



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Anthony Ippolito, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Jonathan Parker

**MEETING MINUTES
September 17, 2014**

The meeting was called to order by Anthony Ippolito, Chairman at the Pike House (temporary town hall). Present was Carolina Linder, Steve Deackoff, Dennis Sheehan, and Jonathan Parker. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Approval of Meeting Minutes – September 3, 2014

MOTION: Mr. Parker made the motion to approve the September 3, 2014 meeting minutes; seconded by Mr. Sheehan and the motion carried 5-0.

A) Abbreviated Notice of Resource Area Delineation, New England Power Company, Power Company Road

Present was John Vieira of Vanasse, Hangen, Brustlin, Inc. Mr. Vieira explained that at the previous meeting they were seeking approval of the wetland boundaries that had been delineated on National Grid's property. At that time, the Commission requested a third party review the wetland delineation. Mr. Vieira explained that as a result of the review, four comments regarding additional flagging and locations of some of the flags were made and they have been addressed.

Mr. Boyd asked if the fence will serve as the wetland boundary. Mr. Vieira explained that that particular area has not been field delineated and is an approximate boundary; they are not seeking approval for this area at this time.

Mr. Viera noted that the plan shows both the minor changes that were made, and what was proposed before the changes.

Mr. Ippolito opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Deackoff made the motion to close the public hearing portion; seconded by Mr. Sheehan and the motion carried 5-0.

MOTION: Mr. Deackoff made the motion to approve Abbreviated Notice of Resource Area Delineation, New England Power Company, Power Company Road, reference shall be made to the plan dated September 15, 2014 at 10:21 a.m.; seconded by Ms. Linder and the motion carried 5-0.

B) Enforcement Order, Artillo Dispersio, Jr., 1275 Shawsheen Street, Map 101, Lot 76

Mr. Ippolito noted that the homeowner's are not present. Mr. Deackoff explained that the homeowners have not addressed any of the items requested by the Commission including removing any of the fill. At this point, Mr. Deackoff's recommendation is to turn the matter over to the DEP.

Mr. Ippolito explained that the Commission had ordered the fill to be pulled back and it has not been. It was the consensus to refer this matter to DEP.

Mr. Deackoff asked if DEP has been made aware of the situation. Mr. Boyd explained that he has briefly spoken with Pam Merrill at DEP regarding some of the things that have occurred; however, she has not been made aware of the specific site.

MOTION: Mr. Deackoff made the motion for Mr. Boyd to contact the DEP regarding Enforcement Order, Artillo Dispersio, Jr., 1275 Shawsheen Street, Map 101, Lot 76; seconded by Ms. Linder and the motion carried 5-0.

C) (Continued) Notice of Intent, Steve Cox, 1 Radcliff Road, Map 52, Lot 25, DEP #305-966

The applicant has requested to continue this matter to the next meeting on October 1, 2014 at 7:05 p.m.

Mr. Deackoff requested a copy of the plans for this matter. Mr. Boyd will provide another copy.

MOTION: Ms. Linder made the motion to continue Notice of Intent, Steve Cox, 1 Radcliff Road, Map 52, Lot 25, DEP #305-966 to October 1, 2014 at 7:05 p.m.; seconded by Mr. Sheehan and the motion carried 5-0.

D) Enforcement Order, Brian MacNeill, 10 Cooney Road, Map 25, Lot 5

Present was Brian MacNeill of 10 Cooney Road. Mr. MacNeill explained that he is not sure why he is present as he has done what the Commission requested. Mr. Boyd explained that the enforcement order is still in effect and that the Commission requested certain conditions be met. The conditions remain in place until the enforcement order is rescinded; which has not yet occurred. Mr. Boyd explained that a planting plan was

expected to be submitted at the previous meeting. Mr. MacNeill noted that Steve Erickson of Norse Environmental Services should have submitted the plan. Mr. Boyd noted that no one was present to address the matter to rescind the enforcement order. Mr. MacNeill apologized for missing the meeting and noted that he has done everything the Commission has requested and in a prompt manner.

Mr. Boyd explained that typically when a restoration plan has been done the enforcement order remains in place until a few seasons have passed to ensure that the growth of the plantings is sustainable and that they are healthy and thriving. Mr. Boyd suggested establishing a monitoring plan.

