



**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
October 16, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Town Hall Auditorium by Stephen Deackoff, Chairman. Present at the meeting were Sean Czarniecki, Dennis Sheehan, and Carolina Linder. Also in attendance was Melissa Johnson, Recording Secretary. Anthony Ippolito and Kyle Boyd, Conservation Agent, were not in attendance.

Approval of Meeting Minutes – October 2, 2013

Mr. Czarniecki noted that he inserted the DEP number for the last agenda item as it was received after the hearing.

MOTION: Mr. Czarniecki made the motion to approve the October 2, 2013 meeting minutes; seconded by Mr. Sheehan and the motion carried 4-0.

A) Enforcement Order, Gora Banerjee, Memory Lane, Map 88, Lot 2

Mr. Deackoff noted that a site visit took place on Monday and Mr. Banerjee has agreed to stay within the 100x100 area that was previously marked out by Bill Manuel. To ensure there is no confusion in the future, Stephen Erickson installed orange markers and Mr. Deackoff took pictures of the area. Mr. Banerjee was advised that if he wants to do any work outside of this area he would have to come back to the Commission.

Mr. Sheehan noted that approximately 20 core samples were taken in various areas.

Discussion took place on the vernal pool. Mr. Deackoff noted that the vernal pool is approximately 200 feet away from the 100x100 area.

Mr. Czarniecki asked if the area that has been marked out can clearly be seen from the road and Mr. Deackoff confirmed this.

MOTION: Mr. Czarniecki made the motion to rescind the enforcement order, Gora Banerjee, Memory Lane, Map 88, Lot 2; seconded by Mr. Sheehan and the motion carried 4-0.

B) Request for a Certificate of Compliance, Robert W. Barron, 71 John E. Smith Drive, Map 45, Lot 115, DEP #305 661

The applicant was not present.

The homeowners, Henry Chiu and Kate Stonefoot, were present. Mr. Deackoff noted that this matter was continued at the previous hearing as the applicant was not present. Discussion took place on whether or not a certificate of compliance could be issued without the applicant present. Mr. Deackoff suggested the homeowner's complete an application for the certificate of compliance.

Mr. Czarniecki asked if anything has occurred on the property since the last meeting. Mr. Chiu noted that they have cleared some trees and brush. Mr. Czarniecki asked if the barn will be torn down. Mr. Chiu explained that they had a homeowner inspector inspect the barn and it was determined that is it structurally sound and will remain; however, in the future it will need some work.

Mr. Chiu noted that there are some trees that are fairly close to the home that he would like to remove. Mr. Deackoff suggested Mr. Chiu flag the trees that are to be removed and file a request for determination of applicability as well as a request for certificate of compliance and come back before the Commission at their next meeting.

MOTION: Mr. Czarniecki made the motion to continue request for Certificate of Compliance, Robert W. Barron, 71 John E. Smith Drive, Map 45, Lot 115, DEP #305-661 to November 6, 2013 at 7:02 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

C) Request for Certificate of Compliance, Fitzpatrick and Associates, 100 Ames Pond Drive, Map 51 and 66, Lots 7 and 1, DEP #305-335

Present was Steve Fitzpatrick of Fitzpatrick and Associates. Attorney Fitzpatrick explained that his client sold the property located at 130 Prospect Hill Drive. At the closing it was determined that there are five outstanding orders of conditions showing as a title defect on the property and dating back to 1973. In 2005, the prior owner obtained a certificate of compliance on the most recent outstanding order of conditions. The applicant is now requesting certificates for the five previous outstanding orders of conditions.

Mr. Deackoff noted that the Commission briefly discussed this matter at the previous meeting and it was the Commissions opinion that a partial certificate of compliance for 130 Prospect Hill Drive should be issued rather than for all of the other properties. Mr. Fitzpatrick agreed. Mr. Deackoff noted that Mr. Boyd suggested the application be revised to reflect this.

Mr. Deackoff asked if the closing already took place and Attorney Fitzpatrick confirmed this and noted that there are funds in escrow with an expiration date. Mr. Fitzpatrick asked if the process can be expedited due to the escrow expiration.

Discussion took place on the applications that were filed and the DEP numbers that are affected. It was determined that the DEP numbers impacted are: 305-002, 305-163, 305-291, 305-327, and 305-335.

MOTION: Mr. Czarniecki made the motion to issue a partial Certificate of Compliance for 130 Prospect Hill Drive, shown as Lot 372 on Plan dated April 26, 2006, reference shall be made to DEP #'s 305-002, 305-163, 305-291, 305-327, and 305-335; seconded by Mr. Sheehan and the motion carried 4-0.

New Business

There was no new business.

Old Business

There was no old business.

Administrator's Report

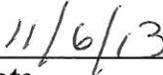
There was no administrator's report.

Adjournment

MOTION: Mr. Sheehan made the motion to adjourn; seconded by Ms. Linder and the motion unanimously carried 4-0.

Respectfully submitted,

Approved: 
Sean Czarniecki, Clerk


Date