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**Conservation Commission**

**Minutes**

**February 8, 2023**

**Members Present:** Dr. Lori Chekal, Chair, Randy Mason, Melissa Campbell; Tomas Sanchez, Vice Chair; Jim Cheney

**Staff Present:** Leah Basbanes, Conservation Agent; Jennifer Ryan, Administrative Assistant

Tomas Sanchez, Vice Chair, called the Wednesday, February 8<sup>th</sup>, meeting of the Conservation Commission to order at 6:00 PM, by reading the following statement:

On July 16, 2022, Lt. Governor Polito signed into law the extension of An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until March 31, 2023, of the remote meeting provisions of the March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. The new law allows public bodies to continue providing live "adequate, alternative means" of public access, i.e. Zoom, to the deliberations of the public body. The law also authorizes all members of a public body to continue participating in meetings remotely.

In accordance with the Open Meeting Law, the Conservation Commission states for the record that this meeting is being recorded and may be recorded by other individuals or media. The public can listen/view/participate in this meeting while in progress by joining the Zoom meeting as posted on the Town website. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment.

**The Zoom meeting ID is 812 9835 0580**

**Further information and the plans for each agenda item may be found on the Town Website**  
**Home >> Boards & Committees >> Conservation Commission>>Public Hearings**

## **Minutes**

1/11/23 meeting.

Motion made by Tomas Sanchez, seconded by Jim Cheney, voted 3-0 to approve 1/11/23 minutes.

## **Land Utilization Committee**

Tomas Sanchez motioned and Jim Cheney seconded to assign Randy Mason as the representative of the Land Utilization Committee. Voted 3-0 to approve.

## **Certificate of Compliance**

29 Little Meadow Way (245-1634) construction of various hardscapes. Leah Basbanes reported that the work has been completed and the site is stable. An as-built plan and letter have been submitted. She recommended a Certificate of Compliance be issued with the condition that the silt sock be removed and disposed of properly. Chris Sparages was present and agreed to the removal.

Motion made by Tomas Sanchez, seconded by Jim Cheney, voted 3-0 to approve the Certificate of Compliance.

## **Request for Determination of Applicability**

68 Lowell Road construct a 12.6' x 16.1' addition to the rear of the existing dwelling which will be about 18' to the wetland, erosion control will be installed. Luke Roy of LJR Engineering was present. Ms. Basbanes reported that there is an existing gazebo located in the 12' no disturb zone which will need to be removed and relocated. Homeowners were present and agreed to remove or relocate gazebo along with restoring that area. Mr. Roy had nothing to add.

Motion made by Randy Mason, seconded by Jim Cheney, voted 4-0 to approve the Request for Determination of Applicability Negative 3 with the conditions of the shed removal and restoring the area.

20 Dogwood Lane driveway and associated grading in the 100' buffer zone. Ms. Basbanes reported this project should have been reviewed by the Conservation Commission several years ago, but it wasn't. The Building Department and BOH signed off on this without the review by the Conservation Agent or the board. Based on those approvals, the homeowner went on and constructed the project. About 6 weeks ago, the homeowner came forward and asked Leah to sign off the Certificate of Occupancy. When Ms. Basbanes looked into this, she

saw work had been done in the buffer zone. The homeowner did the work based on approval by Building and BOH but not Conservation. The DEP suggested the cleanest way to close out this would be to file a RDA to retroactively approve the work done. Work has been completed and the site is stable.

Motion made by Randy Mason, seconded by Jim Cheney,  
voted 4-0 to approve the Request for Determination of Applicability Negative 3.

### **Public Hearings**

3 Shirley Avenue (245-1738) install sanitary disposal system, construct paver patio and deck. Chris Sparages of Williams & Sparages was present to state that this was continued from last month and that they were only waiting for the DEP# and Board of Health to approve and both have been done. Ms. Basbanes reported that there are no issues. No abutters present.

Motion made by Randy Mason, seconded by Tomas Sanchez,  
voted 4-0 to issue a standard Order of Conditions.

