



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

Stephen Deackoff, Chairman
Anthony Ippolito, Vice-Chair
Sean Czarniecki, Clerk
Dennis Sheehan
Carolina Linder

**Meeting Minutes
January 22, 2014**

The meeting was called to order at 7:00 PM at the temporary Tewksbury Town Hall by Stephen Deackoff, Chairman. Present at the meeting were Anthony Ippolito, Sean Czarniecki, Dennis Sheehan, and Carolina Linder. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Approval of Meeting Minutes - January 8, 2014

MOTION: Mr. Ippolito made the motion to table the approval of the January 8, 2014 meeting minutes; seconded by Mr. Czarniecki and the motion carried 5-0.

A) Request for Determination Applicability, 355 Marston Street, Mathew Leonard, Map 20, Lot 27

Present was Mathew Leonard of 355 Marston Street. Mr. Leonard provided the members with a copy of a plan of the site and noted that the wetlands are approximately 100 feet away. Mr. Boyd noted that the parcel next to Mr. Leonard was recently delineated by Norse Environmental Services; the delineation has not yet been approved. As a result, Mr. Boyd was able to verify where the wetlands are and the work will be approximately 70 feet from the edge of the wetlands.

Mr. Czarniecki asked what will be done with the well and Mr. Leonard explained that it will likely be disconnected, but that he may leave it as it is. Mr. Czarniecki explained that if Mr. Leonard wants to do something with the well in the future he would have to come back to the Commission.

Discussion took place on a whether a siltation barrier would be required. Mr. Leonard noted that the property is flat. Mr. Deackoff suggested the excess excavated material be temporary stockpiled towards the left side of the house near the driveway and not near the well.

Ms. Linder asked what the timeframe is for the project. Mr. Leonard explained that he is not sure if they are able to dig this time of year or when the ground will thaw. The project will likely begin in March/April.

Mr. Ippolito asked who will be doing the work and Mr. Leonard explained Cliff Construction. Mr. Sheehan asked if Cliff Construction is also doing the water line and Mr. Leonard confirmed this.

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 5-0.

MOTION: Mr. Ippolito made motion for a negative determination 355 Marston Street, Mathew Leonard, Map 20, Lot 27; seconded by Mr. Czarniecki and the motion carried 5-0.

B) Abbreviated Notice of Resource Area Delineation, 313 & 327 Marston Street, Hodges Family Realty Trust, Map 20, Lots 29 & 87

Mr. Deackoff noted that the Commission is in receipt of correspondence from the applicant requesting to continue this matter to the next meeting.

MOTION: Mr. Ippolito made the motion to continue Abbreviated Notice of Resource Area Delineation, 313 & 327 Marston Street, Hodges Family Realty Trust, Map 20, Lots 29 & 87 to February 5, 2014 at 7:02 p.m.; seconded by Ms. Linder and the motion carried 5-0.

C) Request for Certificate of Compliance, Richfield Company, LLC, 1073 Shawsheen Street, Map 100, Lots 86, DEP#305-933

Mr. Deackoff noted that the applicant is not present and suggested tabling this matter to the end of the meeting.

MOTION: Mr. Ippolito made the motion to table Request for Certificate of Compliance, Richfield Company, LLC, 1073 Shawsheen Street, Map 100, Lots 86, DEP #305-933 to the end of the meeting; seconded by Mr. Czarniecki and the motion carried 5-0.

New Business

Mr. Deackoff noted that the Bylaw Subcommittee also met earlier tonight to continue their review of the regulations. Mr. Czarniecki explained that discussed how going to proceed in terms on notifying the rest of the Commission as well as the public and ensuring details are included in the agenda so that the public is made aware that changes are being made. Mr. Czarniecki noted that the Subcommittee continues to work to change to make adjustments to the regulations.

Ms. Linder noted that she made edits to the bylaws and asked who she should present these amendments to. Mr. Boyd suggested Ms. Linder present the changes at the next meeting of the Bylaw Subcommittee and noted that there is only one Bylaw Subcommittee, but the members are on two different paths. Ms. Linder noted that it is her understanding that the language in the regulations is fifteen years old and in need of updating. Mr. Boyd cautioned against making changes to the bylaws outside of a public meeting. Mr. Czarniecki noted that he is almost completed his recommended edits and suggested Ms. Linder present her edits once he is completed.

MACC Conference

Mr. Boyd noted the annual MACC Conference will be held on March 12, 2014. Mr. Boyd will provide the information to the members. Mr. Deackoff explained that he has done the modules and plans on attending the conference. Mr. Deackoff noted that the session materials are also made available online after the conference.

Mr. Czarniecki discussed previous projects where an Order of Conditions was issued and a Certificate of Compliance is requested but the work was not done as originally presented. There was recently a matter before the Commission where this occurred. Mr. Deackoff explained that the most recent case where this occurred should have technically come back to the Commission for a non substantial change; however, the work that was done differently was acceptable and would have likely been approved as a non substantial change. Mr. Ippolito noted that the Commission should guide the applicants better when site visits are made. Mr. Deackoff noted that Item 4 of the Standard Order of Conditions addresses this and read this section aloud. Ms. Linder suggested that the Commission either request the applicant to remove the work that was changed or mitigate if the Commission finds it unacceptable.

Mr. Boyd noted that he will speak with the applicants when they file to review the Order of Conditions so that they are aware of what needs to be done.

Old Business

Mr. Ippolito requested a copy of the 2014 meeting schedule. Mr. Boyd will provide this.

Administrator's Report

There was no administrator's report.

MOTION: Mr. Czarniecki made the motion to untable Request for Certificate of Compliance, Richfield Company, LLC, 1073 Shawsheen Street, Map 100, Lots 86, DEP#305-933; seconded by Mr. Ippolito and the motion carried 5-0.

C) Request for Certificate of Compliance, Richfield Company, LLC, 1073 Shawsheen Street, Map 100, Lots 86, DEP#305-933

Mr. Deackoff noted that the applicant is still not present and suggested continuing this matter to the next meeting.

MOTION: Mr. Ippolito made the motion to continue Request for Certificate of Compliance, Richfield Company, LLC, 1073 Shawsheen Street, Map 100, Lots 86, DEP #305-933 to February 5, 2014 at 7:05 p.m.; seconded by Mr. Ippolito and the motion carried 5-0.

Adjournment

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

Respectfully submitted,

Approved: 3/5/14

List of documents for 2/22/14 Agenda
Documents can be located at the Community Development Office

Approval of Meeting Minutes-January 8, 2014

- A. 7:02 P.M. Request for Determination of Applicability, 355 Marston Street, Mathew Leanord, Map 20 Lot 27**
- *Request for Determination Form WPA Form 2*
 - *Site Plans created by Mathew Leanord dated 1/9/14*
- B. 7:05 P.M. Abbreviated Notice of Resource Area Delineation, 313 & 327 Marston Street, Hodges Family Realty Trust, Map 20 Lots 29 & 87**
- *Abbreviated Notice of Resource Area Delineation Plans dated 1/8/14*
 - *WPA Form 4A*
 - *Abbreviated Notice of Resource Area Delineation packet dated January 2014 submitted by Norse Environmental*
- C. 7:08 P.M. Request for Certificate of Compliance, Richfield Company LLC, 1073 Shawsheen Street, Map 100 Lots 86, DEP # 305-933**
- *WPA Form 8B*
 - *Notice of Intent dated January 21, 2012*