



**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
October 15, 2014**

The meeting was called to order at 7:02 p.m. by Carolina Linder, Vice Chair at the Pike House (temporary town hall). Present was Steve Deackoff, Dennis Sheehan, and Jonathan Parker. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary,

Anthony Ippolito was not in attendance.

Approval of Meeting Minutes – October 1, 2014

MOTION: Mr. Parker made the motion to approve the October 1, 2014 meeting minutes; seconded by Mr. Sheehan and the motion carried 4-0.

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

Present was Jeff Rider of Cuoco & Cormier, and Steven Cox. Mr. Rider provided the members with a copy of a plan of the site. Mr. Cox explained that since the last meeting they have adjusted the parking and location so that there will no longer be an intrusion into the 25 foot buffer anywhere on the site. They are proposing to install an underground infiltration system under the parking lot to handle the runoff; this will run into the existing catch basin. As a result of these changes, there is no longer a need for the Commission to determine whether the area is a detention pond.

Mr. Boyd asked if the amount of the total disturbance to the 50 foot no build is known. Mr. Rider explained that it is not known; however, there will be no buildings or structures. Mr. Boyd asked if the town engineer has seen the revised plan. Mr. Rider explained that he has not as they were seeking the Commission's input first regarding the wetlands and then they will do the detail designs and drainage calculations and make a revised submittal.

Ms. Linder opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Steve Cox, 1 Radcliff Road, Map 52, Lot 25, DEP #305-966 to November 19, 2014 at 7:03 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

B) Notice of Intent, Peter Civitarese, 51 Andrea Drive & Rogers Street, Maps 20, Lot 82 & 19

Present was Peter and Kim Civitarese of 51 Andrea Drive. Mr. Civitarese provided the members with a plan of the site and explained that they have listened to the Commission's concerns and suggestions from the previous meeting and have decided to move forward with one of the Commissions recommendations, which was to reduce the size of the play area down from 27 feet to 15 feet. As a result, there will no longer be an infringement into the no disturb zone.

Mr. Boyd asked if the option of putting the basketball court on the side was explored. Mr. Civitarese explained that they had previously looked into this option and determined it to be cost prohibited due to the slope of the land and the requirement for a stone wall. Mr. Boyd noted that the Commission just received the revised plan tonight and he would like additional time to review the site and plans.

Mr. Deackoff requested a fence be installed along the no disturb zone so that it is clear that is the delineation. Mr. Civitarese asked if bushes could be used and Mr. Deackoff confirmed this and explained that so long as the area is delineated. Mr. Deackoff explained that all of the material from removing the existing play area should be taken off the site. Mr. Civitarese noted that they will also be moving the existing shed as part of this project. Mr. Boyd suggested the Building Commissioner also review the matter.

Mr. Boyd noted that the existing basketball court needs to be removed as soon as possible as he sent a letter 4 months ago requesting it be removed within 30 days. Mr. Civitarese explained that in speaking with Steven Ericksen of Norse Environmental, he has expressed concerns with restoring the area and planting grass in November as it may not be the ideal time and it would be better to wait until the spring.

Mr. Boyd requested a site visit be scheduled.

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

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Peter Civitarese, 51 Andrea Drive & Rogers Street, Maps 20, Lot 82 & 19 to November 5, 2014 at 7:05 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

C) Request for Determination of Applicability, Tewksbury Village Condominium, LLC, 743 Main Street, Map 34, Lots 49 & 50

Present was Jeff Rider of Cuoco & Cormier, Dick Cuoco, Robert Pondelli, and Joe Aliberti. Mr. Cuoco explained that there is a proposed development going on at 743 Main Street. As part of the due diligence of the project, they have determined that there are no wetlands on the site. Mr. Cuoco noted that the only wetlands that are within 100 feet are located across the street. None of the drainage from their site will be going into the catch basins or anything else that contributes to this particular wetland area. Mr. Cuoco explained that the site will have all of its drainage contained on site and will include porous pavement. They do not feel there will be an impact to the resource area and are therefore requesting the Commission issue a negative determination.

