



# TOWN OF WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

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## CONSERVATION COMMISSION MINUTES

January 3, 2024

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

### PUBLIC HEARING – NOTICE OF INTENT – Middlesex Avenue – Map 66 Parcel 1 – DEP File #344-

1538

Document #

NOI application & materials, received December 6, 2023

"Wilmington Town Hall & School Administration Building NOI," dated December 6, 2023

Drainage Analysis, dated December 6, 2023

Stormwater Operation & Maintenance Manual, dated December 6, 2023

Present in Interest:

Nathan Ketchel, GGD Consulting Engineers, Inc.

Phil O'Brien, Johnson Roberts Associates, Inc.

N. Ketchel introduced himself and explained that this parcel was the former Swain School site and is currently a parking lot that is used mostly for the high school across the street. He explained that there is a Bordering Vegetated Wetland (BVW) that exists to the north of the larger parking lot and east of the current Senior Center. That Resource Area accepts runoff from the neighborhood that is northeast of the site, drains into the parking lot and is collected by the onsite catch basin, and then flows into the drainage pipe, which then discharges out to the south on Middlesex Avenue. The current Senior Center building and parking lot to the north and northeast would remain, as well as the Fourth of July building. They are proposing to remove the existing parking lot, and impervious area of the new parking lot and walkways would increase about 7,600 square feet, and construct a new three-story building which would have about an 18,100 square foot footprint. The Resource Area will be maintained, and the new parking will be compliant with the Zoning Bylaw. He explained that the existing catch basin that the Resource Area drains into would be left in place, and a new outlet pipe would be installed. They will be installing a new drainage system in the parking lot, connect it into Middlesex Avenue, the existing outlet pipe from that catch basin would be removed and blocked off, and the runoff from the Resource Area will be redirected to the new on-site system. They are also proposing to install municipal sewer connection, which will include coming out of the existing Senior Center to the north, and bringing it to the proposed building, through the parking lot to a pump station, which then will connect to a Municipal sewer station to the west. The proposed building does encroach on the 50' no build policy, and he explained that if they shift the building closer to School Street, they start encroaching on zoning setbacks, but they do maintain the regulations of the 15' no disturb. The existing site has 280 parking spaces in the lot to the south, and they are proposing 297 parking spaces after construction.

C. Lynch stated there is no demarcation along the 15' no disturb, so they may want to consider adding some signage that demarcates the 15' no disturb as well as additional plantings along the Buffer. The Town Engineer provided comments as well and suggested having a meeting within the next few weeks

to go over the comment letter and come to a resolution about how to fix the concerns and revise the site plan for the next meeting.

T. Bradley asked for clarification about how they've reached the compromise between the intrusion on the 50' no build and the concern of the setback requirements on School Street.

N. Ketchel stated there is limited visible space to the north and the west side, so the building was set based on being able to achieve the work while still being able to maintain the 15' no disturb. He stated it could be reviewed to see if they could squeeze a foot or two more outwards. He explained that if they moved the building towards the left, they begin to get into setbacks of the transformer. He mentioned that it could be reviewed again to see what can be done.

W. Wierzbicki asked if they will be maintaining the greenway.

N. Ketchel stated after the recharge system is installed, they will loam and seed the area and it will be maintained.

D. Pearson asked how many parking spaces are required for the building.

N. Ketchel stated when they met with the Building Commission, it was designated as a Municipal parking lot, which doesn't have a dedicated number of parking spaces. He explained that there are approximately fourteen (14) islands meeting the 10' width per the parking regulations. The islands will include one (1) tree per island and the rest will be loam and seeded. There will be infrastructure along School Street and will include future car chargers.

D. Pearson asked if they've considered rain gardens as part of the stormwater infiltration.

P. O'Brien stated they were asked to leave Swain Green as lawn since it is utilized for a variety of different reasons throughout the year.

D. Leiskau commented from the public and stated he resides at 16 School Street, directly across from the Senior Center. He explained that he isn't happy about the proposed project, and stated there is water that pumps out of the Senior Center onto the lawn where the building is being proposed. He stated down at the corner of School Street and Middlesex Avenue, it floods each time it rains and takes a long time for that water to go away, he asked if this will be addressed. He asked why he wasn't notified of this project and who he can call when he has concerns about the noise and the traffic of the trucks coming in and out. He asked who would address those concerns since they can't be handled by the Conservation Commission.

