



**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 18, 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 – March 4, 2015

MOTION: Mr. Parker made the motion to table the approval of the March 4, 2015 meeting minutes until April 8, 2015 to allow for additional time to review; seconded by Ms. Linder and the motion carried 5-0.

Mr. Boyd noted that the Chairman and Vice Chair are unable to attend the next meeting and suggested the Committee determine whether there will be a quorum on April 8, 2015 to conduct a meeting.

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 April 8, 2015.

MOTION: Mr. Ippolito 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 April 8, 2015 at 7:02 p.m.; seconded by Mr. Deackoff and the motion carried 5-0.

B) Notice of Intent, Patricia Basteri, 3 Radcliff Road, Map 52, Lot 5, DEP #305-984

Present was Patrick McCarty of McCarty Engineering, Leominster, MA. Mr. McCarty provided the members with a copy of a plan of the site and explained that they submitted for a Notice of Intent for 3 Radcliff Road, a/k/a 700 Ames Pond Drive. This building is located in the old Digital Park with its' last tenant being Avid. Mr. McCarthy explained that Mass AV is an audio and visual company currently located in Billerica. They are looking to

relocate their corporate headquarters to this facility and are proposing a full renovation of the exterior of the property. The delineation was completed by Echo Tech of Worcester, MA and an existing condition survey and site plans have been provided. Mr. McCarty noted that currently the site is all paved and, based on its' condition, he would guess it is the original pavement from 1974 and is beyond its usable life. As a result, they are proposing to repave the entire pavement area, as well as replace the three existing drainage structures on the property with new structures. Mr. McCarty noted that there are also two existing loading blocks that are in very poor condition as they face the door straight off the back of the building leaving a limited amount of space to the edge of pavement for the trucks. They are proposing to remove the two loading pods and replace them with one new angle pod to allow the trucks to enter on the left side of the building and exit to the right side without having to make a full turn on the property. Mr. McCarthy explained that they have pulled in the edge of pavement wherever possible and noted that in the rear they were only able to pull in the curb one foot. The project as a whole reduces the amount of impervious pavement by approximately 4,700 square feet.

Mr. McCarthy explained that for the front of building they are proposing two landscape islands to narrow down the front drive isle in an effort to slow down the traffic and provide for some green space.

Mr. McCarthy explained that the drainage ditch was created as part of the development of the project, but over time has become jurisdictional. Beavers have constructed a dam and Thermo Fisher worked with the Board of Health to remove the beavers. They would now like to remove the dam by hand as it does cause some flooding.

Mr. McCarty noted that they have also filed with the Planning Board and a hearing has been scheduled for April 7 for Special Site Permit.

Mr. Ippolito noted that he visited the site today and drove around the building and saw a container with sand and/or salt. Mr. McCarty explained that the company who currently does the snow removal is using this area as a staging area and all of this will be removed.

Mr. Boyd noted that there are a couple of areas where he feels there may be additional potential to reduce the impervious area and asked about the company parking spots that are 10x24 in size. Mr. McCarty explained that among the company vehicles are 8 vans, 2 box trucks, and one 26 foot box truck. These vehicles are used to transport equipment.

Mr. McCarthy explained that this particular use does not fit exactly into one of the town's parking categories. If the use is called office, it would require 110 parking spaces. The Building Commissioner has requested they get as close to the 110 parking spaces as possible. As a result, they are proposing 97 parking spaces.

Mr. Boyd noted that since he has been with the town he has not been a part of approval of beaver dam removal and explained that there may be a process through Mass Wildlife to obtain approval to remove the dam. Mr. McCarty noted that he will look into this.

Mr. Boyd suggested leaving the matter open until after the Planning Board hearing in the event changes are required. Mr. McCarty noted that he feels the improvements are to what

is already there and he does not expect any other changes. Mr. McCarthy noted that they are meeting on March 31, 2015 with town review and with the Planning Board on April 7, 2015. Mr. McCarthy noted that he would not be opposed to continuing to April 8, 2015; otherwise he would prefer the Commission make a decision tonight as a Purchase and Sales Agreement has been executed.

