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Conservation Commission

Minutes

June 8, 2022

Members Present: Tomas Sanchez, Vice Chair, Randy Mason, Melissa Campbell, Jim Cheney- Associate Member

Absent: Chair Lori Mitchener, Lauren Beshara, Jennifer Ryan-Administrative Assistant

Staff Present: Leah Basbanes, Conservation Agent

Vice-Chair Tomas Sanchez called the Wednesday June 8th, meeting of the Conservation Commission to order at 6:00 PM, by reading the following statement:

On June 16, 2021, Governor Baker signed into law An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until July 15, 2022, of the remote meeting provisions of his 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 899 4705 0370

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Mr. Sanchez then stated that the Commission will be entering into Executive Session with town Counsel Atty. Amy Kwesell and town Administrator Michael Gilberto. After the executive session is closed, the Commission will return to public session.

A motion was made by Melissa Campbell to go into Executive Session pursuant to MGL Chapter 30A, Section 21A(3) to discuss strategy with respect to threatened litigation concerning 37 Haverhill Street because the Chair has determined that discussing this in open session would be detrimental to our litigation strategy. Motion seconded by Randy Mason. Roll call vote: Tom Sanchez -Aye, Melissa Campbell -Aye, Randy Mason-Aye to enter into Executive Session and then to return public session after the closing of Executive Session.

Executive Session began at 6:03, recording was stopped. The meeting returned to public session at 6:07:05.

Minutes 5/11/22

Motion made by Randy Mason, seconded by Melissa Campbell;
Voted 3-0 to approve meeting minutes of May 11, 2022.

Elm Street Drainage Improvements Project (245-1631) Leah Basbanes reported that they have not put the final payment on this yet, but is confident that all the major infrastructure is done as she drove by on June 7th, 2022. They were still working on the road shoulders, spreading loam, etc. Ms. Basbanes does not believe they are in a huge rush so suggested we wait one more month for the grass to grow. Melissa Campbell is in agreement with waiting until the July meeting. Continued until July 13th, 2022 meeting.

1 Lisa Mary Drive (245-414) Leah Basbanes described 1 Lisa Mary Drive as having no wetlands or buffer zone -- it doesn't have any Order of Conditions related to it, although the abutting property did years ago. It is a very old project and they never got the Certificate of Compliance for that property. At some point there was a land swap between the two parcels -- very thin sliver of land from the abutting property that was encumbered by the Order of Conditions so the owners are requesting a partial Certificate of Compliance just to get their whole parcel entirely out of the encumbrance of that order. Stephen Harris was present and asked if the partial release is specific to 1 Lisa Mary Drive and Ms. Basbanes responded yes.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 3-0 to issue a Partial Certificate of Compliance.

6 Eaton Circle (245-1597) Septic System. Leah Basbanes explained that Chris Sparages of Williams & Sparages was hoping to be here tonight but he had a conflict. They are asking for a full Certificate of Compliance for a septic system that was in the buffer zone. Leah Basbanes went out and looked at the site and everything was stabilized. It is her recommendation that a Certificate of Compliance be issued.

Motion made by Melissa Campbell, seconded by Randy Mason;
voted 3-0 to issue a Certificate of Compliance.

22 Little Meadow Way (245-1548) construction of residential home. Ms. Basbanes reported that 22 Little Meadow Way is another one of Williams & Sparagas. Two years ago the Commission did issue a Certificate of Compliance, however, apparently, they never recorded it. They have come forward with a new As Built but this actually showed an intrusion into the 12' no disturb zone which is just a small area with a playground set. They have proposed a restoration for that area by putting in some seed and shrubs. Ms. Basbanes stated that she spoke with Chris Sparagas earlier in the day and they decided to hold off on the COC until after this work is completed. They are currently dealing with contractors so the work should be done within the next week or so. They are also going to be submitting a Notice of Intent for a pool installation and both of these issues will be addressed at the July meeting. Motion made by Melissa Campbell, seconded by Randy Mason to continue to the July 13, 2022 meeting.