The project manager mentioned that they have been working on this project for just about two years, and he welcomed the abutters to come to any of the Building Committee meetings to express their concerns. He explained that construction won't begin until April or May, and the abutters will be notified about the sequence of construction. He mentioned that the meeting schedule is posted on the Town of Wilmington website as well as posted at the Town Hall.

M. Lamont commented from the public and stated she resides at 17 School Street, right beside the Senior Center. She stated her main concern is that she's never had a water problem, and the previous building that was in this location, as well as the Senior Center, pumps water constantly and it doesn't stop, it pumps all the time and she's concerned that all abutters are going to have water problems. She mentioned, as D. Leiskau stated, at the end of the street it puddles, and stays there, and in the winter, it is all ice. She doesn't see how anything underground would get rid of the water. She mentioned that

she heard when the Town Hall & School Administration building is built, they're going to take down the old Senior Center and create more parking and she is concerned about the lighting as well. She is very concerned about the water and stated that water has been gushing out of the buildings since she's lived there for 20 years.

D. Pearson stated it sounds as if there's a concern about ground water that flows through the site given the commentary from the abutters.

M. Lamont mentioned she had asked them very nicely to turn the Senior Center spotlights towards the back of the building since they shine right into her bedroom, and she stated she's asked a million times and nothing has changed, she would like this addressed prior to the start of them digging another hole in the ground and beginning another project.

C. Jenkins commented from the public and stated she resides at 8 Drury Lane, directly behind the Senior Center. She stated she can attest to all the other comments about the flooding, but she'd also like to mention that her backyard abuts the Senior Center parking lot and the woods, and she stated that she's had water in her basement more times than she can count and each time it rains, the ground freezes and the water comes in, not only the rain but from the ground as well. She asked where the data will be taken from regarding the drainage system for the runoff that they'll be putting in, to show what the drainage will need to account for from an intake perspective. She mentioned that in the winter months when the ground freezes and the water has nowhere to go, it ends up in her basement.

N. Ketchel explained that there are no monitoring wells in the area, but there is a perimeter foundation drain that will collect everything from a subsurface perspective, as if it were bypassing the drainage system and going straight towards Middlesex Avenue.

C. Jenkins clarified and asked if the water backs up behind the Senior Center building, what happens then. She explained that if this increases the water flooding into her basement, she would be forced to move since she can't be pumping out the basement each time it rains. She explained that she thought the flooding was from all the rain we've gotten, but now hearing that there is an underground spring, she explained that it makes sense why she's getting so much water in her basement.

D. Pearson stated that part of the stormwater handling is to ensure that no more water flows off the site than it does now, and he stated that will be taken into account with planning. He explained that if the Senior Center were to be demolished, that would be another project.

C. Lynch explained that if the Town chose to take down the Senior Center building in the future, they would have to file for that, and the abutters would be notified again as well.

M. Lamont asked what they'll be doing for sewerage.

N. Ketchel stated that is currently being reviewed with the Town's sewer consultant, but essentially would be collecting the existing Senior Center and the proposed Town Hall & School Administration building, as well as the Fourth of July building, bringing it down to the southeast corner and over to the high school pump station, which will then head west down Middlesex Avenue.

M. Lamont asked if they'd agree that there be a discussion about what they plan to do with the Senior Center building, before construction of another building happens.

D. Pearson explained that the scope of this project is to leave the Senior Center in place, so everything else will be designed with the Senior Center in place. He explained that if the Senior Center is removed later, that will be a separate project that will go through all the same considerations.

C. Jenkins asked if there will be trees and vegetation removed within the wooded area to the east of the Senior Center.

N. Ketchel stated there is a proposed landscape plan with vegetation. There will be some removal within the wooded area between the grass slope area and the Resource Area.

Steve Dineen commented from the public and stated he resides at 19 School Street. He stated to summarize the concern of the flooding situation, the area just north of the proposed site is a high-water table and explained that he does get water in his basement occasionally. He asked while the construction is going on, will the proposed drainage system be able to handle the displacement of water. He stated there is an underground spring that runs through, and the old Swain School that used to be there had sump pumps that pumped 24/7 as does the existing Senior Center building. He explained that what they are most concerned about is what could handle that runoff while the building is being constructed and will that system be in place prior to the start of construction.

N. Ketchel confirmed, and stated before they can remove the existing system, they need to have the new system in place so they can demo the existing system and do the remaining work in that area. When the foundation is installed, they will need to install the perimeter drainage as well, which will tie into that.

