



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

Stanley Folta, Chairman  
Anthony Ippolito, Vice-Chair  
Sean Czarniecki, Clerk  
Stephen Deackoff  
Dennis Sheehan

**Meeting Minutes  
January 17, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Town Hall by Stanley Folta, Chairman. Present at the meeting were Anthony Ippolito, Dennis Sheehan, and Sean Czarniecki. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary. Stephen Deackoff was not in attendance.

**Approval of Meeting Minutes – December 19, 2012 and January 2, 2013**

Mr. Czarniecki noted a change on page 4 of the December 19, 2012 meeting minutes.

**MOTION: Mr. Czarniecki made the motion to approve the December 19, 2012 meeting minutes as amended; seconded by Mr. Ippolito and the motion carried 4-0.**

**MOTION: Mr. Czarniecki made the motion to approve the January 2, 2013 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 4-0.**

Mr. Folta noted that the meeting is running ahead of schedule and asked Mr. Boyd if he has anything new to report. Mr. Boyd provided an update on the enforcement order for 91 Emily Road. The owner of the property, Brian Schofield, has been requested to submit a deposit in the amount of \$600.00 to have Bill Manuel visit the property and determine a plan for the restoration of the site.

Mr. Folta noted that the meeting is still running ahead of schedule and requested taking a three minute recess.

**MOTION: Mr. Czarniecki made the motion to take a 3 minute recess as the meeting was running ahead of schedule; seconded by Mr. Sheehan and the motion carried 4-0.**

The meeting was called back to order at 7:05 p.m.

**A) Continued Public Hearing, Notice of Intent, Poland Avenue and Foster Lane, James Sullivan, Map24, Lot 25, DEP #305-943**

Jeff Ryder of Cuoco & Cormier and the applicant, James Sullivan, were present. Mr. Folta noted that the Commission is in receipt of the review letters from Bill Manuel and Joseph Serwatka and requested the applicant discuss letters. Mr. Ryder noted that they are in agreement with all of the items in Mr. Serwatka's review letter dated January 15, 2013 and reviewed the following items from the letter:

- 1) Mr. Serwatka expressed concerns on a conventional subdivision versus an OSRD. Mr. Ryder noted that they have researched the pros and con's regarding each and the applicant, as well as the Planning Board, prefers the OSRD layout. An OSRD will require a special permit which will allow the town more control over the lots.
- 2) Mr. Serwatka notes that the westerly wetland flag delineation appears to be aligned without flag numbers. Mr. Ryder explained that when the OSRD calculations were determined they did not include the area on the other side of the wetlands. The calculations have been amended to ensure that they meet all of the open space requirements of an OSRD.
- 3) Mr. Serwatka yields to Mr. Manuel's letter dated January 9, 2013 regarding potential vernal pools.
- 4) Mr. Ryder noted that the grading around the infiltration basin has been revised as requested by Mr. Serwatka and the revised plans have been submitted to both the town and Mr. Serwatka.
- 5) Mr. Serwatka notes that the limits of clearing shown on Lots 5 and 6 have minimal clearance to the house and he is concerned that additional clearing may occur in the future. Mr. Ryder noted that the plans have been revised to show additional clearing in these areas.
- 6) Mr. Ryder met with Mr. Serwatka and town staff regarding the potential changes to the driveway locations. The town currently issues permits for the entire subdivision based on the approved plans rather than individual driveways. Any changes to the driveways would require DPW approval.
- 7) Mr. Serwatka expressed concerns with the setbacks from the infiltration basin, vernal pools and the level of treatment that the storm water runoff would receive. Mr. Ryder explained that the revised plans depict the infiltration approximately 100 feet from the closest potential vernal pool. Mr. Manuel has no issues with the design as it is presented.

Mr. Boyd noted that National Heritage has reviewed the plans and feel that the proposed project will not alter the habitat significantly so long as certain conditions are implemented. Mr. Ryder confirmed he is in receipt of the correspondence from National Heritage and explained that no changes to the plans were suggested.