Mr. Boyd asked if a minor land disturbance permit will be filed. Mr. Cuoco explained that they will be doing a SWPPP (Storm Water Pollution Prevention Plan) as part of the special site permit. The site is a little over an acre.

Mr. Boyd asked if any landscaping will be done after construction. Mr. Cuoco confirmed this and explained that they have a full landscape plan and the site plan special permit has been submitted to the Planning Board.

Ms. Linder opened the hearing to the public.

Roy Thompson came forward and noted that there is a high water table in the area and he has received water in his basement. Mr. Thompson is concerned this project will make the water problem worse. Mr. Boyd explained that the town engineer is reviewing this project and will also be reviewing the storm water and providing a report to the Planning Board on November 3, 2014.

Chris Morgan came forward and noted that he lives across the street and is concerned with the tree line being removed as he would prefer to see the trees remain. Mr. Morgan expressed concerns with using Jerome Drive as a means of accessing the property and the increase in traffic that could result from the project. Mr. Cuoco noted that the Planning Board will be addressing these issues at their meeting on November 3, 2014.

Don Boutin came forward and noted that there was some discussion regarding the wetlands across the street and noted that there is also a large wetland located on the other side of Jerome Drive. Mr. Boutin asked what calculations have been done to ensure the runoff will not run into this wetland as he would like more proof than "they believe". Ms. Linder explained that the Commission only has jurisdiction within 100 feet from a wetland. Mr. Boutin asked how the wetland would then be addressed. Mr. Boyd explained that the Commission does have jurisdiction if there is hydrological connection between the wetlands and explained that there is a storm water requirement that states the post storm water cannot be more substantial than previous conditions. The storm water is also reviewed by the town engineer. Mr. Boutin noted that this area of Main Street floods frequently and he does not see how this project would not make it worse. Mr. Boutin explained that the water table is very high in this area and basements in this area already receive water. Mr. Cuoco noted that they will also be using porous pavement and testing

has been done and it was determined that there will be no increase in runoff from the site. Ms. Linder noted that the Planning Board will also be addressing some of these concerns at its meeting on November 3, 2014. Mr. Boutin expressed concerns with the short notification and noted that he has not yet received the notice of the Planning Board meeting. Mr. Cuoco noted that it is still within the notice period.

Mr. Deackoff explained that he recognizes the wetlands in the area and that the water table may be high; however, the storm water will be reviewed by the town engineer and Planning Board. From the Commission's perspective, there will not be any discharge into the wetland. Mr. Deackoff explained that the Commission's jurisdiction is will there be an impact on the wetland and it is his opinion that there will not be.

MOTION: Mr. Deackoff made the motion to close the public hearing portion; seconded by Mr. Parker and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion for a negative determination Tewksbury Village Condominium, LLC, 743 Main Street, Map 34, Lots 49 & 50; seconded by Mr. Parker and the motion carried 4-0.

D) Notice of Intent, Sarah Austad, 170 Mitchell G Drive, Map 87, Lot 45

Mr. Parker recused himself and left the room.

Present was Jeff Rider of Cuoco & Cormier, and Sarah Austad of 170 Mitchell G Drive. Mr. Rider provided the members with a copy of a plan of the site and explained that originally the project that was submitted was for the construction of an in-ground pool and relocating an existing deck. A site walk was conducted by some of the Commission members as well as town staff. One of the suggestions that were made as a result of the site walk was to relocate the shed as, even though the shed is allowed in the 50 foot no build area, it would be best in another location. Mr. Rider explained that they have shown two possible locations for the shed; both of which would keep it outside of the buffer zone. The applicant would prefer option one that has been submitted.

Mr. Boyd asked if the area where the soil was dug up will be stabilized. Ms. Austad confirmed this and explained that Langone Brothers will be doing this work.

Ms. Linder 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 3-0.

MOTION: Mr. Deackoff made the motion to approve Sarah Austad, 170 Mitchell G Drive, Map 87, Lot 45, standard order of conditions, the shed shall be located at option one or two as submitted on the supplemental plan, there shall be no discharge of water to the wetlands, all excess excavated materials shall be removed from the site, seconded by Mr. Sheehan and the motion carried 3-0.

