



**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  
April 22, 2015**

The meeting was called to order by Carolina Linder, Vice-Chair at 7:00 p.m. at the Senior Center. In attendance were Steve Deackoff, Dennis Sheehan, and Jonathan Parker. Also in attendance was Kyle Boyd, Conservation Agent.

Anthony Ippolito was not in attendance.

**Approval of Meeting Minutes – April 8, 2015**

**MOTION: Mr. Parker made the motion to approve the March 4, 2015 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 4-0.**

- A) Notice of Intent, KAJ LLC, 731 Livingston Street and 10, 20, 30 Eddie's Way, Map 76, Lots 24, 57, 23, and 58, DEP #305-985**

Mr. Boyd noted that he is in receipt of correspondence from Jim Hanley of Civil Design Consultants requesting to continue this matter to May 13, 2015.

**MOTION: Mr. Parker made the motion to continue Notice of Intent, KAJ LLC, 731 Livingston Street and 10, 20, 30 Eddie's Way, Map 76, Lots 24, 57, 23, and 58, DEP #305-985 to May 13, 2015 at 7:02 p.m.; seconded by Mr. Sheehan and the motion carried 3-0-1. Mr. Deackoff did not take part in this vote or any discussions regarding same.**

- B) Notice of Intent, Paul Grant, 832 & 836 North Street, Map 52, Lots 1 & 41, DEP #305-988**

Present was Chris McCarthy of Allen & Major on behalf of Genesis Management Group. Mr. McCarthy noted that this matter was continued from the previous meeting as a DEP number had not yet been issued. Since that time, a number has been assigned: 305-988.

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. Parker and the motion carried 4-0.**

**MOTION: Mr. Deackoff made the motion to approve Notice of Intent, Paul Grant, 832 & 836 North Street, Map 52, Lots 1 & 41, DEP #305-988 with a standard Order of Conditions; reference shall be made to the plan dated March 20, 2015; seconded by Mr. Parker and the motion carried 4-0.**

**C) Enforcement Order, Power Company Road, Maps 49, Lot 34**

Present was John Vieira of VHB. Mr. Vieira noted that they are in receipt of the town consultant's correspondence and they have responded with two letters. The first was related to the enforcement action.

Mr. Boyd met out on the site with John Duval and Josh Holden.

Mr. Boyd provided a brief background of this matter and explained that when he visited the site for the proposed substation project he noticed significant clearing. This clearing has since been determined to be the part of a different project. Mr. Boyd met on site with Josh Holden and John Duval of National Grid and National Grid staff has provided an explanation on why the work was done. Mr. Boyd noted the work was performed in the winter time when the ground was dry. In the future, Mr. Boyd will be contacted regarding all tree clearing projects.

Mr. Vieira requested the enforcement order be rescinded.

**MOTION: Mr. Deackoff made the motion to rescind the Enforcement Order, Power Company Road, Maps 49, Lot 34; seconded by Mr. Parker and the motion carried 4-0.**

**D) Notice of Intent, Power Company Road, Maps 49, Lot 34, DEP#**

Present was John Vieira of VHB. Mr. Vieira noted that this matter has been before the Commission a couple times and explained that the project is for a substation expansion and that they have been able to keep the overall wetland impacts less than 5,000 square feet and are mitigating 2:1 for the fill amount on the site. Mr. Vieira noted that this is a public good project as it is a utility company facility upgrade and explained that the existing substation cannot be upgraded as it would require it to be shut down. As a result, a new structure will be constructed beside the existing and the existing structure will be removed.

Mr. Vieira noted that the matter has been reviewed by a third party and they agree to the alternatives that are being proposed and that this is in fact a public good project. Mr. Vieira explained that there were two outstanding questions related to the proposed width of the road and whether it could be reduced as well as whether the control building could be relocated. Mr. Vieira explained that they have responded with a letter explaining why the road is this width and that the control building location change to one of the suggested locations would require the relocation of transmission lines.

Ms. Linder noted that one of the mitigation plans was to plan for university coordination of the culverts and asked if the time frame for this is known. Mr. Vieira explained that typically the work is done by graduate students and in his experience it is done during the summer with a report completed by the end of the year. This will be coordinated with Mr. Boyd and the Town Engineer.