C. Lynch stated prior to the start of construction, there will be a pre-construction meeting on site to go over what needs to happen during construction and stated that for projects like this one, he visits the site weekly to make sure erosion control is in place and everything is running as it should. From an Engineering standpoint, they are required to keep the streets clean, at the end of the day they have to sweep, etc. He stated there will be multiple site visits each week between the Engineering Division and Conservation department for large projects like this.

C. Jenkins stated she has a 15-month-old that'll likely be playing in the backyard during construction and asked if there is some kind of threshold radius for the impacts of construction debris.

C. Lynch stated for demolition purposes they will be required to spray down large piles of rock that create debris so that the dust doesn't get onto other properties, and they are required to submit a schedule showing a timeline of their work so that abutters and the Town will know exactly when work is happening. He stated for instance, if there is a time where there may be something loud going on that abutters may not want to be around for, at least they'd know in advance so there is some heads up regarding the work being done.

C. Jenkins stated that part of the reason she bought her house was because she liked the fact that it was a quiet quaint street, and she understands that construction has to happen, but now this will be adding more traffic into their neighborhood.

S. Dineen asked why they chose this location to put the new Town Hall & School Administration building when there are so many other vacant in Town-owned parcels.

D. Pearson stated there was a master plan process that was used to identify where the Town would be building its new or replacement buildings. He explained that wasn't done through the Conservation

Commission but was done a while back and he doesn't believe that the Commission can reconstruct the reasoning for it.

S. Dineen asked if they appeal this project with the Department of Environmental Protection (DEP) would they get all the answers to their questions.

C. Lynch stated they could do that but only after the project is approved and then DEP would review the project independently and come up with their own conclusion.

M. Lamont asked if the abutter's concerns will be answered.

D. Pearson stated that this hearing will be continued and that the Commission and the applicant's team has heard and seen the comments from abutters, and they will be taking it as input. He explained that at the next meeting there will be another chance to hear how they've addressed the concerns.

M. Lamont asked if they could get any type of guarantee that abutters won't have any type of water back-up given all the things they plan to do.

C. Lynch stated the Engineering Division submitted a comment letter and a lot of the comments were addressing stormwater, which is of concern both with the abutters and the Town. He explained that the applicant's team will have to satisfy the comments with the Town prior to approval of the project.

D. Pearson welcomed the abutters to come back next month and hear what has been dealt with and if they have new concerns, they can bring them up then.

Upon motion duly made by F. Silveira and seconded by L. Finne, it was unanimously

VOTED: To continue the Public Hearing for Middlesex Avenue – Map 66 Parcel 1 – DEP File #344-1538 to the February 7, 2024, Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – 350 Fordham Road – Map 99 Parcel 142 – DEP File #344-1539**

Documents: NOI application & materials, received December 13, 2023  
"Culvert Replacement Plan," dated November 30, 2023

Present in Interest: Thomas Schomburg, Civil Designs Consultants, Inc., Representative

T. Schomburg introduced himself and explained that the wetlands on the property were delineated by Seekamp Environmental Consultants, and there is a channel as well as a Bordering Vegetated Wetlands (BVW) along the property. The channel is located within an easement on the property, as well as located within the 100-year flood plain. The northern part of the driveway crosses the drainage channel with an existing 54" corrugated pipe culvert and headwalls. The existing culvert is failing, and they are proposing to replace the corrugated metal pipe as closely as possible, with a pipe that has a longer lifespan and will slightly increase in size to 60". They are proposing to replace the existing headwalls and the precast headwalls. He explained that erosion control is proposed and shown on the plan. They received a review letter from the Planning & Conservation department and are waiting on comments from a third-party reviewer.

C. Lynch stated as T. Schomburg mentioned, a comment letter was sent to the applicant from the Planning & Conservation department, and they will be recommending that a Peer Review be conducted

to confirm the wetland boundary. He explained that the Engineering Division also sent a review letter to the applicant, and they are recommending that a Peer Review be conducted as well.

F. Silveira asked how the wetlands were delineated.

C. Lynch stated that in the review letter, staff commented that the applicant's wetland scientist needed to provide more information, since the only information submitted was the delineation on the plan, and no other information that the Commission usually requires.

T. Schomburg stated that they reached out to the wetland scientist to provide more information and answer comments 1, 3, and 6 in the Planning & Conservation review letter. He stated that they agreed to the Peer Review.

No comments were made by the public.

