



**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
December 2, 2015**

The meeting was called to order by Jonathan Parker, Chairman, at 7:00 p.m. at the Town Hall, 1009 Main Street. 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 – November 4, 2015 and November 18, 2015

Mr. Ippolito noted that the date in the November 4, 2015 meeting minutes is incorrect.

MOTION: Mr. Ippolito made the motion to approve the November 4, 2015 meeting minutes as amended; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Ippolito made the motion to approve the November 18, 2015 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 3-0.

A) Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-997

Mr. Parker noted that this matter will be continued to December 16, 2015.

MOTION: Mr. Ippolito made the motion to continue Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305 to December 16, 2015 at 7:02 p.m.; seconded by Mr. Sheehan and the motion carried 3-0.

B) Enforcement Order Update, Donald Carter, 60 Victor Drive, Map 73, Lot 33

Mr. Boyd noted that the applicant will not be in attendance tonight; however, he can provide an update. The Commission previously gave the homeowner the option to remove the fill or hire a wetland scientist and file a Request for Determination and he has chosen the latter. Mr. Carter has had the area surveyed and the wetlands flagged and will be filing a Request for Determination.

Ms. Linder arrived.

MOTION: Mr. Ippolito made the motion to continue Enforcement Order Update, Donald Carter, 60 Victor Drive, Map 73, Lot 33 to December 16, 2015 at 7:04 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

C) Enforcement Order Update, Anthony Venuti, 82 Pinta Drive, Map 8, Lot 72

Present was Anthony Venuti of 82 Pinta Drive. Mr. Venuti explained that at the previous meeting it was concluded that he needed to develop a plan to address the eroded area on his property and has presented a plan to Mr. Boyd. The plan has been distributed to the members. Mr. Venuti explained that he is seeking to enrich the existing soil and sand with organic material, spread a wetlands mixture of seeds; which he has already obtained and can provide a listing of what the mix is comprised of if necessary, cover that with salt marsh hay, and then cover that with erosion control matting and let the area establish. Mr. Venuti noted that he has already installed the sedimentation barrier and explained that he is hoping to get the work completed this month as the weather could become a factor.

Mr. Boyd suggested using the wetland mix on the lower side and the stabilization mix on the higher side.

Ms. Linder suggested a monitoring plan also be put in place. Mr. Boyd requested Mr. Venuti provide the Conservation Department with photographs twice a year and Mr. Venuti confirmed he will do this.

MOTION: Mr. Deackoff made the motion to ratify Enforcement Order Update, Anthony Venuti, 82 Pinta Drive, Map 8, Lot 72, the Commission accepts the restoration plan, a two year monitoring plan shall be put in place, the homeowner shall provide the Conservation Agent with photographs twice a year; seconded by Ms. Linder and the motion carried 4-0.

D) Notice of Intent, Arnold Martel, 15 Starbird Avenue, Map 58, Lot 169, DEP #305-998

Mr. Parker noted that this matter will be continued to December 16, 2015.

MOTION: Mr. Ippolito made the motion to continue Notice of Intent, Arnold Martel, 15 Starbird Avenue, Map 58, Lot 169, DEP # to December 2, 2015 at 7:06 p.m.; seconded by Mr. Sheehan and the motion carried 5-0.

E) Notice of Intent, Maplewood Road, Map 54, Lot 2, Map 40, Lot 26, DEP #

Mr. Boyd noted that a DEP file number still has not been issued and explained that the Commission issued an emergency certification to replace the pipe. When the applicant

went to do the work, it was determined that there is a gas line very close by. As a result, they have redesigned the plan to two smaller pipes to go around the gas line. Mr. Boyd explained that he requested, Brian Gilbert, Department of Public Works Superintendent, write something up authorizing the change and it will likely be ratified at the next Conservation Commission meeting.

MOTION: Mr. Deackoff made the motion to continue, Maplewood Road, Map 54, Lot 2, Map 40, Lot 26, DEP #, to December 16, 2015; seconded by Mr. Ippolito and the motion carried 4-0.

F) Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108 & 118 Maple Street, 55 Memory Lane, and Memory Lane, Map 88, Lots 35, 25, and 25, Map 89 Lots 38, 36, 37, and 39, DEP #305-992

Mr. Parker requested a motion to continue Maple Estates.

MOTION: Mr. Ippolito 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. and the motion carried 4-0.

