



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

Daniel Ronan, Chairman  
Evan Walsh, Vice-Chairman  
Patrick Holland  
Dennis Sheehan  
Steve Gove

**Meeting Minutes  
January 19, 2022**

The meeting was called to order at by Daniel Ronan, Chairman, at the Tewksbury Town Hall at 7:00 p.m. In attendance was Evan Walsh, Vice-Chairman, Patrick Holland, Dennis Sheehan, and Steve Gove.

Mr. Ronan noted that Mr. Gove will be recusing himself from all voting this evening.

**Approval of Meeting Minutes – December 1, 2021, October 6, 2021 and September 15, 2021**

**MOTION:** Mr. Holland made the motion to approve the December 1, 2021 meeting minutes; seconded by Mr. Walsh and the motion unanimously carried 4-0-1. Mr. Gove did not take part in this vote.

**MOTION:** Mr. Holland made the motion to approve the October 6, 2021 meeting minutes; seconded by Mr. Sheehan and the motion unanimously carried 4-0-1. Mr. Gove did not take part in this vote.

**MOTION:** Mr. Holland made the motion to approve the September 15, 2021 meeting minutes; seconded by Mr. Sheehan and the motion unanimously carried 4-0-1. Mr. Gove did not take part in this vote.

**A) Emergency Certification, Paul & Susan Rice, 50 Dalton Street, Assessor Map 30, Lot 6**

Mr. Fontaine explained that an Emergency Certification was issued for a failed Title V assessment for the septic system. The Tewksbury Health Department issued an Order for property to connect to town sewer. Mr. Fontaine noted that the conditions for the Certification are to establish a straw waddle or silt fence to be inspected by the Conservation Agent prior to construction.

Mr. Holland asked if this is the same property seeking a Request for Determination of Applicability (RDA) to connect to town water and Mr. Fontaine confirmed this.

**MOTION: Mr. Holland made the motion to ratify the Emergency Certification for Paul & Susan Rice, 50 Dalton Street, Assessor Map 30, Lot 6; seconded by Mr. Sheehan and the motion unanimously carried 4-0-1. Mr. Gove did not take part in this vote.**

**B) Public Hearing, Restoration Plan, Hancock Associates of Marlborough, MA, 1022 South Street, Assessors Map 109, Lot 4, continued from December 15, 2021 and January 5, 2022 meetings.**

Present was David Cowell, Senior Wetland Scientist with Hancock Associates.

Mr. Cowell explained that this matter was continued from the December meeting, at which time a restoration plan was presented and, he believes, was largely approved. Mr. Cowell noted that the continuance was to allow him time to ensure his client agreed with what was being proposed, and, overall, the conditions of the plan are satisfactory with one small grievance being the shed on the property. Mr. Cowell provided a photograph of the shed and explained that the shed was existing when his client purchased the home and dating back to at least 1997. Mr. Cowell explained that they feel that they are unable to relocate the shed as it may destroy it and there is no other location to put the shed on the property.

Mr. Fontaine noted that he would like to review some of the points that were made during the first hearing on this matter:

- A monitoring plan with monitoring taking place each growing season until at least 75% vegetative growth is achieved, prior to a Certificate of Compliance being issued.
- Establishment of demarcation of the wetland boundary.

Mr. Cowell noted that he discussed this with the applicant and for a cost-effective approach, they would like to relocate some of the shrubs and have a shrub row.

- The dirt piles in the wetland should be removed.

Mr. Cowell confirmed this and explained that would likely have to wait until wait until the ground is not frozen.

- The Conservation Agent shall be notified once restoration begins.

Mr. Cowell noted that planting and seeding would be done seasonally appropriate.

- As built shall be provided once the project is complete.

Mr. Ronan opened the hearing to the public and no one came forward to comment.

**MOTION:** Mr. Holland made the motion to close the public hearing; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. Gove did not take part in this vote.

**MOTION:** Mr. Holland made the motion to approve Restoration Plan, Hancock Associates of Marlborough, MA, 1022 South Street, Assessors Map 109, Lot 4; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. Gove did not take part in this vote.