Upon motion duly made by L. Finne and seconded by Wierzbicki, it was unanimously

VOTED: To continue the Public Hearing for 350 Fordham Road – Map 99 Parcel 142 – DEP File #344-1539 to the March 6, 2024, Conservation Commission meeting

**PUBLIC HEARING – NOTICE OF INTENT – 16 Carson Avenue – Map 94 Parcel 58 – DEP File #344-????**

Documents: NOI application & materials, received December 13, 2023  
"Plot Plan," dated November 16, 2023

Present in Interest: None.

The applicant requested to open the Public Hearing and continue to the February 7, 2024, Conservation Commission meeting.

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

VOTED: To continue the Public Hearing for 16 Carson Avenue – Map 94 Parcel 58 – DEP File #344-???? to the February 7, 2024, Conservation Commission meeting

**CONTINUED PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 409 Salem Street – Map 95-8 Parcel 17J**

Documents: "Site Plan," dated December 22, 2023

Present in Interest: Angelo Ciano, Owner & Applicant  
Thorsen Akerley, Williams & Sparages, LLC., Representative

The applicant requested to continue the Public Meeting to the February 7, 2024, Conservation Commission meeting.

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

VOTED: To continue the Public Meeting for 409 Salem Street – Map 95-8 Parcel 17J to the February 7, 2024, Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 2 Darby Lane – Map 10 Parcel 5 – DEP File #344-1535**

Documents: "Request to Continue" letter, dated December 29, 2023

Present in Interest: None.

The applicant requested to continue the Public Hearing to the February 7, 2024, Conservation Commission meeting.

Upon motion duly made by F. Silveira and seconded by L. Finne, it was unanimously

VOTED: To continue the Public Hearing for 2 Darby Lane – Map 10 Parcel 5 – DEP File #344-1535 to the February 7, 2024, Conservation Commission meeting

**CONTINUED PUBLIC HEARING – NOTICE OF INTENT – 16 Darby Lane – Map 10 Parcel 41 – DEP File #344-1534**

Documents: "Request to Continue" letter, dated December 29, 2023

Present in Interest: None.

The applicant requested to continue the Public Hearing to the February 7, 2024, Conservation Commission meeting.

Upon motion duly made by W. Wierzbicki and seconded by L. Finne, it was unanimously

VOTED: To continue the Public Hearing for 16 Darby Lane – Map 10 Parcel 41 – DEP File #344-1534 to the February 7, 2024, Conservation Commission meeting

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

Documents: "Request to Continue" letter, received December 12, 2023

Present in Interest: None.

The applicant requested to continue the Public Hearing to the February 7, 2024, Conservation Commission meeting.

Upon motion duly made by L. Finne and seconded by W. Wierzbicki, it was unanimously

VOTED: To continue the Public Hearing for 911 Main Street – Map 25 Parcel 4 – DEP File #344-1530 to the February 7, 2024, Conservation Commission meeting

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

Documents: "Request to Continue" letter, dated December 28, 2023

Present in Interest: None.

The applicant requested to continue the Public Hearing to the February 7, 2024, Conservation Commission meeting.

Upon motion duly made by W. Wierzbicki and seconded by L. Finne, it was unanimously

VOTED: To continue the Public Hearing for 79 Nichols Street – Map 35 Parcel 29 – DEP File #344-1527 to the February 7, 2024, 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: “Request to Continue” email, received December 21, 2023

Present in Interest: None.

The applicant requested to continue the Public Hearing to the February 7, 2024, Conservation Commission meeting.

Upon motion duly made by L. Finne and seconded by W. Wierzbicki, it was unanimously

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 February 7, 2024, 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: “Request to Continue” letter, dated December 29, 2023

Present in Interest: None.

The applicant requested to continue the Public Hearing to the February 7, 2024, Conservation Commission meeting.

Upon motion duly made by T. Bradley and seconded by L. Finne, 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 February 7, 2024, Conservation Commission meeting

**CONTINUED PUBLIC HEARING – ABBREV. NOTICE OF RESOURCE AREA DELINEATION – 143 Lake Street – Map 35 Parcel 3 – DEP File #344-1537**

Documents: “Request to Continue” email, received January 3, 2024

Present in Interest: None.

The applicant requested to continue the Public Hearing to the February 7, 2024, Conservation Commission meeting.



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

VOTED: To continue the Public Hearing for 143 Lake Street – Map 35 Parcel 3 – DEP File #344-1537 to the February 7, 2024, Conservation Commission meeting

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 200 Jefferson Road – Map 89 Parcel 8 – DEP File #344-235**

Documents: Request for Certificate of Compliance & materials, received December 19, 2023

Present in Interest: David Cowell, Hancock Associates, Representative

D. Cowell explained that they resubmitted the correct materials for the Certificate of Compliance (COC) request. He mentioned that he was waiting for validation that there was in fact a wetland replication area constructed, however he didn't have enough information, given the fact that the plan he was referring to was different than the plan that V. Gingrich had provided him, which was updated and showed the wetland replication area.

