



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
1009 Main Street
Tewksbury, MA 01876**

Jonathan Parker, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Anthony Ippolito

**MEETING MINUTES
April 6, 2016**

The meeting was called to order at 7:00 p.m. by Jonathan Parker, Chairman. In attendance was Steve Deackoff, Anthony Ippolito, and Dennis Sheehan. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Carolina Linder was not in attendance.

Approval of Meeting Minutes – March 16, 2016

MOTION: Mr. Deackoff made the motion to approve the March 16, 2016 meeting minutes; seconded by Mr. Sheehan and the motion carried 4-0.

A) Notice of Intent, Arnold Martel, 16 Starbird Avenue, DEP #305-998

Present was Jim Hanley of Civil Design Consultants and the applicant, Arnold Martel. Mr. Hanley explained that they have not been before the Commission on this matter since December, 2015 when the hearing was first opened. Since that time they have made significant revisions to the plans. Originally, the proposal was for a cul-de-sac; that was to be a public way, along with direct wetland filling of approximately 1,500 feet. Mr. Hanley explained that during the course of the design, and after discussions with the DPW, they came up with a revised plan that eliminates the cul-de-sac and replaces it with a "T" that will be a private roadway and which the fire department has reviewed and accepted. Mr. Hanley noted that there will be no wetland impacts, approximately 1/3 less impervious service, and they have changed the storm water from a fairly large basin located to the south to porous pavement meeting the storm water management standards. Mr. Hanley noted that the project has been designed to address DEP standards and that they feel this is a much better plan.

Mr. Boyd requested the revision date of the plan and Mr. Hanley noted December 21, 2015. Mr. Boyd noted that the town engineer, Kevin Hardiman, had asked a question about the open space and asked if this has been relocated. Mr. Hanley confirmed it has been relocated and explained that they have met with the Planning Board twice on this and they are proposing a 10 foot "swafe" The applicant will be meeting with the Planning Board again in a couple of weeks to discuss this further. Mr. Boyd referenced Bill Manuell's letter dated November 21, 2015 and noted that the letter discusses trash removal by hand in the wetland area. Mr. Martel confirmed this will be done by hand. Mr. Boyd noted that previously there had been discussion on meeting and approving the grading area prior to any tree removal in the open space area. Mr. Martel confirmed this and explained that he also intends to plant some trees along the "strip of land" to provide for some privacy for the neighbors. Mr. Martel noted that there are

also two or three dead trees that should be removed for safety reasons and explained that he will work with Mr. Boyd on this.

Mr. Deackoff asked if the entire street will be porous pavement and Mr. Martel confirmed this. Mr. Deackoff asked what is being proposed for maintenance of the porous pavement. Mr. Martel discussed the Bella Woods project and noted that there really is no maintenance as it is clean. Mr. Deackoff noted that it was his understanding it has to be vacuumed, etc. Mr. Martel explained that they have vacuumed at Bella Woods and it did not make much of a difference as it is so clean already. Mr. Hanley noted that there is an operation and maintenance plan as well as a homeowner's association. Mr. Martel noted that the porous pavement has worked very well at Bella Woods and explained that he was the first to do this type of project in this area and would not hesitate to use porous pavement at any project so long as the right material is used underneath as it has proven to be better than hot top. The maintenance will be made a part of the homeowner's association.

Discussion took place on the open space land, if there will be public access, and what will be done with it. Mr. Martel explained that it would be private open space as there is only three homes on the street; however, he is willing to discuss this with the town. Mr. Boyd suggested the open space be deeded to the Conservation Commission. Mr. Martel explained that he would prefer to deed it to the Conservation Commission so long as the Planning Board approves.

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

MOTION: Mr. Deackoff made the motion to close the public hearing for Notice of Intent, Arnold Martel, 16 Starbird Avenue, DEP #305-998; seconded by Mr. Sheehan and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to approve Notice of Intent, Arnold Martel, 16 Starbird Avenue, DEP #305-998, reference shall be made to the plan dated December 21, 2015, standard order of conditions, the open space shall be deeded to the Conservation Commission subject to Planning Board approval; seconded by Mr. Sheehan and the motion carried 4-0.

B) Notice of Intent, Indian Ridge Condominiums, 301 Apache Way, DEP #305-1004

Mr. Boyd noted that the applicant may be late and suggested tabling this matter to the end of the meeting.

C) Notice of Intent, Richard Filosi, 580 Shawsheen Street, Map 84, Lot 60, DEP#

Mr. Parker noted that this matter will be continued to April 20, 2016 at 7:02 p.m.