15 Cottage Street (245-1740) Raze and rebuild of single family house, reconstruction/relocation of existing barn, septic, driveway and grading. Luke Roy, LJR Engineering, was present on behalf of the owner, Andrea Saunders. He described the property as just under 2 acres, wetlands on three sides, delineated and identified. The house will be outside the 100' buffer, an in ground pool behind the house will also be outside the 100' buffer. The work that will occur within the buffer will be septic to the north side which will be 76' from the wetlands. Grading will extend and there will be erosion control on all sides. Mr. Roy went on to describe that the more significant activity as far as the wetlands is a large barn structure. The applicant decided to rebuild instead of renovate so they can correct the issues by moving it further away from the wetlands, outside the no disturb buffer and away from the property line. There will be gravel access of the main driveway leading to the barn. The septic has been approved by BOH and the DEP# received. The last thing discussed was the buffer zone numbers. The amount of buffer alteration will be at 47% and impervious area will be 9.4%. Mr. Sanchez wanted to know about roof run off and Mr. Roy responded that there is no specific design and are open to suggestions from the board. Dr. Chekal voiced concerns about the demolition of the existing barn and Mr. Roy responded that they will restore the area. Ms. Basbanes wanted to know if the barn could be moved further away and Mr. Roy said they were trying to get the barn out of the no disturb and improve on that but they could move it several feet forward if that is what the Commission wants. Further discussion regarding moving the barn. Dr. Chekal asked what the barn was going to be used for and Mr. Roy responded he was not sure, but thought it was going to garage vehicles and no animals. Mr. Sanchez wants to see erosion control beefed up a little just for insurance. Ms. Basbanes suggested due to the amount of grading she would like to see silt fence and straw wattles. Mr. Eric Koenig of 17 Cottage Street (an abutter) was present and asked about the invasive species of Japanese Knotweed and how that comes into play. Will it be removed

appropriately so it doesn't grow back and his second question was with regard to the gravel driveway, on the side of the barn, how much traffic will be coming down there when the barn is razed? Mr. Roy responded that as far as access, everything would come in and out where the existing driveway splits off. Mr. Koenig asked if they were planning on asphaltting from 6-15 Cottage Street. Mr. Roy said it was not part of the proposal at this time. Mr. Koenig again asked about the invasive species and Mr. Roy said they could take a look but it seems too far out of control. Ms. Basbanes said herbicides work the best but hiring a licensed applicator is the way to go, but any attempt to do this would need further approval from the Conservation Commission if it is in the 100' buffer zone. Mr. and Mrs. Koenig were satisfied with responses received. The Board decided to approve the permit based on Mr. Roy providing a new revised plan showing the barn will be 20' away from the no disturb zone.

Motion made by Randy Mason, seconded by Jim Cheney,  
voted 4-0 to issue a standard Order of Conditions.

4 Woodcutter Road (245-1737) single family house, septic system, driveway and associated site work. Chris Sparages, engineer from Williams & Sparages, was present. A site walk with the Board took place previously. He described 4 Woodcutter (Lot 6) as having Board of Health approval. No abutters present. Ms. Basbanes wanted to know if any discussion took place with regard to providing supplemental tree plantings to make up for what had been removed. Mr. Sparages mentioned he spoke to the homeowners and he relayed that the owners made it clear that the owners were not proposing any supplemental plantings. Ms. Basbanes reiterated that this was a fully wooded property and said it is the policy of the Conservation Commission to provide mitigative plantings, yet no plantings have been proposed on any of the lots. Mr. Sparages said there isn't a lot of room between storm water management areas and the 12' no disturb zone to add plantings. Joseph Malek, an abutter, was present to speak about the wall and that it is over 20' tall and he would like to see something done to make the wall more natural looking. The board discussed various plantings that may be appropriate, however, Mr. Sparages is worried about the integrity of the wall. After further discussion, Mr. Sparages agreed that if they were only talking about adding a handful of shrubs, they could do that. Dr. Chekal suggested 8 and Mr. Sparages agreed. The species will be determined by the wetland consultant and approved by the Conservation Agent.

Motion made by Randy Mason, seconded by Jim Cheney,  
voted 4-0 to issue a standard Order of Conditions.

6 Woodcutter Road (245-1736) construct a portion of a sanitary disposal system and to conduct grading within 100' of Bordering Vegetated Wetlands and to construct a portion of a single family house within 100' of Isolated Vegetated Wetlands (bylaw). Chris Sparages was present and described the project using the plan he provided. Mr. Malek and Ms. Lopilato (both abutters) were present to voice their concerns on adding plantings, specifically, mature plantings. Mr. Sparages let it be known that the owner (the owner of 77 Elm Street and these lots in their entirety) was not in favor of adding any plantings and refuted Ms. Basbanes

opinion that the work being discussed for this NOI should not include plantings. Further discussion resulted in an agreement to plan 20 shrubs to include a variety, such as Arrowwood, winterberry and evergreens. Ms. Lopilato asked the commission to consider a fast growing evergreen. The species will be determined by the wetland consultant and approved by the Conservation Agent.