- C) **[Public Hearing] Notice of Intent, Culvert Replacement Project, Vanasse Hangen Brustlin, Inc (VHB) of Watertown, MA on behalf of the Town of Tewksbury Department of Public Works, near 151 Pringle Street, Assessors Map 106, Lot 46, DEP File #305-1147**

Mr. Fontaine noted that he had a question on how the 100-year flood plain was established and is awaiting the applicant's response.

**MOTION:** Mr. Holland made the motion to continue Notice of Intent, Culvert Replacement Project, Vanasse Hangen Brustlin, Inc (VHB) of Watertown, MA on behalf of the Town of Tewksbury Department of Public Works, near 151 Pringle Street, Assessors Map 106, Lot 46, DEP File #305-1147 to February 2, 2022 at 6:30 p.m.; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. Gove did not take part in this vote.

- D) **[Public Hearing] Notice of Intent, Vanasse Hangen Brustlin, Inc (VHB) on behalf of the Town of Tewksbury Department of Public Works, Bayberry Lane, Assessor Map 71, DEP File #305-1143. Continued from the October 20, 2021 and January 5, 2022 meetings.**

Mr. Fontaine noted that he believes the applicant would like to change the water bypass and they are working on a new strategy.

**MOTION:** Mr. Holland made the motion to continue Notice of Intent, Vanasse Hangen Brustlin, Inc (VHB) on behalf of the Town of Tewksbury Department of Public Works, Bayberry Lane, Assessor Map 71, DEP File #305-1143 to February 2, 2022 at 6:30 p.m.; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. Gove did not take part in this vote.

- E) **Wetland Protection Funds**

Mr. Fontaine explained that there are two classes being held at UNH that he feels would benefit himself as a Conservation Agent.

**MOTION: Mr. Holland made the motion to appropriate \$500.00 from the Wetland Protection Fund; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. did not take part in this vote.**

### **Old Business**

There were no items discussed.

### **New Business**

Mr. Fontaine explained that the DPW is trying to inspect several sewer manholes located in wetland areas. The work would involve accessing the manholes to open them and conduct a visual inspection. Mr. Fontaine explained that although this project is exempt under sewer maintenance, he ensured that the best management practices being used throughout were adequate. Mr. Fontaine noted that there will be no disturbance other than access and that this was approved under an exempt activity.

Mr. Holland noted that the manholes must be maintained as it is a public utility.

### **Pondview Estates**

Mr. Fontaine explained that Pondview Estates, which is located at the corner of Chandler Street and Helvetia Street, had done a delineation and the work being done was well outside of the 100-foot buffer zone and outside of Conservation Commission jurisdictional areas. Mr. Fontaine noted that he walked the wetland boundary and wanted to make the Commission aware that although there may be activity currently happening there, he is checking in with the developer to ensure they are not encroaching within the 100-foot buffer zone. Mr. Fontaine explained that once the foundations are completed for each house, a survey will be provided showing the location of the dwellings to the 100-foot buffer zone. Any slight encroachment will be reviewed, however, if any encroachment did occur it would be for tree removal. Mr. Fontaine noted that all dwellings are outside of the 100-foot buffer zone.

### **Exempt Project Procedures**

Mr. Fontaine explained that he would like to have a general discussion with the Commission on how to handle exempt projects and handling other day-to-day items such as building permits and utility maintenance projects.

Mr. Walsh noted that he has had a couple of conversations with Mr. Fontaine regarding this and explained that he would like to ensure that there are no delays if it is an emergency. Mr. Walsh explained that public health and safety are always most important and noted that if it is a situation where there is ample time to come before the Commission, then they should do so.

Mr. Fontaine explained that National Grid projects are typically exempt and on occasion construction mats are used. Mr. Fontaine asked if the Commission would like those matters to come before the Commission. It was the consensus for Mr. Fontaine to use his best judgement on these matters.

Mr. Fontaine explained that he is typically the first to see a building permit application and 95% of the time he will conduct a site walk to see if it is a jurisdictional area. Mr. Fontaine explained that based on site visit, he determines if the project is exempt or not and will issue an exemption letter if exempt. It was the consensus of the Commission that this procedure is fine.

Mr. Walsh asked if the bylaws should be amended to include the word sewer. Mr. Ronan agreed with this and explained that a bylaw change would require a separate committee. Discussion took place on the procedures for a bylaw amendment.