MOTION: Mr. Deackoff made the motion to continue the public hearing for Notice of Intent, Richard Filosi, 580 Shawsheen Street, Map 84, Lot 60, DEP#, seconded by Mr. Sheehan and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Richard Filosi, 380 Shawsheen Street, Map 84, Lot 60 to April 20, 2016 at 7:02 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

D) Enforcement Order, Paul & Susan Tucceri, 30 Henry J. Drive, Map 45, Lot 45

Mr. Boyd explained that the homeowner's are in the process of constructing an addition and had obtained a building permit for work within 130 feet of the wetlands. A condition was put in that the 100 foot area was to be staked out and erosion controls were to be installed. During the course of the project, there was a change in contractors and the second contractor had not been made aware of the buffer zones and conditions of the building permit and cleared into the 100 foot by approximately 70 feet from the wetland. At the previous meeting, the Commission requested they hydro seed the area and this has since been done. Mr. Boyd noted that the homeowner's have complied with the enforcement order.

MOTION: Mr. Deackoff made the motion to rescind the enforcement order for Paul and Susan Tucceri, 30 Henry J Drive, Map 45, Lot 45; seconded by Mr. Sheehan and the motion carried 4-0.

E) Enforcement Order, Leo Eknaian, 12 Hinckley Road, Map 72, Lot 16

This matter was not discussed.

F) Request for Determination of Applicability, Al and Arlene Festa, 17 Crystal Circle, Map 92, Lot 45

Present was Matthew Turner on behalf of the applicant. Mr. Turner explained that the homeowner's have an existing deck at the rear of the home that they would like to extend 3 feet horizontally with an additional footing and put a four season room above. The wetlands run through the middle of the existing deck.

MOTION: Mr. Deackoff made the motion for negative determination, Al and Arlene Festa, 17 Crystal Circle, Map 92, Lot 45; seconded by Mr. Sheehan and the motion carried 3-0.

G) Request for Determination of Applicability, Keolis Commuter Services, Rail Line ROW

Mr. Parker noted that this matter will be continued to April 20, 2016 at 7:04 p.m.

MOTION: Mr. Deackoff made the motion to continue Request for Determination of Applicability, Keolis Commuter Services, Rail Line ROW to April 20, 2016 at 7:0 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

H) Notice of Intent, Colleen Noble, 51 Ellington Road, Map 103, Lot 70, DEP #305-1006

Present was Colleen Noble of 51 Ellington Road. Ms. Noble explained that she is proposing to construct an addition for her son and grandson and that they have encountered some wetland issues as it appears they are infringing into the 50 foot no build zone by approximately 4 feet. As a result, a waiver is being requested.

Mr. Boyd explained that a waiver is not required as the Commission recently added a provision to the Wetland Bylaws allowing a 10% disturbance of the no build and they are under this. Mr. Boyd suggested permanent demarcation for the wetland controls. Mr. Boyd asked if a DEP file number has been issued and Ms. Noble noted that she is not sure and explained that someone was going to meet her for tonight's meeting and they have not yet arrived.

Mr. Deackoff asked if erosion controls are shown on the plan and Mr. Boyd noted that the plan shows straw waddles.

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

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

MOTION: Mr. Deackoff made the motion to approve Notice of Intent, Colleen Noble, 51 Ellington Road, Map 103, Lot 70, DEP #305-1006, reference shall be made to the plan dated March 15, 2016, standard Order of Conditions, straw waddles shall be used for an erosion control; seconded by Mr. Ippolito and the motion carried 4-0.

- I) Request for Certificate of Compliance, New England Power Company, DEP#305-65
Request for Certificate of Compliance, New England Power Company, DEP#305-49
Request for Certificate of Compliance, New England Power Company, DEP#305-598
Request for Certificate of Compliance, New England Power Company, DEP#305-446**

Present was David Harrington of Coneco Engineers & Scientists. Mr. Harrington explained a co-worker of his, Tracy Duarte, has filed for four requests for certificates of compliance for four projects that are listed under New England Power, also known as National Grid. National Grid has expressed a desire to close out some open orders of conditions; some dating back to 1979. Mr. Harrington explained that the Conservation department does not have any files on these matters nor does New England Power Company or National Grid. Mr. Harrington explained that the orders were picked up by his coworker on a Registry of Deeds search and that this work is typically transmission line work. Two of the orders were related to transmission work, and another order was related to the 22A Substation and the final order states "North of Andover Street". Mr. Harrington explained that they are not sure what work was to be done and they are unable to locate any plans. Mr. Harrington noted that all were standard orders of conditions.