Motion made by Randy Mason, seconded by Tomas Sanchez,  
voted 4-0 to issue a standard Order of Conditions.

7 Woodcutter Road (Bylaw Only) install sanitary disposal system, construct paver patio and deck. Mr. Sparages was present and described this house lot as being located at the end of the cul-de-sac and about ½ the lot will not be developable due to the wetlands behind it. Septic has been approved. Discussion with regard to the continuation of the retaining wall – highest point being 10' and then going down to 0. Dr. Chekal suggested that the planting conditions from 6 Woodcutter be implemented into 7 Woodcutter. Mr. Sparages explained that the width of space between the wall and the silt fence line is approximately 4-5'. Ms. Basbanes mentioned that once the erosion control is removed, there will be room in that area for shrubs. The distance between property lines is about 130' which would allow for plantings. Mr. Mason suggested a Motion to include planting along the base of the wall, and the 1,300 square feet identified a minimum of 10 native plantings subject to approval by conservation agent.

Motion made by Randy Mason, seconded by Tomas Sanchez,  
voted 4-0 to issue a standard Order of Conditions.

148 Park Street (245-1733). Senior Housing Apartment Building. Hayes Engineering was present to update the Committee that a site walk had occurred on January 21. A final letter of approval from the peer review was received. They are on the agenda for the Planning Commission for the February meeting. Ms. Basbanes expressed concern about not having Board of Health approval and Hayes Engineering responded that they are pretty confident the plan will be approved because they had a preliminary review by the consulting engineers. Hayes Engineering asked for a continuance until the March 8<sup>th</sup> meeting and are hopeful they will have CPC approval by then. Leah Basbanes wanted to point that that it is not the Commission's policy to close any hearing without Board of Health or CPC approval so cannot guarantee the board will close the hearing at the March 8<sup>th</sup> meeting. Hayes Engineering asked for a continuance until the March 8<sup>th</sup>, 2023 meeting.

17 Anthony Road-346R Haverhill Street (245-1739). Construction of a subdivision roadway and stormwater management areas within the 100' buffer zone. Mr. William Hall, project engineer from Civil Design Consultants, Inc. was present. A butters present were: Bruno and Michelle Martins, 19 Mohawk, Andover; Fran Hachey, no address given, Joanne Herrick, 43 Anthony Road; Steve Corsetti, no address given; Ed Sapienza, 25 Anthony Road; Andrea Pagliuca, 15 Anthony Road; and Bob Hickey, 37 Anthony Road. Mr. Hall stated the proposed

project is a 6 lot subdivision though only 5 lots are proposed to be constructed at this time. Lot 5 is within the easement of National Grid. The roadway is an 880 l.f. roadway ending in a cul-de-sac. Access will be thru the lot at 17 Anthony Rd. The roadway does not lie within the buffer zone, but the detention and infiltration basins and associated grading does. No work is proposed in a wetland or the 12' No Disturb Zone. Three of the lots will need to file NOI's separately. There was concern expressed by Mr. Luke Legere, attorney representing an abutter, regarding the wetland boundary, the floodplain and the riverfront area not being depicted on the plan as well as concern about drainage. Mr. Hall explained that the river is well over 600' from any work proposed, that the wetlands were flagged by a wetland consultant last year and the stormwater management has been design to address any site drainage as required. The plans are going to be reviewed if they are already by a third party thru the Community Planning Committee. Other abutters expressed concern about the amount of flooding that occurs in this neighborhood and that this project will increase the amount of water on their properties. Mr. Hall noted that there is no flood plain on this property and the design has been done to control site runoff. The Commission members asked to visit the property and set up a site visit for February 25. Mr. Hall asked for a continuance to the March 8 meeting.

Motion made by Randy Mason, seconded by Tomas Sanchez,  
voted 4-0 to continue the hearing to March 8 2023

### Adjourn

Randy Mason moved, seconded by Jim Cheney, and voted 4-0; that the Conservation Commission adjourn the meeting at 9:36 PM.

Approved Melissa A Campbell Dated 3/14/2023