Mr. Deackoff asked if the silt fence/straw waddles are going to remain in place. Mr. MacNeill explained that he will remove the fence. Mr. Deackoff recommended the waddles should be cut rather than pulled out. Mr. MacNeill noted that there is a lot of poison ivy in the area and he would like this to die prior to cutting the waddles.

Discussion took place on a monitoring plan. Mr. Boyd suggested one year with inspections just before winter, spring, and summer.

MOTION: Ms. Linder made the motion to set up a monitoring plan for the restoration for Brian MacNeill, 10 Cooney Road, Map 25, Lot 5; at least 3 site visits to monitor the growth of the vegetation that has been planted shall occur: before winter, spring, and summer; seconded by Mr. Sheehan and the motion carried 5-0.

E) Request for Certificate of Compliance, Phel-Jas, LLC, 1582-1596 Andover Road, Map 53, Lot 27 & 28, DEP #305-832

Present was Joe Phelan of Phel-Jas, LLC. Mr. Phelan explained that he is present to request a Certificate of Compliance and noted that all of the plans have been submitted.

Mr. Boyd noted that he has reviewed all of the plans that were submitted, as well as the letter from the engineer, and he sees no issues.

Mr. Deackoff noted that there is also a bond in place that should be released.

MOTION: Mr. Deackoff made the motion to issue a Certificate of Compliance, Phel-Jas, LLC, 1582-1596 Andover Road, Map 53, Lot 27 & 28, DEP #305-832, any bonds currently held by the Commission shall be released; seconded by Ms. Linder and the motion carried 5-0.

F) Notice of Intent, Donald McLaren, 416 & 436 Main Street, Map 22, Lot 68 & 69, DEP#305-971

Present was Donald McLaren, Don McLaren, Jeff Ryder of Cuoco & Cormier Engineering, Dick Cuoco on behalf of Wamesit Lanes, Eddie Sheehan, and Steve Boudreaux.

Mr. Cuoco explained that this project involves the Miracle Ear building as well as the Motel Caswell and is the proposal for Wamesit Lanes. The property is a little over 4 acres. The applicants were before the Commission a few weeks ago regarding some non jurisdictional wetlands. Mr. Cuoco noted that there is a wetland off the property on the northeast corner that is on the abutting property, but is within 100 feet of what they are proposing; the motel and office building are being taken down and a bowling alley will be constructed. The entire site, predevelopment condition, drains to the northeast corner. Mr. Cuoco explained that they are proposing to use porous asphalt for the storm water treatment that is needed. Mr. Cuoco noted that there were some issues that arose with the abutting property, Tewksbury Florist. In order to not cause any problems for Tewksbury Florist, they have agreed to install a drain line that will run across the front of the site to the northeast corner. They will also be incorporating a mechanical separator at the angle point of the drain line to achieve the 80% TSS removal. Mr. Cuoco noted that the drainage and storm water treatment has been addressed on their property and this is to address the abutting property.

Mr. Ryder provided the members with a copy of a drainage plan of the site. Mr. Cuoco explained that the original design called for a sewer man hole to be installed; which would be a drop over manhole on an existing town sewer line. This sewer line also services all of the homes on Kennedy Road, Pike Street, Fox Run, etc. Mr. Cuoco noted that the town engineer had some concerns with doing a drop over manhole such as leakage, infiltration, etc. As a result, it was decided to connect right into the existing sewer man hole; which is approximately 30 feet away. In order to do this, a temporary alteration of the 25 foot no disturb zone is necessary. In addition, the point source discharge for the drainage is also in this area and there will be a small amount of grading that goes along with this. Mr. Cuoco noted that this is a much more environmentally sound solution.

Mr. Boyd asked if the waiver being requested is for the drainage or the sewer. Mr. Cuoco noted that it is for the sewer and the small amount of grading for the drainage. Mr. Boyd noted that it was stated that it would only be a temporary disturbance to the 25 foot buffer. Mr. Cuoco explained that only a small amount of grading will be done and the storm water structure is not with the buffer. Mr. Ryder noted that this is shown on the plans he just provided to the Commission.

Mr. Deackoff noted that he has not received a review letter from Weston & Sampson. Mr. Boyd explained that he had not requested Weston & Sampson review this matter, but he can. Mr. Deackoff noted that there is an increase in impervious surface and this is a large project and requested it be reviewed by the town's consultant. Mr. Cuoco asked why the matter has not already been sent out for review. Mr. Boyd explained that he had not requested them to review the matter.

