



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

Stephen Deackoff, Chairman  
Anthony Ippolito, Vice-Chair  
Sean Czarniecki, Clerk  
Dennis Sheehan  
Carolina Linder

**Meeting Minutes  
September 18, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Senior Center by Stephen Deackoff, Chairman. Present at the meeting were Anthony Ippolito, Sean Czarniecki, Dennis Sheehan, and Carolina Linder. Also in attendance was Kyle Boyd, Conservation Agent.

**Approval of Meeting Minutes – September 4, 2013**

Mr. Ippolito noted that he would like additional language inserted in the minutes for the Memory Lane matter. Mr. Ippolito will work with the recording secretary and/or Mr. Czarniecki on this.

**MOTION: Mr. Czarniecki made the motion to table the approval of the September 4, 2013 meeting minutes; seconded by Mr. Ippolito and the motion carried 5-0.**

**A) Request for Determination of Applicability, Mass DOT, I495 Mainline (NB & SB), ramps and bridges at interchanges 38 & 39, and a portion of Route 38.**

Ann Marie Norton was present on behalf of Mass DOT. Ms. Norton explained that this project is an interstate maintenance roadway resurfacing project and involves multiple towns; beginning in Chelmsford and proceeding northerly to the Tewksbury/Andover town line. Included in the project are interchanges 38 and 39 and a portion of Route 38. The scope of work includes installing the erosion controls, mill and pavement, adjust, repair, and clean the drainage structures in the roadway as needed, and repave the road at the correct height. New rumble strips will be installed along the slow lane as well as on the off ramps. The brush will also be cut back and the guardrails brought to current standards.

Mr. Ippolito noted that he drove this route and asked if the existing catch basins will be protected from debris. Ms. Norton suggested a condition that 48 hours notice be given and a site meeting with Mr. Boyd and the resident engineer take place to review the erosion controls and make any necessary adjustments. Ms. Norton explained that each town has their preferences to what they feel is the best erosion controls and some towns have requested that silt sacks be put in the catch basin to catch any debris. Ms. Norton noted that it is standard

practice to clean the catch basins once paving has been completed. Mr. Boyd noted that the 48 hour notification is typically included in the standard order of conditions.

Discussion took place on the type of erosion controls that should be installed. Ms. Norton recommended silt sock rather than hay bales and Mr. Deackoff noted that the Commission would prefer silt sock. Mr. Boyd requested he be notified if any invasive species are removed and Ms. Norton confirmed this would be done. Ms. Norton explained that the clearing will be done from the edge of the roadway and go in approximately 20 feet in at the farthest points.

Mr. Czarniecki noted that he is disappointed with the filing as the application does not give sufficient information on what is needed and what will be done. Ms. Linder agreed and noted that the resource areas are typically marked out by the applicant. Ms. Linder requested this information be provided to the Commission.

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

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

**MOTION: Mr. Czarniecki made the motion for a negative determination, Mass DOT, I495 Mainline (NB & SB), ramps and bridges at interchanges 38 & 39, and a portion of Route 38, standard order of conditions, Mr. Boyd should be notified once the silt barrier has been installed, silt sacks shall be installed around the existing catch basins, the catch basins shall be cleaned once construction has been completed, all trees and brush that is cleared shall be removed from the site to prevent the possible spreading of invasive species; seconded by Mr. Ippolito and the motion carried 5-0.**

Ms. Norton asked the Commission if there are any other State roads in town that they feel are problem areas. Mr. Deackoff noted that there is an area around the Route 495/Route 38 interchange that frequently floods. Ms. Norton will look into this.

**B) Request for a Certificate of Compliance, Karine Muir, Esquire of Heaney & Small, 130 Jennie's Way, Map 116, Lot 16**

Mr. Boyd explained that Attorney Muir informed him that she has a busy schedule and she is positive that they are not within any resource areas. Mr. Boyd visited the site and noted that there are no resource areas within 300 feet. Mr. Boyd explained that this property was tied to the order of conditions because the subdivision has resource areas that were impacted.

Mr. Deackoff noted that there is a discrepancy between the lot numbers as the filings state Lot 36 and the agenda states Map 116, Lot 16. Mr. Boyd noted that he obtained this information from the assessor's database and there may have been some changes after the project was completed. Mr. Boyd recommended stating 130 Jennie's Way to ensure that there is no confusion.

Mr. Ippolito noted that he visited the site and he saw no issues.

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

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

**MOTION: Mr. Ippolito made the motion issue a partial Certificate of Compliance, Karine Muir, Esquire of Heaney & Small, 130 Jennie's Way; seconded by Mr. Czarniecki and the motion carried 5-0.**

**C) Certificate of Compliance, Presidential Development Corporation, 61 Sheridan Lane, Map 38, Lot 33**

Present was AJ Cornell of 103 Central Street, Lowell, MA, on behalf of Presidential Development Corporation. Mr. Deackoff noted that there is also a discrepancy on the Lot numbers for this matter as the as-built plan references Lot 5. Mr. Boyd noted that he obtained this information from the assessor's database and it is the current information for the property.

Mr. Boyd asked why the homeowners are not requesting the certificate of compliance. Mr. Cornell explained that he was asked to come before the Commission by Presidential Development Corporation. Mr. Boyd asked if there is a bond in place and Mr. Cornell was not aware of this.

Mr. Czarniecki noted that the roof drain tank is not currently being used.

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

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

**MOTION: Mr. Ippolito made the motion issue a partial Certificate of Compliance, Presidential Development Corporation, 61 Sheridan Lane, Lot 5 on the as-built plans revised May 12, 2003; seconded by Mr. Czarniecki and the motion carried 5-0.**

**New Business**

There was no new business.

**Old Business**

There was no old business.

**Administrator's Report**

There was no administrator's report.

**Adjournment**

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

*Respectfully submitted,*

*Approved: 12/4/13*