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Conservation Commission

Minutes

November 13, 2019

Ms. Mitchener called the Wednesday, Nov 13, 2019 meeting of the Conservation Commission to order at 6:00 PM in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

Members Lori Mitchener, Chair
Present: Randy Mason, Member
 Tim Allen, Member
 Melissa Campbell, Member
Absent: Tomas Sanchez

Staff Christine Doolin, Administrative Assistant
Present: Leah Basbanes, Conservation Agent

Discussion/ Correspondence File/Minutes

Minutes

Ms. Mitchener moved seconded, by Mr. Mason, and voted 5-0;
that the Conservation Commission approve the minutes from Oct 10, 2019.

Certificate of Compliance

10 Dogwood Lane/50 Adams St (245-1088) in-ground pool

Attorney James Digiulio was present to discuss the in-ground pool that is located at 50 Adams/10 Dogwood Lane.

At the last conservation meeting the Lori Mitchener had asked for a copy of the plot plan from the buyers, Atty. Digiulio emailed a copy to the conservation agent and also stated that he has not heard anything from the Town of Danvers yet. Leah Basbanes stated that the Town of Danvers did send a letter to the commission and the new home owners Mr. and Mrs. Jewell and Dana Row.

Agent Leah Basbanes asked Atty. Digiulio if he would like to see the letter to review before we go on. Atty. Digiulio reviewed the letter and stated that we have the deed from Dana Rowe and it indicates that the rear lot line is about 90ft and it also indicates the conveyance is subject to whatever rights the town of Danvers may have acquired to 82 and 1 half feet from the shore of the pond.

Atty. Digiulio said that he hasn't been out there but looking the engineers as-built, it appears that it runs from the wetlands not the pond. If you run 82ft from the pond your pretty close to the pool. I didn't do it by scale but it's pretty close.

Lori Mitchener states that we did hear from the town of Danvers and they want the pool removed and we cannot argue with the town of Danvers, it's their property.

Atty. Digiulio states that we are here about the compliance issue and I presented evidence to you the last time I was here that Dana Rowe hired a professional pool company, he hired a surveyor, he got an as-built from the company from Triple A and the as-built is showing the pool is within the lot line. The electrical and plumber inspector went out there and as far as Mr. Dana Rowe understood that everything was fine.

Tim Allen stated whether Dana Rowe is culpable or not it's not up to this commission to decide. We have a letter from the town of town of Danvers that owns the land that the pool is on saying that they want the pool removed.

Atty Digiulio stated that he has some ideas how he can resolve this with the town of Danvers unless we determine that it is encroaching. Leah said she would forward the letter from the town of Danvers so he can review.

Leah states that the as-built that we have here actually shows the pool being within 56ft off the wetland.

Leah states the Certificate of Compliance is not compliant with what was approved, my recommendation would be to deny this certificate and to issue an enforcement order to remove the pool and part of that enforcement order would be to file a Notice of Intent to do the pool removal and restoration.

Leah states the town of Danvers was originally notified because they were an abutter and they had no problem with it because it was proposed to be on the Rows property.

Atty. DiGiulio asked that the commission hold off on a decision until has an opportunity to talk with counsel and try to see what we can do there and perhaps we can come back in with a new Notice of Intent.

Tim stated the cleanest thing for the board to do is issue an enforcement order. If you come back to us with information that materially alters the situation we can reconsider. Right now this project is not compliant with the original order of conditions

Mr. Allen moved, seconded by Mr. Mason and voted 5-0;
To issue an enforcement order and deny the Certificate of Compliance.

10 Dogwood Lane/50 Adams St (245-843) house foundation and septic system

Mr. Allen moved, seconded by Mr. Mason and voted 5-0;
that the Conservation Commission issue a Certificate of Compliance for the work completed in substantial compliance.

157 Main St (245-567)

Luke Roy gave the commission a brief update to Northridge Condos. He stated that a contractor has been hired to clean out the stormwater basins. Mr. Roy said he would go out and do some inspections.

Continued to December 11th, Conservation meeting

122 Elm St (245-1179) single family house and septic system

Mr. Allen moved, seconded by Mr. Mason and voted 5-0;
that the Conservation Commission issue a Certificate of Compliance for the work completed in substantial compliance.

