



**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
March 4, 2015**

The meeting was called to order at 7:00 p.m. by Anthony Ippolito, Chairman at the Pike House (temporary Town Hall). Present at the meeting were Steve Deackoff, Carolina Linder, Dennis Sheehan (late arrival), and Jonathan Parker. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Approval of Meeting Minutes – February 4, 2015 and February 18, 2015

MOTION: Mr. Parker made the motion to approve the February 18, 2015 meeting minutes; seconded by Ms. Linder and the motion carried 4-0.

MOTION: Mr. Parker made the motion to approve the February 4, 2015 meeting minutes; seconded by Ms. Linder and the motion carried 4-0.

A) Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group, LLC, 1201 Main Street, Map 60, Lot 39, DEP #305-978

Mr. Boyd noted that the applicant has requested to continue this matter to March 18, 2015.

MOTION: Ms. Linder made a motion to continue Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group, LLC, 1201 Main Street, Map 60, Lot 39, DEP #305-978 to March 18, 2015 at 7:02 p.m.; seconded by Mr. Parker and the motion carried 4-0.

B) Notice of Intent, FTO Realty Trust, 20 Riverview Avenue, Map 98, Lot 121, DEP #305-982

Present was Jim Hanley of Civil Design Consultants. Mr. Hanley explained that they were before the Commission two weeks ago and were asked to address a few items of concerns. Mr. Hanley noted that he sent a letter on February 25, 2015 addressing the comments received from the Commission as well as DEP, who had two comments regarding performance stands for the bordering land subject to flooding as well as the riverfront area. Mr. Hanley noted that they have walked through each of the performance standards specific

to each of the resource areas and illustrated how they have complied. Mr. Hanley noted that the Commission requested they look at what the actual impact was within the riverfront area and referenced page 3 of his letter where it discusses 5,000 sq. feet or 10%. Mr. Hanley noted that they have approximately 3,165 square feet; which is the retaining wall and the driveway. Mr. Hanley explained that this is just for the footprint of improvements and does not take into account the compensatory storage, riverfront restoration, etc. Mr. Hanley noted that they are well below the 5,000 square feet or 10%. Mr. Hanley explained that they are doing everything they can to minimize the impact and had applied to the Board of Appeals for a variance and were denied. As a result, they have moved forward with the alternate plan. Mr. Hanley noted that another concern of the Commission was storm water and explained that they will be maintaining an approximately 75 foot vegetated buffer from the limit of the driveway. The driveway will be 12 feet wide at Riverview and then 18 feet to be able to park two vehicles.

Mr. Sheehan arrived.

Mr. Boyd noted that the previous proposal was preferred by the Commission and it is unfortunate that the Board of Appeals denied the variance request as this plan requires much more disturbance and puts the Commission in a difficult position due to the size of the impact. Mr. Boyd noted that he spoke with Mr. Hanley earlier today and explained that there are a couple of areas that Mr. Boyd feels could be improved upon or minimize the disturbance. Specifically, the deck area could be modified to reduce the compensatory storage area. The compensatory storage area is approximately 100 feet larger than required. Additionally, the new home would be approximately 400 square feet larger than the existing home. Mr. Boyd suggested increasing the vegetation in the south portion of the lot.

Ms. Linder agreed with Mr. Boyd and noted that she feels the new home should have the same footprint as the one being demolished. Ms. Linder asked if there is any way they can make the driveway smaller to avoid the impact around it. Mr. Hanley discussed the FEMA regulations and process and explained that the reason for the berm under the deck is, according to FEMA's Federal regulations, if there is a structure that is attached to the ground that is below the elevation of the flood plain, they want to ensure that the deck or anything that has a physical penetration or attachment to the face of the building is out of the flood plain. Mr. Hanley explained that the challenge with the driveway is, because of the impact, they are required to provide compensatory storage. Mr. Hanley discussed the grades in this area and noted that the area dips down towards the retaining wall.

Ms. Linder asked about the new house not having the same footprint as the existing home. Mr. Hanley explained that it would be a financial burden on the lot to maintain the existing footprint; the home is not large and is a basic footprint. Ms. Linder explained that the only high vegetation area is a pine tree which could be for current compensatory storage, but is it in the riverfront area. Mr. Hanley explained that the plan complies with the Wetlands Protection Act and explained that if the Commission would prefer additional restoration along the existing tree line it would likely not be a problem. Ms. Linder noted that the Commission should be made aware of the vegetation that will be grown on the buffer area. Mr. Hanley explained that they are proposing a typical New England wildflower seed mix.