G) 20 Riverview Discussion on revised plans

Present was Jim Hanley of Civil Design Consultants. Mr. Hanley provided the members with a revised plan and explained that last November they filed with the Zoning Board of Appeals for a variance and Conservation Commission for a Notice of Intent. At that time, the Commission wrote a letter of support to the ZBA for the front yard variance; however, the ZBA denied the request. As a result, they came back to the Commission with Sheet C-1 and an Order of Conditions was issued. Some time after the appeal period expired, DEP intervened. Mr. Hanley noted that DEP initially intervened because they felt the flood plain elevation was incorrect. Mr. Hanley explained that he started the design in September-October, 2014 and FEMA came out with a new flood study in August, 2014. Mr. Hanley received the August study 30 days before and thought it was correct. Mr. Hanley noted that if you read into the details, the Shawsheen Watershed was not updated as that had been done in 2010; however, it was never carried over to the 2014 study. The flood elevation has gone from 85.2 to 87. Mr. Hanley noted that disagrees with DEP's intervention as they did not intervene until 45 days after nor did they note this under the initial review; no feedback was received. Mr. Hanley explained that they worked with DEP all summer to come up with the current plan; which he referred to as "the third sheet".

Mr. Hanley explained DEP denied a superseding Order of Conditions in October as they feel the comp storage has a "choke point" at the house. It is Mr. Hanley's opinion, as the engineer that designed the project, that this is an extreme overreach by DEP and that the plan complies. Mr. Hanley noted that they are prepared for the adjudicatory process; however, he does not feel it would be in his client's best interest to do that.

Mr. Hanley discussed Sheet C-1; which is an option that DEP has presented as a way to settle outside of the adjudicatory process, however, Board of Appeals approval would be required. Mr. Hanley noted that this would also require they go before the Planning Board first as it is within two years of a denial. Mr. Hanley explained that they are requesting the Commission support this plan and present a letter of support to the Board of Appeals as well as reach out to them to make them understand. Mr. Hanley noted that if they do not receive the approval, they will go forward with the adjudicatory process.

Mr. Boyd requested Mr. Hanley review the differences in the plan that is being presented from what the Commission approved. Mr. Hanley explained that the plans are very different; in the approved plan the home was located within the riverfront area, within 50 feet to the nearest wetland line, within the flood plain, and set at such an elevation that everything except the house would be wet. Mr. Hanley noted that if approval is obtained, they would still need to go before FEMA.

Mr. Boyd and Mr. Parker both noted that they prefer the new plan. Ms. Linder noted that her concern is that trees are being removed for the home.

Mr. Parker asked what is being proposed between the home and the house next door and Mr. Hanley explained that they are proposing a privacy fence and noted that they will be conforming and the neighbor is not.

Mr. Parker will attend the ZBA meeting on behalf of the Commission.

MOTION: Ms. Linder made the motion to support the new design for the relocation of the home and present a letter of support to the Board of Appeals; 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. Ippolito made the motion to adjourn; seconded by Ms. Linder and the motion carried 4-0.

Approved: 12/16/15

List of documents for 12/2/15 Agenda
Documents can be located at the Community Development Office

Approval of Minutes November 4 & November 18th

- 7:02 P.M Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60 Lot 39, DEP #305-997
- *Review letter from Bill Manuell dated November 11th, 2015*
 - *Review letter from Kyle Boyd*
 - *Notice of Intent submittal package dated October 15th, 2015*
 - *Site Plans submitted by TEC signed and stamped by Eric Girade dated 10/9/15*
- 7:04 P.M Enforcement Order Update, Donald Carter, 60 Victor Drive, Map 73 Lot 33
- *Enforcement Order Form WPA Form 9 dated October 30th, 2015*
 - *Photographs from 60 Victor Drive dated October 29, 2015*
- 7:06 P.M Enforcement Order Update, Anthony Venuti, 82 Pinta Drive, Map 8 Lot 72
- *Enforcement Order Form WPA 9 dated October 30th, 2015*
 - *Photographs from 82 Pinta Drive dated October 29th, 2015*
 - *Restoration Plan from Anthony Venuti dated November 17th, 2015*
- 7:07 P.M Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP # 305-998
- *Review letter from Bill Manuell dated November 21, 2015*
 - *Review letter from Kyle Boyd dated November 21, 2015*
 - *OSRD Special Permit Requirements Doc*
 - *Notice of Intent submittal package dated November 2015*
- 7:06 P.M Notice of Intent, Maplewood Road, Map 54 lot 2, Map 40 lot 26, DEP #
- *Letter from DPW Superintendent dated December 3, 2015*
 - *Culvert replacement plans submitted by Joseph Guiliano*
 - *Notice of Intent Package dated September 23, 2015*
- 7:08 P.M Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108 & 118, and 55
Memory Lane, Assessor Map 88 Lots 35, 25, and 36, Map 89 Lots 38, 36, 37, 39
DEP#
- *Revised ANRAD Plan titled "Conservation Plan" with final revisions dated November 30th, 2015 signed and stamped by James Aho*
 - *ANRAD Plan titled "Conservation Plan" dated June 16, 2015 signed by James Aho*
 - *ANRAD Submittal package dated June 2015 submitted by Norse Environmental*
- 7:10 P.M 20 Riverview Discussion on revised plans
- *Variance Plan package signed and stamped by James Hanley*