



**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 16, 2015**

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

Jonathan Parker and Carolina Linder were not in attendance.

Approval of Meeting Minutes – September 2, 2015

MOTION: Mr. Ippolito made the motion to approve the September 2, 2015 meeting minutes; seconded by Mr. Sheehan and the motion carried 3-0.

A) Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-978

Present was Eric Gerard of TEC, Lawrence, MA. Mr. Gerard explained that they were before the Commission two weeks ago to discuss the intermittent stream located in the rear of 1201 Main Street. At that time, they were asked to confirm if there was a drought period as well as to walk the stream. Mr. Gerard met with Mr. Boyd the following Thursday and confirmed that the stream was dry and confirmed that there currently is no drought status according to the drought management task force required by the WPA. Mr. Gerard noted that he has photographs from the site walk that he can provide to the Commission.

Mr. Deackoff asked if Mr. Gerard has seen the review letter from Weston & Sampson and Mr. Gerard confirmed this and noted that all modifications requested have been made.

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 Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-978, reference shall be made to plan dated February 12, 2015; seconded by Mr. Ippolito and the motion carried 3-0.

B) 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, 37 & 39, DEP #305-992

Mr. Boyd noted that the applicant has requested to continue this matter to October 7, 2015 at 7:02 p.m.

Vasilios Kafkas of 98 Maple Street came forward and noted that he is an abutter to this property. Mr. Kafkas requested that he be notified of all hearings and continuances as he rushed back from Europe for this hearing. Mr. Boyd noted that he emailed Mr. Kafkas today and informed him of the continuance. Mr. Kafkas thanked Mr. Boyd for the notification and requested all abutters be notified. Mr. Deackoff explained that it may be difficult to notify all abutters every time and suggested Mr. Kafkas contact the Conservation office prior to the hearing to see if the matter will be continued. Mr. Boyd requested Mr. Kafkas provide him with a list of email addresses for the abutters.

Mr. Ippolito requested the previous meeting minutes on this matter be provided to the members for their review prior to the next hearing.

MOTION: Mr. Sheehan 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 to October 7, 2015 at 7:02 p.m.; seconded by Mr. Ippolito and the motion carried 3-0.

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

Mr. Boyd explained that 395 Pinnacle Street abuts a subdivision known as DEP #305-364; the property was never a part of the subdivision. When the subdivision was recorded it took this parcel into consideration. Mr. Boyd provided a map showing the area is not within 100 feet of the wetlands and explained that the applicant is requesting a partial certificate for just this property.

MOTION: Mr. Ippolito made the motion to issue a partial Certificate of Compliance, Joseph F. Cullen, 395 Pinnacle Street, DEP #305-364 as recorded with the Middlesex North District Registry of Deeds at Book 5059, Page 36; seconded by Mr. Sheehan and the motion carried 3-0.

D) Request for Determination of Applicability, James M. Johnson, 90 Pinnacle Street, Map 77, Lot 24

Present was Frederick Gissel, Civil Engineer, on behalf of the applicant. Mr. Gissel explained that there is a need for sewer and water services at this location. The town sewer was installed in 2006-2007. Mr. Gissel noted that there is a quite a distance from the street to the back of the home where the service will be connected. The home is a raised ranch. Mr. Gissel explained that they have delineated to the edge of the BVW and the closest work is 90 feet from the edge of the BVW. This continues at 100 feet and then further than 100 feet beyond that. Mr. Gissel explained that they will install straw waddles along the side of the driveway from the roadway to the garage.

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. Ippolito made the motion for a negative determination, James M. Johnson, 90 Pinnacle Street, Map 77, Lot 24; seconded by Mr. Sheehan and the motion carried 3-0.

E) Notice of Intent, Gerald Salois, 31 Fraiser Lane, Map 25, Lot 74, DEP #305-0995

Present was Dick Cuoco of Woodland Design. Mr. Cuoco explained that applicant would like to install a gunite pool that was not shown on the original plans. Mr. Cuoco noted that they are approximately 70 feet from the resource area and explained that previously they had zoned the buffer zone from the BVW, but there was not a replication area that was installed. Mr. Cuoco advised them property owners that the buffer zone should be from the replication area and not the original BVW.

Mr. Ippolito asked what the sized of the pool is and Mr. Cuoco noted 20 X 40.

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 portion; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Ippolito made the motion to approve Gerald Salois, 31 Fraiser Lane, Map 25, Lot 74, DEP #305-0995, standard Order of Conditions, reference shall be made to plan dated August 31, 2015; seconded by Mr. Sheehan and the motion carried 3-0

Mr. Cuoco noted that he had intended to send a letter to Mr. Boyd, but it somehow got lost in transit. Mr. Cuoco explained that there are several trees within the development at Frasier Lane that have become deceased and they would like permission to remove these as necessary. Some are located within the 25 foot, but are a safety hazard. Mr. Cuoco noted that nothing would be done within the 25 foot to the BVW. Mr. Deackoff feels this would be a non substantial change given the original Order is still in place.