Mr. Parker and Mr. Sheehan both suggested continuing to April 8, 2015.

Mr. Deackoff asked if they are reducing the impervious area and are not creating any new catch basins and Mr. McCarty confirmed this and explained that they will be replacing the existing structures with new structures as they are original to the construction. Mr. Deackoff noted that this area is surrounded by wetlands and his major only concern is snow storage. Mr. Deackoff suggested guardrails be installed around the parking lot so that the snow is not dumped into the wetlands. Mr. McCarty explained that there are only 50 people who work for the company and they are not typically all there at the same time. There are 97 parking spaces being proposed. As a result, the additional spaces could be used for snow storage to ensure it drains into the catch basins. Mr. Deackoff noted that the only real spot would be on the left side. Mr. McCarty explained that his company is also design builders with a site work division and they will be taking the project from start to finish. Mr. McCarty explained that during the winter they do commercial snow plowing to keep their staff busy and in their experience, they would prefer to not use the guardrails as they tend to get smashed up from the plows and look worse than nothing being there and there is more than sufficient parking. Mr. Deackoff noted that the entire parking lot is within the 25 foot no disturb area whether the impervious area is being reduced or not and noted that he would like to see something in place to designate the area as conservation land. Mr. McCarty suggested installing a few signs that say not to push the snow into the wetland area rather than guardrails. Mr. Deackoff suggested tree signs indicating the area is a conservation area and not to push snow.

Ms. Linder asked if the light green areas shown on the plan are loom and seed and Mr. McCarty confirmed this. Ms. Linder noted that the snow is currently being stored along the stream and shared Mr. Deackoff's concerns regarding snow storage. Mr. Linder noted that another option could be to make the 25 foot line not be cement and Mr. McCarty noted that this would not be a possibility for the truck traffic and discussed the program they use to simulate the driving of a tractor trailer around the site. Mr. McCarthy explained that this is what is required for the trucks to maneuver the site. Ms. Linder asked if there is any way to move the larger parking spaces and to the other side and Mr. McCarty explained that the vehicles parked here will be larger commercial vehicles and the Planning Board may not want them out in plain view. Ms. Linder requested a wildflower mix be used in the eastern corner and not just regular grass. Mr. McCarty confirmed this will be done.

Mr. Ippolito asked if the landscape island on the bottom right shown as a 25 foot radius could be reduced to allow for more room for the trucks to make their turns. Mr. McCarthy explained that this would then increase the pavement area.

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

MOTION: Mr. Ippolito made the motion to continue Notice of Intent, Patricia Basteri, 3 Radcliff Road, Map 52, Lot 5, DEP #305-984 to April 8, 2015 at 7:04 p.m.; seconded by Mr. Parker and the motion carried 5-0.

C) Notice of Intent, KAJ, LLC, 731 Livingston Street & 10, 20, 30 Eddie's Way, Map 76, Lot 24, 57, 23, and 58, DEP#

Present was Jim Hanley of Civil Design Consultants, Dick Cuoco, and Arnie Martel. Mr. Cuoco noted that Arnie Martel, Sr. apologizes for being unable to attend tonight's meeting as he is out of town, but he will be able to attend the next meeting.

Mr. Deackoff noted that the applicant is currently working on a project in his neighborhood and no one objected to Mr. Deackoff sitting on this matter.

Mr. Hanley explained that this proposal is for a multi-family development along Livingston Street and Eddie's Way. The current use is residential and there is an existing residential home that is located approximately 60 feet from the wetland area, as well as three single family homes located along Livingston Street. Mr. Hanley explained that the zoning is a combination of three different things: Residence 40, Heavy Industrial, and the entire parcel is located within the Community Village Overlay District; which is what allows this type of development at this location. The property in total is approximately 9.8 acres with approximately 380 feet of frontage along Livingston Street. The existing Eddie's Way is approximately 650 feet long and all utilities are in the road on Livingston Street and Eddies Way.

