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NORTH READING, MA *Massachusetts*

Conservation Commission

Minutes

Wednesday, January 8, 2020

Mr. Allen called the Wednesday, January 8, 2020 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
 Tomas Sanchez, Member

Absent:

Staff Leah Basbanes
Present: Christine Doolin, Admin Asst

Discussion/ Correspondence File/Minutes

Minutes

Mr. Allen moved seconded, by Ms. Mitchener, and voted 5-0;
that the Conservation Commission approve the minutes from December 11, 2019 meeting.

Certificate of Compliance

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

157 Main St Village at Northridge Condominium (245-567)
Continued

8 Spruce Rd (245-863) septic system

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

Public Hearings

Elm St Drainage Improvement project NOI (245-1631)

John Klipfel, Town Engineer and Peter Ellison, Civil Engineer from TEC, Inc. were present to discuss or answer any questions regarding the Elm St drainage improvement project.

Mr. Ellison stated that the purpose of the project is to improve the roadway drainage for Elm Street. The limits of the project start on the west end of Haverhill Street and continue to the intersection of route 62 where its Washington Street turns into Elm Street. The total length is about 2600.00 linear ft. for the roadway. The existing infrastructure is outdated, nonfunctioning in several locations and can lead to unsafe conditions on the road. Currently there are in total 7 catch basins throughout entire length of roadway. This is substandard for current designs practices for roadway engineering. It's well below the recommended spacing between each catch basin.

Mr. Ellison stated the proposal is to install 18 new deep sump catch basins with hoods. The purpose of these basins is to catch stormwater, provide treatment and convey the water off of the road to eliminate roadway flooding. This will improve the conditions of the roadway for pedestrians and vehicles. New headwall will be constructed at the existing culvert outlets. Riprap dissipation pads will be installed at each outlet to prevent erosion in the wetland.

Mr. Allen asked if there will be treatment of the water. Mr. Ellison stated currently what is out there right now the catch basins provide no treatment because they don't meet DEP standards so what we will be providing is deep sumps with hoods so that will be 25% PSS removal. Along Elm Street, there are 3 different types of wetland resource areas: Bordering Vegetated Wetland, Riverfront and Floodplain. There are two locations where the roadway lies within Riverfront. One is associated with the Ipswich River and the other location is associated with a

perennial stream that flows from north to south and eventually into the Ipswich River. There are 7 different series of flags for Bordering Vegetated Wetlands within 100ft of the roadway. There is also bordering land subject to flooding. There are two spots on Elm Street that is within the 100 year flood plan.

Work is proposed within the 100ft buffer zone and in 3 locations there will be a temporary impact to the wetlands. There will also be work within bordering land subject to flooding however, there will be no change in elevation in these locations. Work is also proposed within the 12ft. no disturb buffer because the current outlets from the drainages is right at the edge of the wetlands or in the wetland. There will be no permeant impacts to the wetlands.

Agent Leah Basbanes asked if any of the culverts that go under the roadway are going to be replaced. It was noted that no culverts will be replaced.

There were some concerns by the public that this project would create more water flowing onto private properties. It was stated that the intent of the project is to alleviate that exact issue.

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

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

Discussions

10 Dogwood Lane Atty. DiGiulio was present on behalf of Dana Row and an attorney from Robertson and Kohl Law was representing the Jewels, the current owners of 10 Dogwood. They purchased the house and property in 2019.

Atty. DiGiulio stated that he addressed some of the issues with the Town of Danvers and stated that the Town of Danvers position on removing the pool is still the same, which is to remove it and restore the buffer zone. The date by which a NOI is to be submitted per the Enforcement Order, is approaching. Atty DiGuilio asked to have that deadline extended until March in order to gather more information and try to work things out with Danvers and the Title company.

Agent Leah Basbanes stated the enforcement order required the submittal of a Notice of Intent on Feb 3 for the Feb 12 meeting. The Notice of Intent would be to cover that activity occurring within the buffer zone and then to restore the area that was altered by the placement of the fill, retaining wall and pool.

Counsel for the Jewels stated that they are filing an appeal of the enforcement order and it needs to be done within the 60 day period. They are hoping to work with the Town of Danvers and Town of North Reading to potentially leave the pool there considering it has been since 2004. This issue came up after the purchase and sale was signed. It was their impression that Danvers was willing to speak with us and come to a resolution that was short of removing a

large structure which in and of itself will have impacts to the resource area. Counsel for the Jewels stated that she wants to keep that communication open with the commission.

Leah Basbanes stated that the project was not compliant with the Order of Conditions that was issued by North Reading. There is no way with the pool being where that this will receive a certificate of compliance. Subsequently, the lien will remain on the property.

Counsel for the Jewels suggested filing a new NOI for the pool to be where it is, but they are not prepared to file a Notice of Intent by the beginning of February. There was discussion about whether a new NOI for the pool to remain in place was even allowable as there cannot be 2 OOC's permitting the same activity on a property.

Lori Mitchener stated, based on email correspondence, she felt that Danvers has made up their minds- the pool is on the property of the Town of Danvers and it needs to be removed. Leah Basbanes agreed that is Danvers position. The OOC permitted work to occur within the property boundaries as depicted on the approved plan.

Counsel for the Jewels stated the encroachment issue on the Town of Danvers property is a separate issue apart from never getting Certificate of Compliance and the Enforcement Order. They have not been in contact with the Town of Danvers yet because they were recently retained. They are working to preserve their rights and get that motion filed for Monday. They expect to provide an update on things for the February meeting.

Tim Allen agreed extend the NOI filing deadline by March 2nd in order to legally get posted.

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

To extend the deadline for the Notice of Intent filing in the Enforcement Order to March 2nd for the March 11th meeting.

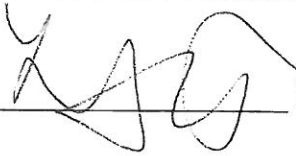
14 Concord Street property is currently Chapter 61A but is being sold by the owner. The Town has the right of first refusal for purchase of a property that is being removed from Chapter 61 and sold. The conservation Commission was asked if they have any interest in this land which is 14 acres. The asking price is \$1,050,000. Selectman Steve O'Leary explained that the parcel is zoned residential and they could probably get 7 homes in this particular parcel plus there are two other parcels/homes up front which are part of the whole deal.

The Commission was in support of the town purchasing the property as open space and helping to keep the population density down if possible, though the Commission itself is not able to provide funding.

Steve O'Leary stated we certainly appreciate the input but did not think that open space would be the main use of the land.

Adjourn

Ms. Mitchener moved, seconded by Mr. Mason, and voted 5-0;
that the Conservation Commission adjourn the meeting at 7:30 PM

Approved  Dated 2-12-10