#### 2512 Main Street

Mr. Fontaine explained that he just recently became aware of 2512 Main Street and noted that there is a volleyball court in the back.

Mr. Holland noted that this is the location of Hobart's store and explained that the Commission recently approved plans for the construction of a new building.

Mr. Fontaine explained that the property owner is proposing some revisions and provided a copy to the Commission. Mr. Fontaine noted the revisions are minor grading changes, with the largest being on the lefthand portion, so that stairs are not required to enter and exit the building.

Mr. Holland inquired about the vacant lot on Main Street by the old auto part store and asked if there is any update on the pile of dirt. Mr. Fontaine explained that the property did recently have a change of ownership, but he will reach out to them for a status.

#### 84 Leighton Lane

Mr. Fontaine noted that 84 Leighton Lane will be before the Conservation Commission next week and explained that he would like to make the Commission aware that there was an unpermitted installation of a pool with decks and loom and seed. Mr. Fontaine explained that part of it is being managed under a violation notice that he recently issued and part of it will be an application before the Commission.

Mr. Holland requested the appointment of a new Clerk be put on the next agenda.

#### **Administrators Report**

There was no Administrators Report provided.

#### **Adjournment.**

**MOTION: Mr. Holland made the motion to adjourn; seconded by Mr. Sheehan and the motion unanimously carried 5-0.**

**Approved: February 16, 2022**

*List of Documents for the 01.19.2022 Meeting*  
*Documents can be found in the Community Development Office*

**06:30 P.M. Call Meeting to Order**

**Approval of Minutes;** September 15, 2021; October 6, 2021; October 20, 2021; November 3, 2021; November 17, 2021; December 1, 2021; December 15, 2021

**A. Emergency Certification; Paul & Susan Rice, 50 Dalton Street, Assessor Map 30 Lot 6**

*New Documents:*

- 1) Un-ratified Emergency Certification
- 2) Health Department Order
- 3) Site Plans

**B. [Public Hearing] Restoration Plan; Hancock Associates of Marlborough, Massachusetts, 1022 South Street, Assessor Map 109 Lot 4. Continued from 12/15/2021 & 01/05/2022 Conservation Commission meetings.**

*Old Documents:*

- 1) Application Package:
  - a. Project Narrative
  - b. Enforcement Order
  - c. Figures
  - d. Native Seed Mix Specification
  - e. Abutter Notification Information
  - f. Restoration Site Plan

- 2) Photo Log

**C. [Public Hearing] Notice of Intent; Culvert Replacement Project, Vanasse Hangen Brustlin, Inc. of Watertown, Massachusetts on behalf of the Town of Tewksbury Department of Public Works, (continued from 12/01/2021 meeting), near 161 Pringle Street, Assessor's Map 106, Lot 46. DEP File # 305-1147.**

*New Documents:*

- 1) Updated Application Package:
  - a. Cover Letter/Project Narrative
  - b. Abutter Information
  - c. Stormwater Memo
  - d. Wildlife Habitat Evaluation
  - e. Updated Project Plans
  - f. USGS/Aerial/NHESP/FEMA Maps
  - g. WPA Form 3 – Notice of Intent
  - h. NOI Wetland Fee Transmittal Form

i. Tewksbury Notice of Intent Checklist

2) Transmittal Letter

Old Documents:

1) Photo Log

**D. [Public Hearing] Notice of Intent; Vanasse Hangen Brustlin, Inc. (VHB) on behalf of the Town of Tewksbury Department of Public Works, Bayberry Lane, Assessor Map 71. DEP File # 305-1143. Continued from 10/20/2021 & 01/05/2022 Conservation Commission meetings.**

New Documents:

- Response letter from VHB, Inc. dated 01/13/2022

Old Documents:

Updated Application Package:

- WPA Form 3 – Notice of Intent
- NOI Wetland Fee Transmittal Form
- Site Maps and Site Plans
- Abutter Notification Information
- Wildlife Habitat Evaluation
- DEP Field Data Forms
- Updated Site Plans (dated 12/23/2021)
- Photo Log

**E. Wetland Protection Funds**

**Old Business**

**New Business**

**Administrators Report**

**Adjournment**