Mr. Hanley reviewed the resource areas on the site which include a perennial stream (Marshall Brook) that runs west to east and bisects the lot and also has a bank associated with it as well as a 200 foot riverfront area. Mr. Hanley noted that there is also an area within the 100 year flood plain at elevation 96 and showed this location on the plan. In addition, there are the 25, 50, and 100 foot local buffer regulations.

The proposed development consists of 96 units: two 32 unit buildings located off Livingston and two 16 unit buildings located off of Eddies Way. There are 213 parking spaces; which is the minimum allowed with a few extra for passive recreation use. 61 of 213 parking spaces are in car ports. Traffic lanes are all 24 feet wide and have been designed to provide for safe vehicular traffic. Mr. Hanley also noted that there are three proposed dumpster locations that they tried to keep as far away from the resource areas as possible. Of the 9.8 acres, approximately 5.5 acres will be disturbed; 2.5 acres of which are currently disturbed from the previous development.

Mr. Hanley explained that the storm water system is made up of a series of deep sump catch basins and manholes that connect to the sediment four-bay and then discharge into the infiltration basin. The basin has been designed to stay a minimum of 50 feet away from the

resource areas and they are beyond on the flood plain so there is no impact to the flood plain. Mr. Hanley noted that they only proposal for this area is potential mitigation.

Mr. Hanley explained that the area is in a Zone 2; therefore the pond has been designed to provide better water quality before it discharges out.

Mr. Hanley reviewed the riverfront area assessment and showed the location of each on the plan. The entire riverfront area of all lots combined is approximately 238,700 square feet and there is approximately 8,000 square feet of impervious surface within the 100 foot area and approximately 14,000 square feet from the 100 to 200. Mr. Hanley noted that the green areas shown on the plan are restored areas related to the construction Eddie's Way, some of which has been completed and some has not. The existing residence that sits approximately 60 feet from the edge of the river will be removed as well as another single family home, a pool, and some sheds. Mr. Hanley noted that there will be approximately 2,000 square feet of less disturbance and a total of an additional 2,000 square feet of disturbance all together. Mr. Hanley reviewed some of the potential restoration areas and noted that there are many areas on the site that they could try to restore.

Mr. Hanley provided the members with a copy of the Riverfront Area Assessment showing a comparison of the impact from Eddie's Way compared to the impact from this proposal and explained that they have designed the site to stay below the combined 10% allowances. The total impact from Eddie's Way was 12,700 square feet and additional impact would be approximately 11,000 bringing the total impact to 23,855 square feet. Mr. Hanley noted that the total disturbance they are proposing post construction will be limited to 10% of the total riverfront area.

Mr. Cuoco explained that in keeping with what they feel will be a future in this area, there will be a walking trail that will go on the other side of the riverfront area. They anticipate that at some point in the time the trail will eventually join with the State land walking trail and go down to the Livingston recreation area. Mr. Cuoco noted that you do not have to be a resident of Jones Farm to use the trail.

Mr. Ippolito noted that he visited the site today, but it was difficult to see anything due to the snow and mounds of dirt. Mr. Cuoco noted that the brook and resource areas are behind the existing home.

Mr. Boyd explained that as a condition of the Commission allowing the previous disturbance, they were to receive a portion of the riverfront area as open space. Mr. Cuoco confirmed this will still be done. Mr. Boyd requested to visit the site with the applicant to determine potential restoration areas and Mr. Cuoco confirmed this will be done.

Mr. Boyd asked if the tree line will remain and Mr. Hanley confirmed the tree line will be remaining.

Mr. Deackoff noted that he is astonished and disgusted that the Planning Board would allow this area to be a community overlay district that allows a building of this size this close to the river. Mr. Deackoff feels this project belongs in Boston not in Tewksbury and noted that

he would like to have a professional review to determine whether a project this size is even allowed in the riverfront area.

