



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

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

**Meeting Minutes  
June 8, 2016**

The meeting was called to order by Carolina Linder, Vice-Chair, at 7:02 p.m. at the Town Hall, 1009 Main Street. In attendance were Steve Deackoff, Dennis Sheehan, and Anthony Ippolito. Also in attendance was Kyle Boyd, Conservation Agent.

**Approval of Meeting Minutes – May 25, 2016**

**MOTION: Mr. Deackoff made the motion to approve the May 25, 2016 meeting minutes as presented; seconded by Mr. Ippolito and the motion carried 4-0.**

- A) Enforcement Order, Helen Leigakos, 56 Colab Road, Map 22, Lots 78 & 79**  
Mr. Boyd noted that he has met with the property owner and they are willing to work with the Commission. The current property owner is not the original violator.

**MOTION: Mr. Deackoff made the motion to ratify the Enforcement Order for Helen Leigakos, 56 Colab Road, Map 22; seconded by Mr. Sheehan and the motion carried 4-0.**

- B) Notice of Intent, FTO Realty Trust, 20 Riverview Avenue, Map 98, Lot 121, DEP #305-1010**  
Ms. Linder noted that this matter will be continued to June 22, 2016.

**MOTION: Mr. Deackoff made the motion to continue Notice of Intent, FTO Realty Trust, 20 Riverview Avenue, Map 98, Lot 121, DEP #305-1010 to June 22, 2016; seconded by Mr. Ippolito and the motion carried 4-0.**

- C) Request for Certificate of Compliance, Marc P. Ginsburg, Settlers Way (formerly 357 & 379 Pleasant Street), DEP #305-964**  
Present was Jim Hanley of Civil Design Consultants. Mr. Hanley explained that this matter was before the Commission approximately two months ago for a Certificate of Compliance. At that time, the Commission had requested a couple of items be addressed including an as-built plan. Mr. Hanley noted that all items have been addressed.

Mr. Boyd noted that the only remaining outstanding issue is the open space deed. The deed has been reviewed by the town attorney, who requested some changes, and is being sent to the other party to be finalized. Mr. Boyd suggested a possible condition for the

deed in the certificate, but noted that he has good faith the deed will be received and that he is satisfied with the project.

Mr. Deackoff asked if there is a conservation restriction and Mr. Boyd explained that it is open space that is to be deeded to the town.

**MOTION: Mr. Deackoff made the motion to issue a Certificate of Compliance Marc P. Ginsburg, Settlers Way (formerly 357 & 379 Pleasant Street), DEP #305-964; seconded by Mr. Sheehan and the motion carried 4-0.**

**D) Non Substantial Change Request, New England Power Company, Merrimack Valley Reliability Project, DEP #305-1003**

Present was John Vieira of VHB and Joshua Holden from National Grid. Mr. Vieira presented the plan to the Commission and explained that as part of the work previously approved, there were impacts in the form of a temporary disturbance and a permanent disturbance. Mr. Vieira explained that since the Commission issued the order, they have had the opportunity to look more closely at the area and there are several areas where they are requesting the Commission consider some changes as nonsignificant. Mr. Vieira noted that the biggest change is increased matting due to the number of trucks and equipment that will be needed. The total increase is ½ acre. Mr. Vieira referenced the packet submitted to the Commission. Contained therein are photographs of the equipment that will be used.

Mr. Boyd asked if the swamp mats are removed prior to a certificate of compliance being requested and Mr. Vieira confirmed this.

**MOTION: Mr. Deackoff made the motion to for a non-substantial change, New England Power Company, Merrimack Valley Reliability Project, DEP #305-1003; seconded by Mr. Sheehan and the motion carried 4-0.**

Mr. Vieira noted that the study that was to be completed on a different matter is almost done and a report is expected to be submitted soon.

**E) Request for Determination of Applicability, Daniel O'Neill, 151 Trull Road, Map 23, Lot 31**

Present was Daniel O'Neill of 151 Trull Road. Mr. O'Neill explained that he would like to remove some trees from the rear of his property as they have had some fall in the past and would like to avoid this. Mr. O'Neill noted that they will not be doing any building.

Mr. Boyd noted that there was originally a shed proposed and the applicant has now stated that he no longer wants to build the shed. Mr. Boyd suggested a condition that no trees be removed within 25 feet of the wetlands.

