



TOWN OF WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01897 www.wilmingtonma.gov (978) 658-8238

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2023 OCT -5 AM 10:34

CONSERVATION COMMISSION MINUTES

September 6, 2023

Jean Marie Cole called the meeting to order at 7:00 p.m. Michael McInnis, Theron Bradley, William Wierzbicki, and Frank Silveira were also present. Donald Pearson and Vincent Licciardi were absent. Cameron Lynch, Conservation Agent, and Erika Speight, Conservation Senior Clerk were also present.

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 25 Randolph Road – Map 8 Parcel 68A

Documents: RDA application & materials, received July 31, 2023
"Foundation Certification Plan," dated August 5, 1993

Present in Interest: Iolanda Mestre-Gonzalez, Owner & Applicant

I. Mestre-Gonzalez introduced herself and explained there are nine (9) trees, three (3) of which are large pine trees, and the rest are tall, thin trees. She explained that she is requesting approval to remove the trees because they're all dead and if they were to fall, they would hit utility lines and block the roadway.

C. Lynch stated the only comment would be to install four (4) to six (6) replacement plantings per the policy, which can either be trees or shrubs. He explained that the plantings can be done in the fall or in the spring for regrowth.

I. Mestre-Gonzalez stated she is planning to cut the trees down in the late fall, so would like to plant the replacements in the spring if possible.

C. Lynch confirmed springtime is fine if the Commission is okay with that.

All Commissioners agreed that the replacement plantings can be done in the spring.

Upon motion duly made by F. Silveira and seconded by M. McInnis, it was unanimously

VOTED: To issue a Negative Three (3) Determination of Applicability for 25 Randolph Road – Map 8 Parcel 68A

PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 12 Forest Street – Map 8 Parcels 98A, 99A, 99B

Documents: RDA application & materials, received August 16, 2023
"Subsurface Septic Disposal System Replacement," dated August 4, 2023

Present in Interest: Bob Peterson, Owner & Applicant

B. Peterson introduced himself and stated there are wetlands to the right rear of the property. He referred to the plan, and stated there is a notation of an approximate location of an inground swimming pool that will be removed. They are proposing to install a new septic system to the rear of the property and the closest point of the septic bed will be 92' from the wetlands. The closest point that they'll be doing any work in the rear of the property will be between 40'-45' away. He explained they are proposing to install erosion control around the side perimeter of the property. The application consisted of the installation of a new three-bedroom septic system, a simple cleanup of the backyard, removal of the inground swimming pool, and the removal of 5-7 trees to the right side of the home consisting of large oak trees. He explained there are a cluster of trees to the right side of the home that are out of the buffer zone that completely block the ability to pull out of the driveway safely, so he would be requesting approval to remove those as well. In the rear of the property, there's an existing three-season porch, and he would like to extend the deck to the corner of house towards the septic system, which is 80'-90' from the edge of the BVWs, with no grade changes.

C. Lynch stated the only comment would be to add the deck to the filing since it wasn't included. He explained that the deck is exempt, but it would be helpful to add it into the filing to have it on record.

M. McInnis asked if the deck has a roof.

B. Peterson stated there will be no roof.

M. McInnis asked if the addition will be changing the footprint and if they've determined how many trees will be needed for replacement.

B. Peterson stated the footprint will not be changed and he is planning to remove six (6) trees.

C. Lynch stated that would require two (2) to three (3) replacement trees or bushes per the policy.

B. Peterson prefers to plant bushes since the trees would eventually cause the same problem that they do now.

Upon motion duly made by F. Silveira and seconded by W. Wierzbicki, it was unanimously

VOTED: To issue a Negative Three (3) Determination of Applicability for 12 Forest Street – Map 8
Parcels 98A, 99A, 99B

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 911 Main Street – Map 25 Parcel 4 – DEP
File #344-1530**

Documents: None.

Present in Interest: None.

The applicant requested to continue to the October 4, 2023, Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by F. Silveira, it was unanimously

VOTED: To continue the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-
1530 to the October 4, 2023, Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 190 Main Street – Map 44 Parcel 178 – DEP File #344-1531

Documents: Planning & Conservation review letter, dated July 5, 2023
"Site Plan," revised July 18, 2023
Response to comments, dated July 18, 2023

Present in Interest: None.