Mr. Parker returned.

E) Request for Determination of Applicability, Massachusetts Electric Company, Shawsheen Street

Present was Alexandria of VSB Group on behalf of Massachusetts Electric Company. A request for Determination of Applicability was filed for the installation of a conduit along Shawsheen Street. The installation of the conduit is to replace the overhead power lines that run from substation number 49 in Tewksbury (which is northeast of Level Lane) down Shawsheen Street and Dascomb Road into Andover. The installation of the conduit will run for approximately 200 feet within the 100 foot buffer zone of a wetland that is located next to the Holt & Bugby property and the railroad tracks. A portion of the conduit will also be located within the outer limits of the no disturb zone. Included in this section of the conduit will be a manhole. The conduit and manhole will be underground and installed about 2.5 feet below ground in a concrete encasement. It is predicted that the work can be completed within 24 hours. As a result, none of the conduit areas will be left exposed. In addition, they are proposing to install erosion controls along the perimeter of where the work will occur within the 100 foot buffer areas.

Ms. Linder opened the hearing to the public and no one came forward.

MOTION: Mr. Deackoff made the motion to close the public hearing portion; seconded by Mr. Parker and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion for a negative determination Massachusetts Electric Company, Shawsheen Street; seconded by Mr. Parker and the motion carried 4-0.

F) Notice of Intent, Allen Boutiette, 30 Frasier Lane, DEP #

The applicant has requested to continue this matter to November 5, 2014.

There was a resident present for this matter. Mr. Boyd explained that the matter will be continued to November 5, 2014 and suggested she contact him at his office should she have any questions.

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Allen Boutiette, 30 Frasier Lane, to November 5, 2014 at 7:10 p.m.; seconded by Mr. Parker and the motion carried 4-0.

G) Notice of Intent, Joseph Gillis, 20 Frasier Lane, DEP #

The applicant has requested to continue this matter to November 5, 2014

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Joseph Gillis, 20 Frasier Lane to November 5, 2014 at 7:14 p.m.; seconded by Mr. Parker and the motion carried 4-0.

New Business

Ms. Linder noted that a Bylaw Subcommittee meeting will be held on November 5, 2014 at 6:00 p.m.

Old Business

There was no old business.

Administrator's Report

There was no Administrator's Report.

Adjourn.

MOTION: Mr. Deackoff made the motion to adjourn; seconded by Mr. Parker and the motion carried 4-0.

Approved: 11/5/14

List of documents for 11/5/14 Agenda

Documents can be located at the Community Development Office

- 7:00 P.M. Call Meeting to Order
- Approval of Meeting Minutes-October 1, 2014
- A. 7:03 P.M. 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*
- B. 7:05 P.M. Notice of Intent, Peter Civitarese, 51 Andrea Drive & Rogers Street, Maps 20 Lot 82 & 19
- *Plot of land dated March 29, 2013*
 - *Worksheet sketch dated July 23, 2014*
 - *Notice of Intent dated September 2014*
- C. 7:07 P.M. Request for Determination of Applicability, Tewksbury Village Condominium, LLC, 743 Main Street, Lot 34 Lot 49 & 50
- *WPA Form 2*
 - *Site layout plan dated September 30, 2014*
- D. 7:09 P.M. Notice of Intent, Sarah Austad, 170 Mitchell G. Drive, Map 87 Lot 45, DEP #
- *Notice of Intent Form WPA 3*
 - *Abutter list request packet*
 - *Notice of Intent Plan dated September 18, 2014*
- E. 7:10 P.M. Request for Determination of Applicability, Massachusetts Electric Company, Shawsheen Street
- *Request for Determination Submittal Packet*
 - *Abutter List request packet*
- F. 7:12 P.M. Notice of Intent, Allen Boutiette, Allen Boutiette, 30 Frasier Lane, DEP #
- *Notice of Intent Form WPA 3*
- G. 7:14 P.M. Notice of Intent, Joseph Gillis, 20 Frasier Lane, DEP #
- *Notice of Intent Form WPA 3*