Public Hearings

14 Concord Street (245-1711) Notice of Intent; site development including two proposed commercial buildings, parking areas, driveways, utilities and associated site work located within the 100' buffer to wetlands. The rear building access requires a wetland crossing. Leah Basbanes reported that this is a continuation from a couple meetings ago and they have had site walks since then, along with DEP comments and responses from Luke Roy and review by third party consultants, through Community Planning Committee. The CPC, if they haven't already approved it, are probably in the process of doing so. Mr. Roy, LJR Engineering, on behalf of the applicant, Sergio Coviello reported that they originally presented the project to the Commission on April 13. Subsequent to that, a site walk took place with the Commission which he believes was beneficial. The Members had questions, which were answered. They then attended the May 11th meeting to inform the Commission and updated them on what work had been done. LJR Engineering had responded to peer review comments, along with the DEP comments – attended the CPC meeting in May but had not closed out the public hearing because the final peer review letter hadn't been received. Mr. Roy continued to summarize the new information, responses to the DEP, etc. They looked at several things having to do with the wetland crossing and there were some comments about providing greater level of detail and consideration to alternative access specific to the rear upland area. Mr. Roy went on to say they provided a detailed alternative analysis and some information on different methodologies on the wetland crossing, what they proposed and how it will best minimize impact. They also provided detailed information on temporary wetland impacts on the edges of the crossing area and provided greater detail on the narrow channel that's within the wetlands that the DEP had asked be treated as an intermittent stream. They further defined and also summarized the Stream Crossing Standards which were demonstrated already by proposing an open bottom box culvert. They were also able to document those standards and provided more information on the utility lines, performed an

additional test pit within one of the storm water areas that had been requested. Additionally, one of the comments that DEP had was with regard to the wetland replication area and the ability to access that if the ongoing monitoring or any sort of corrective actions that had to be done and LJR explained that maintenance access would be provided around the storm water basin, which will provide sufficient access for any equipment that would be needed. They provided greater detail on the storm sector, one of the storm water treatment units and corrected the storm water construction phase -- operation and maintenance. Also stated that the storm water basins would not be used as sediment traps during construction, and also provided a blow up of the replication area showing how the plantings would be spaced and provided a greater level of detail, which was one of the things DEP had requested. Lastly, he said that there were comments that they had addressed with the peer reviewer mainly regarding site related things. For instance, an additional hydrant on the site, grading slopes for ADA access and additional details and specifications on the storm water, TSS removal and a mounting analysis on the storm water report. After Mr. Roy submitted the revised plans and information, he received an updated letter stating that all of their comments had been satisfactorily addressed which he forwarded to Leah. Mr. Mason wanted clarification with regard to the intermittent stream -- such as, how did that cause change to the design. Mr. Roy's response was that he labeled it as a channel or ditch. It's his understanding that if there is any defined channel that flows for any period of time during the year, it could be looked at, or considered as an intermittent stream. This didn't change the design because with it being a 2' wide channel, they already have an 8' wide open bottom culvert. Ms. Basbanes described an intermittent stream simply as a defined channel that can convey water down a gradient.. It doesn't have to be naturally flowing and it doesn't have to have water in it, it just has to have the ability to convey water.

Randy Mason asked if the replacement tree issue had been addressed and Ms. Basbanes responded that he has not yet come up. Luke Roy lost the remote connection. While waiting for him to reconnect, discussion was had with regard to the tree plantings. Luke Roy reconnected. Further discussion on landscaping plans, trees, buffer zones, etc. Conclusion was if the Commission wanted to see replacement plantings they are open to that. Mr. Sanchez asked if they wanted to address the issue of hunter's perches. No one knows who they belong to, but the concern is this area is going to be full of people but it is believed they will go away when the development begins.

Motion made by Randy Mason, and issue as a standard OOC, with the additional condition of tree mitigation and additional plantings in the buffer and no disturb zones. Melissa Campbell asked if she could vote no because she thinks that the back building can be moved to the front part. She did second the Motion so the discussion could continue on. Mr. Sanchez asked what was going to be stored in the two barns. Mr. Roy responded with he did not have that information. Ms. Campbell said she didn't think it was relative to the plan. Mr. Sanchez stated he wasn't sure what to do since not everyone is on board. Ms. Basbanes explained that they are meeting all the rules and regulations under our Wetland Bylaw and under the state Wetlands Protection Act, they also essentially have CPC approval and they have met the requirements and addressed questions by the DEP and the third party reviewer.