Mr. Boyd noted that he did a file search and nothing was found.

MOTION: Mr. Deackoff made the motion to issue a Certificate of Compliance for New England Power Company, DEP #305-49, reference shall be made to Middlesex North District Registry of Deeds Book 2392. Page 387; seconded by Mr. Ippolito and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to issue a Certificate of Compliance for New England Power Company, DEP #305-65, reference shall be made to the Middlesex North District Registry of Deeds Book 2508, Page 108; seconded by Mr. Ippolito and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to issue a Certificate of Compliance for New England Power Company, DEP #305-598 as recorded with the Middlesex North District Registry of Deeds Book 9776. Page 40; seconded by Mr. Ippolito and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to issue a Certificate of Compliance for New England Power Company, DEP #305-446, reference shall be made to the Middlesex North District Registry of Deeds Book 6617, Page 1; seconded by Mr. Ippolito and the motion carried 4-0.

J) Request for Determination of Applicability, Andre Lafortune, 21 Farwood Road, Map 19, Lot 71

Mr. Ippolito recused himself from this matter and left the room.

Present was Andre Lafortune of 21 Farwood Road. Mr. Lafortune explained that he would like to tie into town sewer and they are abutting some wetlands.

None of the members expressed concerns.

MOTION: Mr. Deackoff made the motion for a negative determination, Andre Lafortune, 21 Farwood Road, Map 19, Lot 71; seconded by Mr. Sheehan and the motion carried 3-0.

Mr. Ippolito returned.

K) Enforcement Order, Ginsburg & Sons, 298, 308, and 312 Pine Street, Map 30, Lots 43-45

Present was Jim Hanley of Civil Design Consultants, Marc Ginsburg and Matt Ginsburg.

Mr. Hanley explained that Mr. Ginsburg contacted him regarding a notice he received from the town for clearing within 100 feet of the wetland. Mr. Hanley provided photographs of the area and noted that it is clear that there was some existing masonry debris and pipes that

“straddled” the 100 foot buffer line. Some excavation was being done in the general location and they hit the pipe and attempted to remove the pipe. There is also a stone wall showing the masonry debris. Mr. Hanley explained that they understand that they are within the 100 foot area and that it is not part of the approved plan. They plan to reestablish the area with loom and seed.

Marc Ginsburg explained that there is still some debris in the area that should be removed unless the Commission would prefer he leave the debris. The intent is to eventually turn the land over to the town as open space. Mr. Ginsburg noted that there would be no heavy excavation and that they would rake the debris out and then loom and seed.

Mr. Parker noted that he would prefer to see all of the debris removed.

Mr. Deackoff asked if the debris removal can all be done by hand. Mr. Ginsburg explained that they would like to “drag it out”. Mr. Boyd noted that he would like to be made aware of anything that is not done by hand. Mr. Deackoff asked if the area will be loomed and seeded and Mr. Ginsburg confirmed this and explained that the area will be open space and that his intent was to clean up the area.

MOTION: Mr. Deackoff made the motion to ratify the enforcement order, Ginsburg & Sons, 298, 308, and 312 Pine Street, Map 30, Lots 43-45; seconded by Mr. Sheehan and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to continue enforcement order, Ginsburg & Sons, 298, 308, and 312 Pine Street, Map 30, Lots 43-45 until the area has been restored and approved by the Commission; seconded by Mr. Sheehan and the motion carried 4-0.

L) Notice of Intent, Indian Ridge Condominiums, 301 Apache Way, DEP #305-1004

Mr. Parker recused himself from this matter and left the room. Mr. Deackoff conducted the meeting.

Present was Dominic Maringalo of Solitude Lake Management. Mr. Maringalo explained that Indian Ridge Condominiums would like to manage its four fire protection ponds on the property. The ponds range from .2 to .7 acres with average depth of 3-4 feet. They all experience very dense growth of both submersed plants and algae to the point where the entire pond surface is covered with plants; which is negatively impacting the water quality as well as creating an odor and mosquito habitat. Mr. Maringalo explained that he reviewed the site and would like to institute a program using EPA and the Massachusetts Register aquatic products to control weeds and algae in the ponds. All of the ponds also have fountains so there is some oxygenation. The fountains will continue to operate.