Ms. Linder asked if trees can be removed within the 25 foot buffer if there is a safety issue and Mr. Boyd confirmed this and noted that the safety issue would need to be documented and suggested a condition that no trees be removed within 25 feet of the wetlands unless they are a safety concern. Mr. Boyd also suggested a condition that no equipment (trucks, etc.) will be within 25 feet of the wetlands.

Ms. Linder opened the hearing to the public and no one came forward to comment.

**MOTION:** Mr. Deackoff made a motion for a negative determination, Daniel O'Neill, 151 Trull Road, Map 23, Lot 31, no heavy equipment shall be within 25 feet of the wetlands, Mr. Boyd shall be contacted regarding any trees within the 25 foot; seconded by Mr. Ippolito and the motion carried 4-0.

**F) Request for Determination of Applicability, Philip Cederberg, 3 Shandel Drive, Map 20, Lot 54**

Present was Richard Cloud, Operations Manager, Langone Landscaping, on behalf of Brian Langone representing the applicant, Philp Cederberg. Mr. Cloud explained that the applicant has contacted them to redo lawn area as well as remove dead trees along the property. Mr. Cloud explained that they will be removing the old grass, bringing in new loom, and hydro seeding.

Ms. Linder noted that she visited the site and met with the owners who stated that they do not plan to remove any trees except one. Mr. Cloud noted that there are one or two dead trees as well as some trimming that will be done. Mr. Boyd suggested he monitor the tree removal prior to any work being done.

Mr. Deackoff asked how much loom will be brought in and Mr. Cloud noted approximately 80 yards will be brought in. The project is for a removal and replacement.

Ms. Linder opened the hearing the public and no one came forward to comment,

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

**MOTION:** Mr. Deackoff made the motion for a negative determination, Philip Cederberg, 3 Shandel Drive, Map 20, Lot 54, Mr. Boyd shall be contacted prior to any tree removal, straw waddles; seconded by Mr. Ippolito and the motion carried 4-0.

**New Business**

There was no new business.

**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: 7/13/16*

List of documents for 6/8/16 Agenda  
Documents can be located at the Community Development Office

Approval of Minutes May 25, 2016

- A. Enforcement Order, Helen Leigakos, 56 Colab Rd, Map 22 Lot 78 & 79
- *Enforcement Order dated March 28, 2016*
  - *Map of disturbed area dated March 29, 2016*
  - *Pictometry aerial of land dated November 12, 2008*
  - *Tax title document dated February 28, 1990*
- B. Notice of Intent, FTO Realty Trust, 20 Riverview Avenue, Map 98 Lot 121, DEP #305-1010
- *'Grading & Utility Plan' prepared by Civil Design Consultants, Inc., signed and stamped by James E. Hanley dated December 4, 2016 with a final revision date of February 2, 2016*
  - *Notice of Intent submittal package dated April 19, 2016 prepared by Civil Design Consultants, Inc.*
  - *Notification of Wetlands Protection Act file number from DEP dated June 7<sup>th</sup>, 2016*
  - *Review email from Kevin Hardiman dated May 20, 2016*
- C. Request for Certificate of Compliance, Marc P. Ginsburg, Settlers Way (Formerly 357 & 379 Pleasant St.) DEP # 305-964
- *WPA Form 8A*
  - *Email correspondence between Town Engineer Kevin Hardiman and Civil Design Engineer Jim Hanley dated May 24, 2016*
- D. Non-Substantial Change Request, New England Power Company, Merrimack Valley Reliability Project, 305-1003
- *Review letter submitted by Bill Manuell dated May 23, 2016*
  - *Letter from VHB dated May 26, 2016 signed by John Vieira*
  - *Notice of Intent Permit Plans dated January 1, 2016*
- E. Request for Determination, Daniel O'Neill, 151 Trull Road, Map 23 Lot 31
- *WPA Form 1 submitted by Daniel O'Neill*
  - *Tewksbury MapsOnline PeopleGIS map dated June 2, 2016*
- F. Request for Determination, Philip Cederberg, 3 Shandel Dr, Map 20 Lot 54
- *Request for Determination submittal package dated June 1, 2016*
  - *MapsOnline PeopleGIS map dated June 8, 2016*
  - *Aerial View Pictometry Map of site dated 04/20/2014*