She continued on to say that it is not up to the Commission to deny something simply because they don't like it and Mr. Mason agreed. Discussion was had with regard to a denial of this Motion that you cannot legitimately defend would be a problem because they will appeal.

A call for a vote was made – all those in favor – 3-0.

39 Chestnut Street & 9 Flint Street (245-1714) subdivision roadway and infrastructure.

Continued from May 11, 2022 meeting. A site walk, discussions about replication areas and wetlands crossing and Mr. Manuell was asked to provide a tree count and ideas on mitigated areas for that. He did submit a document showing the count of trees and species. Twenty eight (28) trees would be cut for wetlands crossing. Mr. Manuell was in attendance and responded that there was no problem putting 28 trees back but in and suggested that be a condition of the OOC before the first occupancy permit is issued. Mr. Manuell also provided information that they got late comments from DEP asking what sort of detention or water treatment BMP was being proposed – he stated it is a wet basin in the lower part of the BMP which will always be wet and it'll act as a mini pocket wetland. Test pits were dug to confirm water table in each area. –Another proposed condition could be that as the excavation takes place, it be allowed to filed adjust as necessary to get the necessary elevation. Mr. Manuell said that he would be on site, along with an engineer and a certified soil evaluator to make these determinations along with fine-tuning the water table, etc. He also stated that they need a permit much like the last one he did where he would be the script monitor as well – being on the site weekly. A monthly summary was agreed upon.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 3-0 to issue a standard Order of Conditions with the addition of
replacement of at least 28 trees in addition to the plantings provided in the
replication area and on site monitoring during the wetland crossing and
wetland replication area.

17 Charles Street, Lot 8 (245-xxxx) construction of a single family house with driveway, septic system, utilities and associated site work. There is no DEP number on this property. Elizabeth Wallis of Hayes Engineering was present and asked if she could give her presentation despite no DEP number. Tomas Sanchez, Co-Chair responded yes. Ms. Wallis began her presentation by stating the proposal is for a single family house on lot eight in the Charles Street subdivision. Current conditions are similar to other lots on the street, the front half of the lot is very disturbed because in the past they put lots of loam piles and other disturbances. In the rear of the lot is a wetlands system. Most of the lot is within the 100' buffer zone. They are proposing a 4 bedroom house, with a driveway coming off of Charles Street. At the top of the driveway they are proposing a trench storm water system to capture run off and also storm water from the roof will be handled by Cultech chambers. There are two Cultech systems, one related to the trench drain and the other related to the roof runoff. There's also a field stone wall in the back to delineate along the wetland. The proposal is to stay approximately 30' from the wetland boundary so outside of the 12' no

touch zone and mostly outside even the 25' buffer. Part of the septic system here in the front will be within 100' feet. There will be the usual excavation - house construction, utilities driveway paving and other lot development activities. We are proposing to have pump chambers for the septic leach field.

Leah Basbanes asked about the cultech chambers being on a pretty steep slope and was concerned they would both be receiving rain water at the same time and that the one above may contribute excess water to the one below due to the infiltration elevations on the slope. Ms. Wallis responded that she didn't believe that to be so because they are separate systems. Ms. Basbanes did not agree and Ms. Wallis said she would speak to the engineer and have an answer at next month's meeting. Elizabeth Wallis then addressed the calculations as being 16.8% impervious and 50.4% buffer disturbances, so they meet that standard. Erosion control was discussed and Ms. Wallis stated it would be silt fence. Ms. Basbanes would prefer silt fence and wattles. Elizabeth Wallis asked that the Commission please continue to the July 13, 2022 meeting.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 3-0 to continue this hearing until July 13, 2022.

Adjourn

Randy Mason moved, seconded by Melissa Campbell, and voted 3-0; that the Conservation Commission adjourn the meeting at 7:08:18.

Approved

 Dated

27 July 2022