Mr. Boyd asked if Mr. Vieira will be onsite for the wetland restorations and Mr. Vieira explained that it will be either himself or one of his colleagues on site. Mr. Boyd requested a condition that a wetland scientist be present during the restoration. Monitoring shall take place for at least two growing seasons.

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; seconded by Mr. Parker and the motion carried 4-0.**

**MOTION: Mr. Deackoff made the motion to approve Notice of Intent, Power Company Road, Maps 49, Lot 34, DEP#305-987 with a standard Order of Conditions, reference shall be made to the Notice of Intent dated March 18, 2015, a wetland scientist shall be present during the replication process and shall provide confirmation that the replication is satisfactory prior to the issuing of a Certificate of Compliance; seconded by Mr. Parker and the motion carried 4-0.**

**E) Notice of Intent, Jack Berube, 60 First Street, Maps 81, Lots 167 & 198, DEP #305-989**

Mr. Boyd noted that an error occurred with the abutter notifications and he has requested the applicant re-notify the abutters. As a result, this matter will be continued to May 13, 2015.

There was an abutter in attendance who noted that the wrong lot has been advertised for. Mr. Boyd will ensure this is corrected.

**MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Jack Berube, 60 First Street, Maps 81, Lots 167 & 198, DEP #305-989 to May 13, 2015 at 7:04 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.**

**F) Enforcement Order, William Flynn, 50 Kennedy Road, Map 21, Lot 38**

Mr. Boyd noted that this matter will be continued as Mr. Flynn is currently out of state and explained that he received a call from the DPW staff that there had been a utility tie in and there was soil in the road and being pushed into the wetland area. Mr. Boyd visited the site and noted that the impact is not that significant. Mr. Boyd has spoken with Mr. Flynn who has informed him that there is a depression that in the past was not a wetland, but the town sewer project has created this area that is now a jurisdictional wetland. Mr. Boyd explained that it is not an egregious violation, however, the materials

need to be removed and the activity stopped. Mr. Flynn is expected to be present for the next meeting.

**MOTION:** Mr. Parker made the motion to continue Enforcement Order, William Flynn, 50 Kennedy Road, Map 21, Lot 38 to May 13, 2015 at 7:08 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

**G) Abbreviated Notice of Resource Area Delineation, James Wu, 1201 Main Street, DEP #305-978**

Mr. Boyd noted that the applicant still has not been able to obtain the necessary data for this matter due to the snow melt.

**MOTION:** Mr. Parker made the motion to continue Abbreviated Notice of Resource Area Delineation, James Wu, 1201 Main Street, DEP #305-978 to May 13, 2015 at 7:10 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

**New Business**

**Land Donation adjacent to 2000 Whipple Road**

Mr. Boyd explained that the Commission is in the process of obtaining additional land from the Shawsheen Watershed Association on the parcel that the Commission already owns. The Attorneys have been working on the matter. Mr. Sheehan asked how much additional land and Mr. Boyd noted approximately .1 acre.

Mr. Boyd noted that the Community Preservation Committee has set aside \$5,000 to do a study on this parcel.

**Open Space & Recreation Plan**

**Old Business**

There was no old business.

**Adjourn.**

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

*Approved: 5/13/15*

*List of documents for 4/22/15 Agenda*  
*Documents can be located at the Community Development Office*

Approval of Meeting Minutes-March 18, 2015

- 7:02 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*
- 7:04 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*
- 7:06 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*
- 7:08 P.M      Notice of Intent, Jack Berube, 60 First Street, Maps 81 Lots 167 & 198, DEP # 305-989
- *Site Plan submitted by Cyprus Design Inc. dated March 27, 2015*
  - *Notice of Intent Form 3 submitted by Jack Berube*
- 7:10 P.M      Enforcement Order, William Flynn, 50 Kennedy Road, Map 21 Lot 38
- *WPA Form 9 signed by Kyle Boyd*
- 7:14 P.M      Abbreviated Notice of Resource Area Delineation, James Wu, 1201 Main Street, 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*

**New Business**

- **Land Donation adjacent to 2000 Whipple Road**
- **Open Space & Recreation Plan**