The applicant requested to continue to the October 4, 2023, Conservation Commission meeting.

Upon motion duly made by M. McInnis and seconded by T. Bradley, it was unanimously

VOTED: To continue the Public Hearing for 190 Main Street – Map 44 Parcel 178 – DEP File #344-1531 to the October 4, 2023, Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494

Documents: None.

Present in Interest: None.

The applicant requested to continue to the October 4, 2023, Conservation Commission meeting.

Upon motion duly made by F. Silveira and seconded by W. Wierzbicki, it was four (4) in favor (T. Bradley, M. McInnis, W. Wierzbicki, and F. Silveira), and one (1) abstention (J. Cole)

VOTED: To continue the Public Hearing for Marion Street, Eagleview Subdivision – Map 5 Parcels 2J, 3, 3A, 3C, 3D, 3E – DEP File #344-1494 to the October 4, 2023, Conservation Commission meeting

CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 79 Nichols Street – Map 35 Parcel 29 – DEP File #344-1527

Documents: "Project Narrative to Accompany a Notice of Intent," revised August 16, 2023
"40B Comprehensive Permit Baldwin Landing Site Plans," revised August 15, 2023

Present in Interest: None.

The applicant requested to continue to the October 4, 2023, Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by M. McInnis, it was unanimously

VOTED: To continue the Public Hearing for 79 Nichols Street – Map 35 Parcel 29 – DEP File #344-1527 to the October 4, 2023, Conservation Commission meeting

CONTINUED PUBLIC HEARING – ABBREV. NOTICE OF RESOURCE AREA DELINEATION – Birch Street, Fir Street, Alder Street, Hall Street, March Road – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, 11 – DEP File #344-1524

Documents: None.

Present in Interest: None.

The applicant requested to continue to the October 4, 2023, Conservation Commission meeting.

Upon motion duly made by W. Wierzbicki and seconded by M. McInnis, it was unanimously

VOTED: To continue the Public Hearing for Birch Street, Fir Street, Alder Street, Hall Street, March Road – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, 11 – DEP File #344-1524 to the October 4, 2023, Conservation Commission meeting

REQUEST FOR CERTIFICATE OF COMPLIANCE – 47 Boutwell Street – Map 19 Parcels 32 & 33 – DEP File #344-1518

Documents: Request for Certificate of Compliance, received June 14, 2023

C. Lynch explained that there were a few things the applicant needed to do, including move the post-and-rail fence back to the 15', which he did but wasn't able to get the as-built plan yet, so the request will need to be tabled to the October 4, 2023, Conservation Commission meeting.

Upon motion duly made by F. Silveira and seconded by T. Bradley, it was unanimously

VOTED: To table the Certificate of Compliance for 47 Boutwell Street – Map 19 Parcels 32 & 33 – DEP File #344-1518

REQUEST FOR CERTIFICATE OF COMPLIANCE – 40 Burlington Avenue – Map 29 Parcel 10 – DEP File #344-1332

Documents: Request for Certificate of Compliance, received August 15, 2023
"As-Built Plan," dated January 22, 2019
PE Letter, received August 15, 2023

C. Lynch stated he went out for a site visit and the property complies, so the Certificate of Compliance (COC) is ready to be issued.

Upon motion duly made by F. Silveira and seconded by M. McInnis, it was unanimously

VOTED: To issue the Certificate of Compliance for 40 Burlington Avenue – Map 29 Parcel 10 – DEP File #344-1332

REQUEST FOR CERTIFICATE OF COMPLIANCE – 45 Morse Avenue – Map 48 Parcel 17 – DEP File #344-1490

Documents: Request for Certificate of Compliance, received August 16, 2023
"As-Built Plan," dated January 19, 2023

C. Lynch stated they are still waiting on a letter from the engineer, saying that the property was built in compliance with the Order, so it will need to be tabled to the October 4, 2023, Conservation Commission meeting.

Upon motion duly made by W. Wierzbicki and seconded by T. Bradley, it was unanimously

VOTED: To table the Certificate of Compliance for 45 Morse Avenue – Map 48 Parcel 17 – DEP File #344-1490

ENFORCEMENT ORDER

4 Wilton Drive – Map 21 Parcel 3M

C. Lynch stated they received the restoration plan from the homeowner's Wetland Scientist, and the Commission can discuss when they'd like to see the work completed by.

