



**TOWN OF TEWKSBURY  
CONSERVATION COMMISSION  
999 Whipple Road  
Tewksbury, MA 01876**

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

**Meeting Minutes  
September 2, 2015**

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

Steve Deackoff was not in attendance.

**Approval of Meeting Minutes – March 18, 2015 Bylaw Subcommittee  
August 12, 2015 Conservation Commission**

**MOTION: Mr. Ippolito made the motion to approve the March 18, 2015 Bylaw Subcommittee meeting minutes; seconded by Mr. Sheehan and the motion carried 3-0.**

Ms. Linder arrived.

Mr. Ippolito noted that the July 15, 2015 meeting minutes state he did not take part in the vote. Ms. Johnson noted that Mr. Ippolito had not yet had a chance to review the July minutes.

**MOTION: Mr. Ippolito made the motion to approve the August 12, 2015 meeting minutes; seconded by Mr. Sheehan and the motion carried 4-0.**

**A) Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108/118 Maple Street and Memory Lane, Map 88, Lots 35, 25, & 36, Map 89, Lot 38, 36, 37 & 39, DEP #305-992**

Mr. Boyd noted that the applicant has requested to continue this matter to September 16, 2015.

Mr. Ippolito noted that this matter is approximately one year old and requested the meeting minutes from the previous hearings on this matter be provided to the members for review as there is a lot of information. Mr. Boyd will provide the previous meeting minutes on this matter.

**MOTION:** Ms. Linder made the motion to continue Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108/118 Maple Street and Memory Lane, Map 88, Lots 35, 25, & 36, Map 89, Lot 38, 36, 37 & 39, DEP #305-992; seconded by Mr. Sheehan and the motion carried 5-0.

**B) Request for Determination of Applicability, New England Power Company, Route 38 and Power Company Road, Map 34, Lot 37**

Present was Allary Braitsch of VHB. Ms. Braitsch explained they are requesting a negative determination for a beautification project located at Power Company Road and Route 38. The applicant is proposing to plant an approximate 20 feet wide swath east and west of Power Company Road and Route 38. Ms. Braitsch noted that the plantings will be native plantings and, as a result, the project is exempt from the Wetland Protection Act and also the local Bylaw. Ms. Braitsch explained that the second portion of the project is to realign and pave Power Company Road to make it safer for the trucks and other traffic that enter and exit.

Mr. Boyd feels this is a great project and asked if there will be a monitoring plan for the vegetation and Ms. Braitsch confirmed this.

Ms. Linder noted that the report does not discuss a monitoring plan and suggested two growing seasons.

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

**MOTION:** Mr. Deackoff made the motion for a negative determination, New England Power Company, Route 38 and Power Company Road, Map 34, Lot 37, a 2 season monitoring plan with the Conservation Agent shall be put in place; seconded by Mr. Ippolito and the motion carried 4-0.

**C) Request for Certificate of Compliance, New England Title & Escrow Services, 115 Brown Street, Map 82, Lot 111, DEP #305-802**

Mr. Boyd explained that he reviewed the files for this property and it was determined that some wetland replications were done. Mr. Boyd has requested the applicant obtain a letter from a Wetland Scientist that the restoration was done properly. Mr. Boyd explained that since it is not a public hearing the matter does not need to be continued to a specific date and no vote is necessary. Mr. Boyd will put this matter back on the agenda once the requested documentation has been received.

**D) Request for Certificate of Compliance, Joseph F. Cullen, 395 Pinnacle Street, Map, DEP #305-364**

Mr. Boyd explained that this matter is a little confusing as this specific lot is not a part of the subdivision. A full Certificate of Compliance for the entire subdivision is being requested; however, only this lot has been filed for. Mr. Boyd explained that the applicant still needs to provide additional information to obtain the certificate of Compliance. Once this information has been received, the matter will be put back on the agenda.

**E) Request for Certificate of Compliance, Attorney Bob Peterson, 100 Eastgate Road, DEP #305-602**

Mr. Boyd explained that the applicant asked if he needed to be present and he informed him that so long as the Commission was comfortable with that then it would be fine to not attend. Mr. Boyd noted that he provided the members with copies of buildings permits along with the original Order of Conditions; which states that there would never be more development on the lot; however, additional permits were issued. In addition, the Order of Conditions states a partial Certificate of Compliance cannot be issued; however, given the fact the additional building permits were obtained and Conservation Commission approval was granted, it would be fine to issue the partial certificate.

**MOTION: Ms. Linder made the motion to issue a partial certificate of compliance, Attorney Bob Peterson, 100 Eastgate Road, DEP #305-602; seconded by Mr. Ippolito and the motion carried 4-0.**

**F) Request for Determination of Applicability, Evan Green, 20 Mount Joy Drive, Map 39, Lot 59**

Present was David Kelly of K&H Enterprises. Mr. Kelly explained that he has been working with the homeowners to install a 20x40 in ground pool and a 12x20 cabana. They are proposing hay bales and silt fence along the wetlands.