Mr. Ippolito opened the hearing to the public and no one came forward.

MOTION: Mr. Sheehan made the motion to continue Donald McLaren, 416 & 436 Main Street, Map 22, Lot 68 & 69, DEP#305-971 to October 12, 2014; seconded by Ms. Linder and the motion carried 3-0.

G) Certificate of Compliance, Dennis Sheehan, Wells Estate, DEP #305-756

The applicant has requested to continue this matter to October 1, 2014 at 7:10 p.m.

MOTION: Mr. Deackoff made the motion to Dennis Sheehan, Wells Estate, DEP #305-756; seconded by Mr. Parker and the motion carried 4-0-1. Mr. Sheehan did not take part in this vote or any discussions regarding same.

A reporter from the Town Crier came forward and introduced herself to the Commission and noted that she has questions regarding the Wamesit Lanes matter. Mr. Boyd suggested she come by his office and he would be happy to address any of her questions.

New Business

Discussion took place on Weston & Sampson's review of projects. Mr. Boyd noted that there is currently no standard set for which matters require review and explained that the Town Engineer has also been reviewing matters including storm water management. Mr. Deackoff suggested all larger, more complicated projects be reviewed.

Old Business

There was no old business.

Administrator's Report

Subcommittees:

Mr. Boyd noted that the subcommittee members need to be determined as there has been a change of membership on the Commission. Mr. Linder will serve as the Chair of the Bylaw Subcommittee along with Mr. Deackoff and Mr. Parker. It was agreed that the Educational Subcommittee remain inactive at this time as

Adjourn.

MOTION: Mr. Deackoff made the motion to adjourn; seconded by Mr. Sheehan and the motion carried 5-0.

Approved: 10/1/14

List of documents for 9/17/14 Agenda
Documents can be located at the Community Development Office

Approval of Meeting Minutes-September 3, 2014

- A. 7:02 P.M Abbreviated Notice of Resource Area Delineation, New England Power Company, Power Company Road
- *Abbreviated Notice of Resource Area Delineation dated August 26, 2014*
 - *Peer review response letter from John Vieira dated September 12, 2014*
 - *Peer Review letter from Mel Higgins dated September 8, 2014*
 - *Updated ANRAD dated September 15, 2014*
- B. 7:04 P.M Enforcement Order, Atillio Dispersio Jr. , 1275 Shawsheen Street, Map 101 Lot 76
- *Email from Robin Dipersio dated 7/16/14*
 - *Enforcement Order dated 4/16/14*
 - *Enforcement Order dated 8/26/14*
- C. 7:05 P.M (Continued) Notice of Intent, Steve Cox, 1 Radcliff Road, Map 52 Lot 25, DEP # 305-966
- *Review letter from Weston & Sampson dated April 14, 2014*
 - *Notice of Intent dated March 6, 2014*
 - *Amended Site plan dated March 12, 2014*
- D. 7:06 P.M Enforcement Order, Brian MacNiell, 10 Cooney Road, Map 25 Lot 5
- *Letter from Norse Environmental dated June 13, 2014*
 - *Enforcement Order dated April 15, 2014*
 - *Review letter from Catherine Mendonca*
 - *Planting email dated September 3, 2014*
 - *Plot Plan dated June 3, 2014*
- E. 7:07 P.M Request for Certificate of Compliance, Phel-Jas LLC, 1582-1596 Andover Road, Map Map 53 Lot 27 & 28, DEP # 305-832
- *Engineer letter from Stephen Dresser, dated August 20, 2014*
 - *Andover Estates Condominium Plot Plan, August 20, 2014*
- F. 7:08 P.M Notice of Intent, Donald McLaren, 416 & 436 Main Street, Map 22 Lot 68 & 69, DEP # 305-971
- *Wamesit Lanes Drainage Calculations dated August 21, 2014*
 - *Abutter Notification submittal package*
 - *Operation & Maintenance Plan dated August 21, 2014*
 - *NOI submittal package dated August 25, 2014*
- G. 7:10 P.M Certificate of Compliance, Dennis Sheehan, Wells Estates, DEP # 305-756
- *Engineer Review letter dated September 8, 2014*
 - *As built Plan dated August 29, 2014*