Mr. Ryder referenced Mr. Manuel's letter dated January 9, 2013 and noted that Mr. Manuel also had concerns with infiltration and he has deferred to Mr. Serwatka. Mr. Folta noted that he has spoken with Mr. Manuel regarding this project and was informed that he has no issues as it is being presented. Mr. Ryder noted that the infiltration basin has been adjusted based on Mr. Serwatka's comments and has been reduced in size.

- 8) Mr. Serwatka asked whether the roadside swales are intended to infiltrate runoff and/or ground water. Mr. Ryder explained that the swales are well above the ground water table and will not accept ground water. The swales are primarily intended to transfer water into the infiltration basin.
- 9) Mr. Serwatka requested that additional test pits be done while he is present. Mr. Ryder noted that this was done and Mr. Serwatka's concern was that there may be ledge that could impact the location of the house. Mr. Ryder confirmed that there is ledge; however, it is not expected to impact the location of the house. If there is an impact and significant changes are required, they will come back before the Commission for approval.
- 10) Mr. Ryder explained that the original proposal was for porous pavement; however, due to the National Heritage issues, as well as some concerns expressed by the town regarding maintenance, this has been changed to traditional pavement with roadside swales and an infiltration basin. Mr. Serwatka feels the swales do not conform to the subdivision rules and regulations and expressed concerns with future maintenance of the swales. As a result of a meeting that occurred with the applicant and town staff, the homes that have roadside swales in front will have deed restrictions requiring the homeowner's maintain the swales as part of their properties. Mr. Folta asked if these changes have been implemented on the definitive site plan. Mr. Ryder confirmed this. Mr. Boyd recommended the order of conditions also include the homeowner's are responsible for the maintenance of the swales and any alterations to the driveway layouts on the lots subject to the Commission's jurisdiction requires town approval. Mr. Sullivan explained that the swales will be located in the front yards of some of the homes. As a result, there should be no issues with the homeowner's maintaining them as part of their front yard.

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

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

**MOTION:** Mr. Folta made the motion to issue a standard order of conditions, Poland Avenue and Foster Lane, James Sullivan, Map24, Lot 25, DEP #305-943; reference shall be made to the letters from National Heritage dated January 14, 2013 as well as Mr. Serwatka's letter dated January 15, 2013 and Mr. Manuel's letter dated January 9, 2013; any changes to the driveway layouts shall be presented to the town prior to being made; a \$10,000.00 surety bond shall remain in place until the completion of the project; seconded by Mr. Ippolito and the motion carried 4-0.

**B) Public Meeting, Certificate of Compliance, 105 Wolcott Street, Martin Allen, Map 81, Lot 79, DEP #305-885**

Mr. Folta noted that this applicant was before the Commission a few months ago and an issue was raised with regards to the drainage. The Commission requested the applicant withdraw without prejudice until the item was corrected. The applicant has now made the necessary changes and is requesting a Certificate of Compliance.

Mr. Jeff Ryder of Cuoco & Cormier was present. Mr. Ryder explained that the drainage issues have been corrected and the updated plan has been submitted to the Commission.

Mr. Czarniecki noted that he visited the site and everything appears to be in order.

**MOTION:** Mr. Folta made the motion to issue a Certificate of Compliance for 105 Wolcott Street, Martin Allen, Map 81, Lot 79, DEP #305-885; seconded by Mr. Ippolito and the motion carried 4-0.

**MOTION:** Mr. Folta made the motion to release the bond for 105 Wolcott Street, Martin Allen, Map 81, Lot 79, DEP #305-885; seconded by Mr. Czarniecki and the motion carried 4-0.

**Old Business**

There was no old business.

**New Business**

There was no new business.

**Adjournment**

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

*Respectfully submitted,*

Approved:   
Sean Czarniecki, Clerk

2/6/13  
Date