Mr. Deackoff asked what the date and final revision of the plan is. Mr. Hanley noted February 16, 2015 was the final revision to address the Zoning Board of Appeals actions. Mr. Deackoff asked if the applicant is still maintaining the 25 foot no disturb along the riverfront with Bernstein markers and Mr. Hanley confirmed this. Mr. Deackoff noted that the applicant is likely eligible for a waiver under the Tewksbury Wetland Protection Bylaw as well as the Rivers Protection Act. Mr. Deackoff noted that he has no issues so long as the 25 foot no disturb zone is demarcated with Bernstein Markers, the house is razed with the protections stated to be in place, the turf mat with wetland seed mix, and the area restored and stabilized.

Mr. Ippolito opened the hearing to the public

Dick Cuoco came forward and noted that he represents Martin DeCarolis who is an abutter located to the east of this property. Mr. DeCarolis would like to see the existing home removed before it ends up in the river. Mr. Cuoco noted that he has looked at this project and the applicant has done everything they can to reduce impacts. Mr. DeCarolis is in favor of this project.

Mr. Boyd asked if the applicant would have any objections to bringing the Bernstein markers up on the south side of the driveway. Mr. Hanley noted that this would take up a lot of the yard area.

Ms. Linder asked if they will be able to keep any of the existing trees and Mr. Hanley noted that they will not be. Ms. Linder asked if they could do additional tree plantings in addition to the seed mix and Mr. Hanley confirmed this.

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

MOTION: Mr. Deackoff made the motion to approve, Notice of Intent, FTO Realty Trust, 20 Riverview Avenue, Map 98, Lot 121, DEP #305-982, reference shall be made to the plan dated February 16, 2015, the 25 foot no disturb zone along the riverfront shall be maintained with Bernstein Markers as well as bushes and/or plantings, the existing structure is to be razed during low flow conditions and stabilized with a turf mat and wetland seed mix as proposed by the applicant after construction, a 2 year monitoring plan shall be put in place; seconded by Mr. Parker and the motion carried 5-0.

C) Notice of Intent, Christopher Colantuonio, 402 Main Street & 28 Colab Road, Maps 22, Lots 67 & 58, DEP #305-983

Mr. Boyd noted that the applicant has requested to withdraw this matter without prejudice.

MOTION: Mr. Deackoff made the motion to withdraw Notice of Intent, Christopher Colantuonio, 402 Main Street & 28 Colab Road, Maps

22, Lots 67 & 58, DEP #305-983 without prejudice; seconded by Ms. Linder and the motion carried 5-0.

New Business

Mr. Boyd noted that he has been working with Ms. Linder on creating a guide for residents that will walk them through the filing process. Mr. Boyd requested the Commission members review this for the next meeting. Mr. Boyd noted he would like to hold a Bylaw Subcommittee meeting to review and approve the document and fees prior to the next meeting. Ms. Linder noted that the guide will be sent out with the water bills and Mr. Boyd has been working on obtaining a cost for this. Ms. Linder asked if the Commission can vote to approve this without knowing the amount needed. Ms. Johnson explained that the Commission can approve up to a certain amount, but that an amount should be stated. Discussion took place on what an appropriate amount would be. Mr. Boyd suggested up to \$1,500.00.

Old Business

There was no old business.

Administrator's Report

There was no Administrator's Report.

Adjourn.

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

Approved: 4/4/15

List of documents for 3/4/15 Agenda
Documents can be located at the Community Development Office

Approval of Meeting Minutes-February 4, 2015
Approval of Meeting Minutes-February 18, 2015

- A. Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group LLC, 1201 Main Street, Map 60 Lot 39, DEP # 305-978
- *Review Letter from Mel Higgins dated Dec 8., 2014*
 - *ANRAD application dated Nov. 21, 2014*
 - *Existing Conditions Plan submitted by Otte, Dwyer, with markups by Weston & Sampson*
 - *Review letter from Mel Higgins dated Dec. 15, 2015*
- B. Notice of Intent FTO Realty Trust, 20 Riverview Avenue, Map 98 Lot 121, DEP #, 305-982
- *Letter submitted by Jim Hanley dated January 2, 2015*
 - *Letter submitted by Jim Hanley dated Feb 16, 2015*
 - *ZBA Decision dated Feb 18, 2015*
 - *Letter from Jim Hanley dated Feb 25, 2015*
 - *WPA Form 3 dated Dec 4, 2014*
 - *"Site Plan" submitted by Civil Design with a revision date of January 2, 2015*
 - *"Site Plan" submitted by Civil Design dated Dec 4, 2014*
 - *"Site Plan" submitted by Civil Design with a revision date of Feb 16, 2015*
- C. Notice of Intent, Christopher Colantuonio, 402 Main Street & 28 Colab Road, Maps 22 Lots 67 & 58, DEP # 305-983
- *Drainage Improvement Plan submitted by Cuoco & Cormier dated February 5, 2015*
 - *WPA Form 3 dated February 5, 2015*