T. Broman stated he would like to complete it this week to close out the Enforcement Order (EO) sooner rather than later.

The Commissioner's agreed to set the deadline for work to be completed by October 4, 2023.

Upon motion duly made by F. Silveira and seconded by T. Bradley it was unanimously

VOTED: To accept the Restoration Plan for 4 Wilton Drive – Map 21 Parcel 3M

10 Pond Street – Map 34 Parcel 146 – DEP File #344-1067

C. Lynch stated he talked with M. Herald from Norse Environmental Services, and she was able to draft an as-built plan and as suspected, there was a decent amount of fill that the homeowner will need to remove. M. Herald stated she will hopefully have a restoration plan ready for the next meeting.

52 Adams Street – Map 51 Parcel 99 – DEP File #344-1300

C. Lynch stated he still has not heard from the homeowner, and Town Counsel filed a complaint in Superior Court. He believes the Commission will have more information by the next meeting.

773 Salem Street – Map R1 Parcel 23

C. Lynch explained the owner completed the restoration and all the materials are off Town-owned land. They hydroseeded the area and it's growing, but he would like to give it another month or two (2) to see how it grows. He explained that it looks like a lawn right now, so he is curious to ask the Wetland Scientist what kind of seed mix was used.

M. McInnis asked if they submitted a seed mix that was approved.

C. Lynch stated they submitted a conservation seed mix, but it isn't growing like that seed mix usually does, so he'd like to see what it looks like in another month.

687 Main Street – Map 39 Parcel 11A – DEP File #344-1473

C. Lynch explained that he spoke with the contractor doing the work and the two (2) basins in the back

are operational. He explained that they need to submit an as-built plan to the Commission prior to them completing any more work. That way, the Engineering Division can go out and make sure they're constructed the right way and functioning. He explained that they are moving in the right direction, and they've removed all the equipment in the back, so they can repave.

F. Silveira asked if the pace of progress is picking up.

C. Lynch confirmed and said ever since he got in contact with the contractor, it's been going a lot quicker.

105 Woburn Street – Map 95 Parcel 3-17D

C. Lynch stated the office received a call a few days ago stating that some trees were cut down, none within the wetlands, but some rather close to the wetlands. He spoke to the homeowner at the site and there was some debris in the wetlands that the homeowner has since removed. He explained that an Enforcement Order (EO) was drafted, and the homeowner agreed to plant replacement plantings as well as do some seeding in the wetland area. Approximately 20-25 trees were taken down, which were relatively small trees, and within the policy there would need to be 8-12 replacement plantings and a wetland seed mix in that effected area where the debris was. Since the wetland line is obvious, they've decided this would be the simplest way to get it done, instead of having a Wetland Scientist delineate the wetlands and create a full site plan. C. Lynch explained that a date would need to be set to have the work completed by and recommended possibly sometime in the spring, but asked the Commission for their thoughts.

The homeowner explained that he would prefer to do the plantings in the spring since it will be easier for them to fully grow before the winter.

The Commissioner's agreed to have the replacement plantings completed by June 1, 2024.

Upon motion duly made by W. Wierzbicki and seconded by F. Silveira, it was unanimously

VOTED: To ratify the Enforcement Order for 105 Woburn Street – Map 95 Parcel 3-17D

MINUTES – August 2, 2023

Upon motion duly made by T. Bradley and seconded by W. Wierzbicki,

J. Cole, T. Bradley, W. Wierzbicki, and F. Silveira voted 4-0 to accept the minutes for the August 2, 2023, Conservation Commission meeting. M. McInnis abstained.

NEXT MEETING – October 4, 2023

ADJOURN

There being no additional business to come before the Conservation Commission, T. Bradley motioned and M. McInnis seconded, it was

VOTED: By T. Bradley, M. McInnis, W. Wierzbicki, F. Silveira, and J. Cole to adjourn the meeting at 8:01 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erika Speight". The signature is fluid and cursive, with the first name "Erika" and last name "Speight" clearly distinguishable.

Erika Speight
Senior Clerk