Mr. Deackoff asked if they will primarily be using herbicides and will not be pulling any of it out. Mr. Maringalo explained that they are planning to do the treatments as raking would not

be as effective and will likely cause more disturbance. All of the herbicides are approved for lakes and ponds.

Mr. Deackoff asked if this is a continuing endeavor and Mr. Maringalo explained that they are requesting a three year initial approval as ongoing maintenance will be required. Mr. Deackoff explained that the Commission can also issue a continuing order of conditions.

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 3-0.

MOTION: Mr. Sheehan made the motion to approve Notice of Intent, Indian Ridge Condominiums, 301 Apache Way, DEP #305-1004, treatment is to be done during low flow conditions, an annual report shall be supplied to the Commission; seconded by Mr. Ippolito and the motion carried 3-0.

Mr. Parker returned.

Old Business

Classes being offered by MACC and New England Wildflower Society

Mr. Boyd provided the members with a copy of the dates for the available classes.

New Business

Mr. Parker noted that Mr. Boyd is requesting to purchase waders for site visits.

MOTION: Mr. Deackoff made the motion to authorize up to \$212.00 to be expended from the Wetland Protection Fund to purchase waders for the Conservation Agent; seconded by Mr. Sheehan and the motion carried 4-0.

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

Approved: 4/20/16

List of documents for 4/6/16 Agenda
Documents can be located at the Community Development Office

Approval of Minutes March 16, 2016

- A. 7:02** (Continued) Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP # 305-998
- *Review letter from Kevin Hardiman dated March 7, 2016*
 - *Grading, Drainage, and Erosion Control Plan signed and stamped by Jim Hanley dated November 6, 2015*
 - *Open Space Residential Design Special Permit printout*
 - *Notice of Intent Submittal package dated November 2015*
 - *Review letter from Bill Manuell dated November 21, 2015*
 - *Review letter from Kyle Boyd*
 - *Letter from Norse Environmental dated December 9, 2015*
 - *Definitive Subdivision Plans signed and stamped by Jim Hanley dated November 6, 2015*
- B. 7:04** Notice of Intent, Indian Ridge Condominiums, 301 Apache Way, DEP #305-1004
- *Notice of Intent submittal package dated March 2016 submitted by Soliture Lake Management*
- C. 7:06** Notice of Intent, Richard Filosi, 580 Shawsheen St., Map 84 Lot 60, DEP #
- *Notice of Intent application and Wetland Analysis submitted by LEC Environmental Consultants dated March 4, 2016*
 - *'Riverfront Area & Compensatory Flood Storage Area Revegetation Plan' submitted by LEC Environmental Consultants*
 - *Request for Continuance letter*
- D. 7:08** Enforcement Order, Paul & Susan Tucceri, 30 Henry J Drive, Map 45 Lot 45
- *Review letter submitted by Kyle Boyd*
 - *Enforcement Order dated March 2, 2016*
- E. 7:10** Enforcement Order, Leo Eknaian, 12 Hinckley Rd, Map 72 Lot 16
- *Enforcement Order dated March 9, 2016*
 - *Plot Plan dated 4/14/04*
 - *Maps Online GIS Map dated March 11, 2016*
- F. 7:12** Request for Determination, Al and Arlene Festa, 17 Crystal Circle, Map 92 Lot 45
- *Request for Determination of Applicability form WPA 1*
 - *Plot Plan signed and stamped by Jeffrey Rider dated August 15, 2014*
- G. 7:14** (Continued) Request for Determination of Applicability, Keolis Commuter Services, Rail Line ROW
- H. 7:16** Notice of Intent, Colleen Noble, 51 Ellington Road, Map 103 Lot 70, DEP #305-1006
- *Site Plan in Tewksbury signed and stamped by Stephen Dresser dated March 15, 2016*
 - *Notice of Intent submitted package submitted by Norse Environmental dated March 2016*
- I. 7: 18** Request for Certificate of Compliance, New England Power Company, DEP 305-65
Request for Certificate of Compliance, New England Power Company, DEP 305-49
Request for Certificate of Compliance, New England Power Company, DEP 305-598
Request for Certificate of Compliance, New England Power Company, DEP 305-446
- *WPA Certificate of Compliance Request Form & Order of Conditions DEP # 305-65*
 - *WPA Certificate of Compliance Request Form & Order of Conditions DEP # 305-49*
 - *WPA Certificate of Compliance Request Form & Order of Conditions DEP # 305-598*
 - *WPA Certificate of Compliance Request Form & Order of Conditions DEP # 305-446*

New Business