



**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
September 4, 2013**

The meeting was called to order at 7:00 PM at the 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 – August 14, 2013

MOTION: Mr. Czarniecki made the motion to approve the August 14, 2013 meeting minutes as presented; seconded by Mr. Ippolito and the motion carried 5-0.

A) Enforcement Order, Gora Banerjee, Memory Lane, Map 88, Lot 25

Mr. Boyd explained that he has visited the site several times and a few issues have been raised. Some of the work being done is beyond the scope of what was originally proposed. Approximately 5 months ago, Mr. Boyd visited the site, as several telephone calls had been received, and work was done in areas that were potentially under the Commission's jurisdiction. Mr. Boyd spoke with the property owner who agreed to have Bill Manuell visit the site to determine the work limits. Mr. Manuell marked out a 100 x 100 foot area that could be worked within that would not require a filing with the Commission; the area was staked out and a silt fence was installed. Approximately one week later, Mr. Boyd again visited the site and work was being done well beyond the area that had been marked out and an enforcement order was issued. In the meantime, communication from DEP was received stating that there may be some areas on site that were filled. The site has a long history of fill on the neighboring parcel. Mr. Boyd recommended an ANRAD be done by a professional wetland scientist prior to any additional work being done and approved by the Commission's consulting engineer.

Mr. Deackoff explained that while Mr. Boyd was on vacation, a call was received that work was being done at the site. Mr. Deackoff went out to the site and there were two piles of fill that had been dumped. Mr. Deackoff spoke with Steven Erickson of Norse Environmental Services who spoke with Mr. Banerjee and was informed that he did not authorize the dumping of the fill. Mr. Deackoff again went out to the site the next day and there were now

4 piles of fill. Beyond that, there was additional fill, debris, freshly cut trees, stockpiling, etc. near the wetlands beyond the silt fence. Mr. Deackoff agreed that the enforcement order should continue and an ANRAD shall be filed for within 30 days; all work shall cease and desist.

Mr. Ippolito noted that he also visited the site and is quite disturbed by what he observed. Mr. Ippolito noted that the 100x100 foot parcel has been pushed back, some of the trees have been marked in red, debris has been cut, and there are huge mounds of dirt and debris at the end of the access road. Mr. Ippolito requested Mr. Banerjee come before the Commission again as he has many questions and concerns regarding some of the things he witnessed. Mr. Ippolito requested all work be stopped immediately. Mr. Deackoff noted that Mr. Banerjee is aware of tonight's hearing, but stated he was unable to attend.

Ms. Linder noted that she too visited the site and witnessed the same things.

Mr. Ippolito also made note that next to the existing Maple Road that accesses the homes on the back portion of the lot an additional access area had been paved without authority from the Commission.

MOTION: Mr. Czarniecki made the motion to ratify and continue the Enforcement Order for Gora Banerjee, Memory Lane, Map 88, Lot 25, all activity on the property shall cease and desist, an ANRAD shall be filed for within thirty days of today's date; seconded by Mr. Ippolito and the motion carried 5-0.

B) Request for Determination of Applicability, New England Power Company, 1500 Shawsheen Street, Map 102, Lot 41

Present was Tim Sullivan of Vanasse, Hangen, & Brustlin (VHB).

Ms. Linder disclosed that she worked for VHB as a wetland scientist approximately three years ago.

Mr. Sullivan explained that they are proposing to replace two power line structures on Shawsheen Street. The project is expected to be completed this fall. The structure on the westerly side of Shawsheen Street is within the 100 and 50 foot buffers. The existing structures will be replaced with single steel structures with concrete foundations. The area is currently a maintained lawn with landscaped shrubs.

None of the members expressed concerns with the project as presented.

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 5-0.

MOTION: Mr. Ippolito made the motion for a negative determination, New England Power Company, 1500 Shawsheen Street, Map 102, Lot 41; standard

order of conditions, the maintenance and schedule plan shall be followed as presented in the application; seconded by Mr. Czarniecki and the motion carried 5-0.

New Business

There was no new business.

Old Business

Mr. Ippolito discussed the recent training that took place with DEP and noted that while he feels the training was informative and needed, it was a little too intense for the time period allotted. Mr. Ippolito suggested additional training sessions be held with the same instructor and possibly be held in shorter segments.

Ms. Linder made the recommendation that the instructor provide real life project examples to see how they are applied for each type of filing.

Mr. Boyd will contact the instructor to see if she would be willing to come back or if there are any other seminars/training courses they offer.

MOTION: Mr. Ippolito made the motion to hold a second training session with the same instructor for additional training; seconded by Mr. Czarniecki and the motion carried 5-0.

Mr. Ippolito discussed the recent communications regarding 527 Shawsheen Street and noted that he was happy to see all of the members being allowed to provide their input. Mr. Deackoff cautioned members about discussing specific cases via email and noted that the discussions were, and should be, on the general guidelines and not a specific case.

Administrator's Report

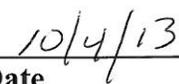
There was no administrator's report.

Adjournment

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

Respectfully submitted,

Approved: 
Sean Czarniecki, Clerk


Date