C. Lynch explained there are no comments, and the COC is ready to be issued.

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

VOTED: To issue the Certificate of Compliance for 200 Jefferson Road – Map 89 Parcel 8 – DEP File #344-235

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 3 Safford Street (Formerly 116 Burlington Avenue) – Map 17 Parcel 13 – DEP File #344-1497**

Documents: Request for Certificate of Compliance, received December 14, 2023  
PE Letter, dated December 14, 2023  
"As-built Plan," dated December 11, 2023

C. Lynch stated that the Certificate of Compliance (COC) is ready to be issued.

Upon motion duly made by T. Bradley and seconded by L. Finne, it was unanimously

VOTED: To issue the Certificate of Compliance for 3 Safford Street – Map 17 Parcel 13 – DEP File #344-1497

**ENFORCEMENT ORDER**

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

C. Lynch stated M. Herald submitted the revised restoration plan at the last meeting and he explained that staff had no comments. He gave a brief overview and explained that the Enforcement Order (EO) was for the wetland fill, and M. Herald will be back before the Commission at a later date to file a Notice of Intent (NOI) for the dock, patio, and the outdoor kitchen. He stated that if the Commission has no other comments, the restoration plan can be voted on and work can begin in the spring.

D. Pearson mentioned the permeable pavement that they were looking to replace, and asked if there are preferences for one type of pavement over the other, to reduce the permeability so that car oils and

things of that nature don't seep through.

C. Lynch stated he's not sure, but if that is a comment that the Commission has and would like an answer to, that is something that he can relay.

D. Pearson stated that may be a question for when they submit the NOI filing seeking approval.

Upon motion duly made by L. Finne and seconded by T. Bradley, it was unanimously

VOTED: To approve the Restoration Plan for 10 Pond Street – Map 34 Parcel 146 – DEP File #344-1067

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

C. Lynch explained that they are still working on the restoration plan. He spoke to the wetland scientist, and she mentioned that the surveyor went out to the property and took some spot grades. He stated that they don't believe that the applicant did any filling and that it looks like they just ended up expanding their yard onto Town-owned land. They will need to submit a restoration plan, however there won't need to be any BVW replication. He explained that it will most likely be plantings inside the 15' Buffer Zone and on Town-owned land.

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

C. Lynch stated they are still working to get the back parking area paved. He explained that it's the last thing to do and their attorney is working with the surveyor to get an as-built plan for the basins in the rear. Once the staff receives the as-built plan, he and the Engineering Division can go out to inspect the site. He mentioned that there are concerned neighbors regarding the flooding, and they're wondering if these will help in the long run. He is hoping that the as-built plan will be submitted prior to the next meeting.

## **EMERGENCY CERTIFICATION**

### **6 Sherwood Road – Map 8 Parcel 18A**

C. Lynch explained that there was a tree that uprooted itself towards the powerlines in front of the dwelling at 6 Sherwood Road. He explained that the Department of Public Works (DPW) took the tree down and left the stump. He stated the tree was within BVWs and couldn't be approved administratively, however there was no damage other than some wood chips.

Upon motion duly made by F. Silveira and seconded by L. Finne, it was unanimously

VOTED: To ratify the Emergency Certification for 6 Sherwood Road – Map 8 Parcel 18A

## **DISCUSSION**

### **MBTA Communities Multi-family Housing Zoning**

V. Gingrich will speak on this discussion item at the February 7, 2024, Conservation Commission meeting.

**MINUTES – December 6, 2023**

The December 6, 2023, Conservation Commission meeting minutes could not be voted on due to the lack of voting members who attended the January 3, 2024, Conservation Commission meeting.

Upon motion duly made by F. Silveira and seconded by L. Finne,

D. Pearson, T. Bradley, W. Wierzbicki, F. Silveira, and L. Finne voted 5-0 to table the minutes to the February 7, 2024, Conservation Commission meeting.

**NEXT MEETING – February 7, 2024**

**ADJOURN**

There being no additional business to come before the Conservation Commission, W. Wierzbicki motioned and L. Finne seconded, it was

VOTED: By D. Pearson, T. Bradley, W. Wierzbicki, F. Silveira, and L. Finne to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erika Speight".

Erika Speight  
Senior Clerk