Mr. Boyd noted that the proposed cabana is outside of the buffer zone; however, the pool is approximately 88 feet. Mr. Boyd explained that so long as erosion controls are in place and no materials are stored near the wetlands, he is fine with the project.

Ms. Linder requested the water discharge be directed away from the wetlands.

Mr. Parker opened the hearing to the public.

Carl Bateson of 9 Mount Joy Drive was present and noted that they are in support of the project.

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

**MOTION:** Ms. Linder made the motion for a negative determination, Request for Determination of Applicability, Evan Green, 20 Mount Joy Drive, Map 39, Lot 59, discharge shall be directed away from the wetlands, erosion controls shall remain in place until construction has been completed and no material shall be stored close to the wetlands; seconded by Mr. Ippolito and the motion carried 4-0.

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

Present was Eric Gerard of TEC, Lawrence, MA. Mr. Gerard noted that this is the site of Advanced Surgical Solutions and explained that they were before the Commission in February for confirmation of the wetland boundaries. They flagged a BVW and it was confirmed by Weston & Sampson. It was also agreed that the C and A series were both accurate. Mr. Gerard noted that there is an intermittent stream that cuts through the rear of the property that they were unable to confirm for 4 dry days. They have since determined the 4 dry days: August 17-20 and according to the peer reviewer they need to confirm an additional day in September. Mr. Gerard provided the members with photographs of the site.

Mr. Boyd noted that he was reviewing the application on this matter and referenced a letter from Bill Manuell that states that the previous ANRAD lapsed and Mr. Manuell had determined it to be an intermittent stream at that time.

Ms. Linder noted that currently it is classified as a perennial stream and Mr. Boyd explained that because the ANRAD lapsed it is currently classified as a perennial stream. Ms. Linder explained that this is new information for her regarding the ANRAD being expired and explained that there are several conditions aside from the 4 day dry period, including it is not a drought period; which it currently is a drought. Ms. Linder explained that just the 4 dry days would not qualify. Mr. Boyd asked if we are currently 100% in drought and Ms. Linder confirmed to her knowledge we are in a drought. Mr. Gerard asked if the drought information is coming from the National Weather Service and Ms. Linder confirmed this. Mr. Boyd noted that he can obtain additional information on the drought over the next couple weeks and suggested continuing the matter. Ms. Linder suggested walking upstream to ensure there are no obstructions upstream. Mr. Gerard expressed concerns with going on private property and feels the stream is consistent with how it acted last year at this time. Mr. Boyd will verify the drought information and meet with Mr. Gerard on site.

**MOTION:** Ms. Linder made the motion to continue Abbreviated Notice of Resource Area Delineation, James Wu, 1201 Main Street, DEP #305-978 to September 16, 2015 at 7:04 p.m.; seconded by Mr. Ippolito and the motion carried 4-0.

## New Business

There was no new business.

## Old Business

Mr. Boyd explained he has been working with Ms. Linder on the fee schedule and it will require Commission approval. Mr. Boyd requested the members review the proposed fee schedule and provide their input at the next meeting.

## Adjourn.

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

***Approved: 9/16/15***

List of documents for 9/2/15 Agenda  
Documents can be located at the Community Development Office

- 7:00 P.M. Call Meeting to Order  
Approval of Bylaw Subcommittee Meeting Minutes-  
Approval of Minutes August 12th
- 7:02 P.M. Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108/118 Maple Street & Memory Lane, Map 88 Lots 35, 25, & 36, Map 89 Lots 38, 36, 37 & 39, DEP # 305-992
- *ANRAD Package dated June 2015 submitted by Norse Environmental*
  - *Conservation Plan dated 6/6/15 signed and stamped by James D. Aho*
- 7:03 P.M. Request for Determination of Applicability, New England Power Company, Route 38 & Power Company Rd, Map 34 Lot 37
- *Request for Determination of Applicability packet submitted by VHB July 2015*
- 7:06 P.M. Request for Certificate of Compliance, New England Title & Escrow Services, 115 Brown St., Map 82 Lot 111, DEP #305-802
- *Request for Certificate of Compliance Form 8A*
  - *Order of Conditions dated October 6, 2006*
- 7:08 P.M. Request for Certificate of Compliance, Joseph F Cullen, 395 Pinnacle Street, Map , DEP # 305-364
- *Request for Certificate of Compliance Form 8A submitted by Joseph Cullen*
  - *Order of Conditions DEP # 305-364*
  - *Map of land dated September 2, 2015*
- 7:11 P.M. Request for Certificate of Compliance, Attorney Bob Peterson, 100 Eastgate Rd. DEP # 305-602
- *Request for Certificate of Compliance Form 8a*
- 7:13 P.M. Request for Determination of Applicability, Evan Green, 20 Mount Joy Drive, Map 39 Lot 59
- *Plan of Land in Tewksbury dated September 8, 2014 signed by Thomas C. Baillee*
  - *Map of land dated September 2, 2015*
  - *Request for Determination of Applicability Form WPAI*