May 7, 2020
“Sherwood Road As-Built Plan”, dated November 21, 2019
Email from Valerie Gingrich, Town of Wilmington, Planning & Conservation Dept., dated, June 1, 2020

Email from Jonathan Langone, Langone Development Group, Inc., dated June 3, 2020

Email with pictures from Jonathan Langone, Langone Development Group, Inc., dated July 1, 2020

V. Gingrich advised that additional material was submitted today for the request. She has not been able to do a site visit and recommends tabling the Request for Certificate of Compliance until the August 5, 2020 Conservation Commission meeting.

Upon motion duly made by D. Pearson and seconded by L. deWahl,

L. deWahl, M. McInnis, V. Licciardi, T. Bradley, T. Ollila, and D. Pearson voted 6 – 0 to table the Request for Certificate of Compliance for 7 Edwards Road and Sherwood Road – Map 8 Parcel 18 – DEP File #344-1419 to the August 5, 2020 Conservation Commission meeting

MINUTES - May 6, 2020

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

V. Licciardi, T. Bradley, M. McInnis, L. deWahl, D. Pearson voted 5 – 0 to accept the minutes for the May 6, 2020 Conservation Commission meeting as amended with T. Ollila abstaining

Minutes - May 20, 2020

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

M. McInnis, L. deWahl, T. Bradley, V. Licciardi, and D. Pearson voted 5 – 0 to accept the minutes for the May 20, 2020 Conservation Commission meeting with T. Ollila abstaining

Minutes - June 17, 2020

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

T. Bradley, V. Licciardi, L. deWahl, M. McInnis, and D. Pearson voted 5 – 0 to accept the minutes for the June 17, 2020 Conservation Commission meeting with T. Ollila abstaining

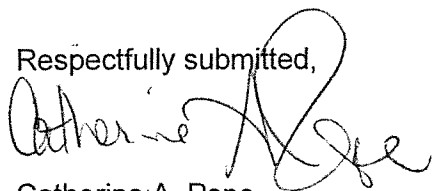
NEXT MEETING – August 5, 2020

ADJOURN

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

M. McInnis, L. deWahl, V. Licciardi, T. Bradley, T. Ollila, and D. Pearson voted 6 – 0 to adjourn the meeting at 9:51pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine A. Pepe". The signature is fluid and cursive, with a large, stylized initial "C" and "P".

Catherine A. Pepe
Senior Clerk