Mr. Ippolito opened the hearing to the public.

Chris Lynch of 91 Katie Way came forward and requested the facts as to what is being proposed and to review the plans as he has not yet seen them. Mr. Hanley reviewed the plans for Mr. Lynch and two other residents in attendance came forward for the review: Kathy Penny of 759 Livingston Street and Diana Martel. Mr. Lynch noted that he is concerned about the impact to the river and the potential for flooding issues. Ms. Penny expressed concerns with flooding. Diana Martel noted that she lives across from the Penny's and abuts the brook. Ms. Martel expressed concerns with flooding and noted that the catch basins flood and she has to call the DPW to have them clear out. Ms. Martel is concerned with buildings this size being put in this location due to the existing drainage issues.

Mr. Boyd explained that the matter will be reviewed by the town's peer review and the planning board will also be conducting reviews.

Mr. Cuoco explained that the property is zoned heavy industrial and that they met with representatives from the State Hospital who were very concerned with having heavy industrial in this area because of the Zone 2.

Ms. Linder asked if the same applicant submitted for the first project and Mr. Cuoco noted that it was not the same applicant. Ms. Linder inquired as to the status of the restoration from the first project. Mr. Hanley explained that as part of this proposal they are completing the restorations that have not yet been completed under the first project.

Discussion took place on whether the matter should be continued to April 8, 2015 as two members will be absent or whether April 22, 2015 would be better. Mr. Deackoff noted that he would prefer to wait until the full Commission is present. Mr. Boyd noted that the applicant is requesting to continue to the next meeting.

MOTION: Mr. Deackoff made the motion to continue to Notice of Intent, KAJ, LLC, 731 Livingston Street & 10, 20, 30 Eddie's Way, Map 76, Lot 24, 57, 23, and 58, DEP# to April 8, 2015 at 7:06 p.m.; seconded by Mr. Parker and the motion carried 5-0.

Mr. Boyd explained that all of the Certificate of Compliance requests on tonight's agenda are procedural as they were previously issued to businesses or homeowners and never properly recorded.

D) Certificate of Compliance, Trickett Realty Trust, 365 Main Street, DEP# 305-630

MOTION: Mr. Ippolito made the motion to issue a Certificate of Compliance for Trickett Realty Trust, 365 Main Street, DEP# 305-630; seconded by Mr. Parker and the motion carried 5-0.

E) Certificate of Compliance, Trickett Realty Trust, 1992 Main Street, DEP#305-855

MOTION: Mr. Ippolito made the motion to issue a Certificate of Compliance for Trickett Realty Trust, 1992 Main Street, DEP# 305-855; seconded by Mr. Parker and the motion carried 5-0.

F) Land Donation, 2000 Whipple Road abutting parcel, Shawsheen Watershed Association

Mr. Boyd explained that he has been working with Attorney Charles Zaroulis on this matter. The Shawsheen Watershed Association would like to donate an additional 5 parcels of land that abut the land owned by the Commission. The Community Preservation Committee has appropriated \$5,000 for a study to determine potential uses for the site. Mr. Boyd would like the study to include these parcels as well and requested to appropriate \$500 from the conservation trust fund to complete the deed for the additional parcels.

MOTION: Mr. Ippolito made the motion to appropriate \$500 from the Conservation Trust Fund for the purpose of acquiring five additional parcels from the Shawsheen Watershed Association; seconded by Mr. Deackoff and the motion carried 5-0.

G) Certificate of Compliance, 179 Astle Street, DEP #305-275

MOTION: Mr. Ippolito made the motion to issue a Certificate of Compliance for 179 Astle Street; seconded by Mr. Parker and the motion carried 5-0.

New Business

Mr. Ippolito requested that the Wetland Bylaw Subcommittee meetings also be posted on the Conservation Commission agenda so all members are aware of the meetings.