F) Request for Certificate of Compliance, Gentle Manor Country Club, 34 French Street, Map 9, Lot 14, DEP #305-831

Present was Matt Marro on behalf of the applicant. Mr. Marro explained that the last time was before the Commission there was a replication area that never had to be carried out as the utilities were adjusted. As a result, he requested the Certificate of Compliance and the Commission expressed concerns with the culvert and whether it had collapsed. Mr. Marro explained that the home is complete and the yard has been stabilized and provided the Commission with photographs of the area. Mr. Marro noted that the culvert appears to be carrying water quite well. Mr. Marro explained that when he visited the site there was a boulder headwall and one of the boulders had fallen over in front of the culvert and this has been corrected and cleaned.

MOTION: Mr. Ippolito made the motion to issue a Certificate of Compliance, Gentle Manor Country Club, 34 French Street, Map 9, Lot 14, DEP #304-831 as recorded with the Middlesex North District Registry of Deeds at Book 29011, Page 225; seconded by Mr. Sheehan and the motion carried 3-0.

G) Request for Certificate of Compliance, Hawthorne Development, LLC, 1624 Main Street, Map 72, Lot 35, DEP #305-940

Mr. Boyd explained that the applicant is from out of State and, as a result, he told them they were not required to come before the Commission. Mr. Boyd explained that reviews have been conducted by the applicant's engineer, the town engineer, and the town's consulting engineer and the bond for construction has been released.

Mr. Deackoff noted the Commission is also in receipt of a review letter from a registered professional Civil Engineer confirming it has been constructed in conformance with the notice of intent.

MOTION: Mr. Ippolito made the motion to Issue a Certificate of Compliance, Hawthorne Development, LLC, 1624 Main Street, Map 72, Lot 35, DEP #305-940; seconded by Mr. Sheehan and the motion carried 3-0.

H) Discussion, Jack Berube, 60 First Street, Map 81, Lot 198

Mr. Deackoff explained that this is for discussion purposes only. There will be votes taken and this is not a formal hearing. Mr. Deackoff noted that there are also two members absent who would also have input in the matter.

Present was Jack Berube. Mr. Berube provided the members with copies of two site plans showing his original proposal for this site that was not approved by the Commission as well as some of the modifications he is proposing. Mr. Berube explained that there are a couple things he needs to do to get the building permit: conservation Commission approval, ZBA approval, and Land Court approval to get a section of New Jersey Road abandoned. Mr. Berube noted that the would be out of the no disturb by approximately 3 feet on one side and 5 feet on the other side, would propose plantings, and would like to get the Commissions' feeling on the proposal prior to doing all the extra work and expenses. Mr. Berube noted that there are no replications being proposed under the new plan.

Mr. Ippolito requested continuing the discussion to the next meeting as all the members are not present and should be allowed to provide their input.

New Business

Mr. Boyd noted that he was recently contacted by Thermo Fisher expressing interest in getting involved in some open space maintenance on town properties and Mr. Boyd suggested 2000 Whipple Road as a possibility. Mr. Deackoff suggested contacting the Rail Trail Committee to see if there are any areas that could be cleared.

Old Business

Mr. Boyd noted that he would like to conduct a public hearing on the new proposed fee schedule prior to the Commission approving the changes to receive public input.

Adjourn.

MOTION: Mr. Ippolito made the motion to adjourn; seconded by Mr. Sheehan and the motion carried 3-0.

Approved: 10/7/15

List of documents for 9/16/15 Agenda
Documents can be located at the Community Development Office

Approval of Minutes September 2

- 7:02 P.M Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group, 1201 Main Street, Map 60 Lot 39, 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*
 - *Mel Higgins Amended Existing Conditions Plan*
- 7:04 PM 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*
- 7:06 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*
- 7:08 P.M Request for Determination, James M. Johnson, 90 Pinnacle Street, Map 77 Lot 24
- 7:07 P.M Notice of Intent, Gerald Salois, 31 Frasier Lane, Map 25 Lot 74, DEP #
- *Notice of Intent Form WPA 3 submitted by Richard Cuoco*
 - *Site Plan 31 Frasier Lane signed and stamped by Richard E. Cuoco dated August 31, 2015*
- 7:09 P.M Request for Certificate of Compliance, Gentle Manor Country Club, 34 French Street, Map 9 Lot 14, DEP # 305-831
- *Letter of Compliance from Mathew Marro dated June 5, 2015*
 - *WPA Form 8A submitted by Mathew Marro*
- 7:11 P.M Request for Certificate of Compliance, Hawthorne Development LLC, 1624 Main Street, Map 72 Lot 35, DEP # 305-940
- *Statement of Final Compliance from Sebago Technics signed and stamped by Robert A. McSorley dated August 6th, 2015*
 - *Utility as Built Plan dated January 7th, 2015*
 - *Request for Certificate of Compliance Form 8A submitted by Robert A. McSorley*
- 7:13 P.M Discussion, Jack Berube, 60 First Street, Map 81, Lot 198