



**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
November 6, 2013**

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

Anthony Ippolito and Kyle Boyd, Conservation Agent, were not in attendance.

Approval of Meeting Minutes – October 16, 2013

MOTION: Mr. Czarniecki made the motion to approve the October 16, 2013 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 4-0.

A) Certificate of Compliance, Robert W. Barron, 71 John E. Smith Drive, Map 45, Lot 115, DEP#305-661

Present was Attorney Brian Barry on behalf of Robert Barron. Attorney Barry explained that he is present to request a Certificate of Compliance for an Order of Conditions that was issued in 2000 for the construction of a single family home at 71 John E. Smith Drive. The as-built plans were submitted to the building department in 2001 and somehow the Commission was overlooked. The property was recently sold and the outstanding Order of Conditions appeared on the title search.

Ms. Linder noted that the erosion controls are not shown well. Mr. Czarniecki noted that the work has been completed and the erosion controls are old. Discussion took place on the disturbance that would occur to remove the erosion controls. Ms. Linder noted that there was also debris and trash dumped close to the wetlands.

Mr. Barry explained that the home was sold in September and the new homeowner's are living there. Mr. Barron was unable to maintain the home due to his old age; the new owners are younger and should have no problems cleaning the area. Mr. Czarniecki noted that the current homeowner's have come to two previous hearings and they are aware of the issues with the property and have a good understanding on what needs to be done.

Mr. Deackoff asked if there is a bond in place and Attorney Barry was not aware. Mr. Deackoff explained that any bond in place will be released.

MOTION: Mr. Czarniecki made the motion to issue a certificate of compliance for Robert W. Barron, 71 John E. Smith Drive, Map 45, Lot 115, DEP #305-661, any bond associated with the project shall be released; seconded by Mr. Sheehan and the motion carried 4-0.

B) Notice of Intent, 184 South Street, Longview Nominee Trust, Map 94, Lot 30, DEP#305-959

Present was Maureen Hanley of Norse Environmental Services. Ms. Hanley provided the Commission with a copy of a plan of the site and explained that a notice of intent was filed to raze the existing dwelling and construct a new single family dwelling with driveway, deck and utilities. The structure will be 73.2 feet from the wetlands and the driveway will be 35.2 feet from the wetlands. The applicant is requesting a waiver from the 25 no disturb. Ms. Hanley explained that the property has been in existence since approximately 1930 and is existing lawn area up to the fence. In lieu of the 25 foot no disturb, they would install a post and rail fence on the property so that is clear where the boundaries are.

Mr. Czarniecki noted that he likes the proposal of the rail fence as the lawn does currently go right up to the wetlands and asked if it is also possible to install Bernstein markers in the event the fence is ever removed and to warn that there is no dumping over the fence. Ms. Hanley agreed that could be done. Mr. Czarniecki asked about the driveway and any regulations regarding this. Mr. Deackoff noted that asphalt and driveways are allowed.

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

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

MOTION: Mr. Czarniecki made the motion to approve the Notice of Intent for 184 South Street, Longview Nominee Trust, Map 94, Lot 30, DEP#305-959, reference shall be made to the plan dated September 3, 2013 and signed on October 10, 2013, standard order of conditions, Bernstein markers shall be installed every 25 feet along the proposed post and rail fence, a \$1,000.00 bond shall be submitted prior to the issuance of a building permit; seconded by Ms. Linder and the motion carried 4-0.

C) Request for Determination, 527 Shawsheen Street, Kristen Thorton, Map 84, Lot 86

Present was Kristen Thorton of 527 Shawsheen Street and Peter Chiaramonte. Ms. Thorton explained that the work includes the enclosure of an existing screen room/deck. Mr. Deackoff asked if any of the footings/posts will be changed. Mr. Chiaramonte explained that the posts had to be replaced to support the roof, but they are on the existing footings. This work has already been done.

Mr. Czarniecki noted that the most important thing is the wetlands are protected and requested the applicant ensure that nothing goes into these areas. Mr. Czarniecki asked if there are any erosion controls in place. Mr. Chiaramonte explained that they will not be doing any soil work and there will be minimal construction materials on site.

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

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

MOTION: Mr. Czarniecki made the motion for a negative determination, 527 Shawsheen Street, Kristen Thorton, Map 84, Lot 86; seconded by Mr. Sheehan and the motion carried 4-0.

D) Certificate of Compliance, 2087 Main Street, Gary Brown, Map 84, Lot B, DEP#305-935

Mr. Deackoff noted that the applicant is not present for this matter. Discussion took place on a certificate of compliance having already been issued for this property and whether the bond has been release.

Mr. Deackoff suggested continuing this matter until the next hearing.

MOTION: Mr. Czarniecki made the motion to continue Certificate of Compliance, 2087 Main Street, Gary Brown, Map 84, Lot B, DEP#305-935 to November 20, 2013; seconded by Mr. Sheehan and the motion carried 4-0.

New Business

Ms. Linder noted that there is a MACC conference scheduled for November 16, 2013 and explained that there are seminars and documentations that can be obtained if someone is unable to attend. Ms. Linder asked if this is something that would require preapproval or if reimbursement would be given. Mr. Deackoff explained that typically it is reimbursed and suggested Ms. Linder speak with Mr. Boyd on this.

Old Business

There was no old business.

Administrator's Report

There was no administrator's report.

Adjournment

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

Respectfully submitted,

Approved: 12/4/13