Public Hearings

10 Dogwood Lane (245-1628)

Luke Roy from LJR Engineering presented a Notice of Intent on behalf David and Amy Jewell for septic system replacement at 10 Dogwood Lane. The existing septic system leach field has failed inspection and needs to be replaced. It is proposed that the existing stone leach field be excavated and rebuild to the same size in the area of wetlands on the opposite side of Dogwood Lane which is 55ft from the existing proposed system at the closest point. All work for replacement of the leach field is within existing altered buffer zone area. Erosion control will be installed. Board of Health approved.

Mr. Allen moved, seconded by Mr. Mason and voted 5-0;

that the Conservation Commission close the Public Hearing and issue an order of Conditions with the standard 46 conditions.

53 Old Andover Rd (245-1627) Luke Roy from LJR Engineering presented a Notice of Intent on behalf of Kenneth Greer for construction of a new single family dwelling and septic system at 53 Old Andover Rd. The delineated BVW encompasses the westerly and southerly sides of the subject lot. The new dwelling is proposed within the upland hill area at the Northeast corner of lot along Old Andover Road. The dwelling will be 15ft from the wetlands at the closest point. The 3 bedroom septic system is proposed at the front of the dwelling 75ft from the wetlands at closet point. The system will be approximately 100ft from another area of wetlands on the opposite side of the street. Buffer alteration will be 69.3% and impervious area will be 18.75% Post and rail demarcation fencing is proposed along the 12ft no-disturb buffer and buffer zone areas intended to be unaltered going forward. The demarcation will prevent future zone performance standards for altered and impervious buffer zone area as shown in the chart on the plan. Board of Health approved.

Mr. Allen moved, seconded by Mr. Mason and voted 5-0;

that the Conservation Commission close the Public Hearing and issue an order of Conditions with the standard 46 conditions and with three special conditions. Removal of debris in the wetland, after removal a plan to the satisfaction of the agent to either revegetate or revegetate on its own and 100year flood plain has to remain at the undisturbed.

32 Kings Row (RDA) Giovanni Fodera, PE, CCM, Eastern Companies LLC, presented an RDA for expanding an existing single-family dwelling by adding an additional bedroom to accommodate a growing family at 32 Kings Row. The project also consists of replacing a septic system to accommodate the additional bedroom. The proposed septic system will be moved almost entirely outside of the wetland buffer zone. The site increase impervious area by 838 SF. This is a 3.5% increase in resource area and its associated 100' buffer zone. The proposed driveway area in front of the dwelling is the majority of the increase at 748 SF. In addition due to the site grading, the proposed driveway expansion area will flow away from the wetland resource area. Existing pavement is at 26ft away from the wetlands which is going to be removed and the house is going to now located 3ft from the wetlands and the pavement will be about 55ft from the wetlands, so we are going away from the wetland which is an improvement. The planned project will install siltation fencing and straw waddles at the property line and at the no disturb line adjacent to the wetland resource area prior to the start of work. A revised plan will be sent via email.

Mr. Allen moved, seconded by Mr. Mason, and voted 5-0;

To issue a Negative 3 Determination of Applicability for adding an additional bedroom and replace septic system at 32 Kings Row.

6 Dodge Rd 245-1629 Thorsen Akerley of William and Sparages presented a Notice of Intent for construction of a 25'x 34' garage addition. At closest point the addition is 26.3' from the wetlands. The garage is proposed to be constructed on a slab foundation and no additional grading will be required downslope of the addition. All construction material storing, staging and equipment will be located and used from the existing driveway or front yard and minimal activity should take place below the proposed foundation. The existing driveway is also proposed to be slightly expanded to allow for vehicles to enter and exit the proposed garage. The front stairway of the house is also proposed to be reconstructed within the identical footprint.

Mr. Allen moved, seconded by Mr. Mason and voted 5-0;

that the Conservation Commission close the Public Hearing and issue an order of Conditions with the standard 46 conditions and a special condition requesting the remediation of the play area inside of the 12' NDZ. Hold until DEP# is given.

Adjourn

Mrs. Mitchener moved, seconded by Mr. Mason, and voted 5-0;
that the Conservation Commission adjourn the meeting at 7:00 PM

Approved _____

Dated 12/11/19