Mr. Boyd explained that he and Mr. Parker would like to attend two training courses and noted that any other members interested in attending can do so. The cost for the training course is \$130.00 per person for the May 15, 2015 course and \$175.00 per person for the June 19, 2015 course. The members will check their availability on those dates and report back to Mr. Boyd.

MOTION: Mr. Deackoff made the motion to appropriate up to \$800.00 from the Wetland Protection Fund for the purpose of Commission member training; seconded by Mr. Parker and the motion carried 5-0.

Mr. Ippolito noted that he and Ms. Linder are both unable to attend the April 8, 2015 meeting. As Clerk, Mr. Deackoff will chair the meeting provided there is a quorum.

Old Business

Mr. Ippolito asked if the members have obtained their identification badges. Mr. Parker noted that he went down to the police station to get his badge and was told they would call him to take the picture and he has not yet received a call back. Mr. Ippolito requested the members go down to the station to obtain their badges.

Administrator's Report

There was no Administrator's Report.

Adjourn.

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

Approved: 4/8/15

*List of documents for 3/18/15 Agenda
Documents can be located at the Community Development Office*

- 7:02 P.M Notice of Intent, Patricia Basteri, 3 Radcliff Road, Map 52 Lot 5, DEP # 305-984
- *Proposed Site Plans dated March 6, 2015 submitted by Patrick K. McCarty*
 - *Notice of Intent dated March 6, 2015 submitted by McCarthy Engineering, Inc.*
 - *Mass Environmental Law Handbook Page 560*
 - *Review Letter from Mel Higgins dated March 16, 2015*
- 7:04 P.M Notice of Intent, KAJ LLC, 731 Livingston Street & 10, 20, 30 Eddie's Way, Map 76
Lots 24, 57, 23, and 58, DEP # 305-985
- *Review letter from Mel Higgins dated March 18, 2015*
 - *Notice of Intent submitted by Norse Environmental dated March 2015*
 - *Proposed Riverfront Impact Assessment submitted by Jim Hanley dated March 4, 2015*
 - *Existing Riverfront assessment submitted by Jim Hanley dated March 4, 2015*
 - *Site development plans dated March 4, 2015 submitted by Civil Design Consultants*
- 7:06 P.M Land Donation, 2000 Whipple Road Abutting Parcel, Shawsheen Watershed Association
- *Drafted deed prepared by Attorney Charles Zaroulis*
- 7:08 P.M Notice of Intent, Paul Grant, 832 & 836 North Street, Map 52 Lots 1 & 41, DEP #
- *Notice of Intent Site Plans dated March 20, 2015*
 - *Notice of Intent Packet dated March 20, 2015*
 - *ANRAD Plans dated December 14, 2014*
 - *Review letter from Mel Higgins dated December 8, 2014*
 - *Review letter from Mel Higgins dated December 23, 2015*
 - *Drainage Report dated March 6, 2015*
- 7:10 P.M Notice of Intent, 1390 & 1394 Main Street, Map 59 Lots 53 & 54, DEP #
- *Notice of Intent Packet submitted by Norse Environmental dated March 2015*
 - *Stormwater Management & Erosion Control Plan revised on February 27, 2015*
 - *Review Letter by Town Engineer Kevin Hardiman dated February 6, 2015*
 - *Grading Plan dated December 19, 2014 submitted by Land Engineering and Environmental Services*
 - *Site Improvement Plan "Elaina Estates" dated December 19, 2014*
- 7:12 P.M Notice of Intent, Power Company Rd., Maps 49 Lot 34, DEP #
- *Letter from Mel Higgins dated April 8, 2015*
 - *Review letter from Mel Higgins dated September 8, 2014*
 - *Notice of Intent application dated March 15, 2015*
 - *Project Plan dated March 17, 2015*
 - *Response letter from Daniel McIntyre dated April 17, 2015*
 - *National Grid Vegetation Management letter dated April 17, 2015*