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Conservation Commission

Minutes

July 26, 2022

Members Present: Lori Mitchener, Chair; Tomas Sanchez, Vice Chair; Randy Mason, Melissa Campbell, Lauren Beshara

Absent: Jim Cheney, Associate Member

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

Vice-Chair Tomas Sanchez called the Tuesday, July 26<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 891 7877 0162**

**Further information and the plans for each agenda item may be found on the Town Website [Home](#) » [Boards & Committees](#) » [Conservation Commission](#) » Public Hearings**

## **Minutes**

5/31/22 Forrest Committee meeting; 6/8/22 Conservation Committee meeting

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 5-0 to approve 5/21/22 and 6/8/22 minutes.

## **Minor Modification**

40 Elm St (245-1707) enlarge house addition from 17'x26 to 19'x26, and to pave the entire driveway. The increase in house size and the paving will still be under the 22% impervious area. These changes should be reflected on the as-built plan.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 5-0 to approve minor modification.

## **Certificate of Compliance**

Elm Street Drainage Improvements Project (245-1631) continued from June 8, 2022 meeting. Ms. Basbanes reported that the drainage improvement project has been completed and an As Built was provided. The shoulders of the roadways have been seeded and grass is growing in. She recommended a Certificate of Compliance be issued.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 5-0 to issue a Certificate of Compliance.

22 Little Meadow Way (245-1548) construction of residential home. Continued from June 8, 2022 meeting. Ms. Basbanes reported that there was a minor encroachment into the 12' no disturb zone which has been remedied. Further discussion with regard to placards and moving boulders for demarcation purposes along the no disturb zone.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 5-0 to issue a Certificate of Compliance.

4 Orchard Drive (245-1700) septic system. Order of Conditions was never recorded. Continued to August 10, 2022 meeting.

## **Request for Determination of Applicability**

Off 33 Haverhill Street 339/349 electric transmission line right-of-way. Allison Milliman with BSC Group on behalf of NE Power. Ms. Milliman reported that there will be two borings at the existing structure location. Each boring is approximately 4-6" in diameter and each

boring will be approximately 1 s.f. of temporary impact. The borings are proposed within bordering vegetated wetlands located immediately off Haverhill Street and the borings are necessary for further design of the structure replacements being proposed within the next few years.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 5-0 to issue a Negative 3 Determination of Applicability.

77 Park Street addition and deck proposed greater than 50' from the resource area within an existing porch, deck and lawn area. Erosion controls will be set and maintained for the duration of the project. Ms. Basbanes described the project as a proposed 32x28' addition to the existing house, in the back and also a proposed deck. There is 57' to the closest point of the wetlands. Maureen Herald from Norse Environmental was present and further described the project and erosion control (wattles). Ms. Campbell pointed out that the plan notes it is a 12' no build zone and it should be a 12' no disturb zone.

Motion made by Randy Mason, seconded by Tomas Sanchez;  
voted 5-0 to issue a Negative 3 Determination of Applicability.

### **Public Hearings**

17 Charles Street, Lot 8 (245-1719) construction of a single family house with driveway, septic system, utilities and associated site work. Continued from June 8, 2022 meeting. Elizabeth Wallis from Hayes Engineering was present. Ms. Wallis refreshed the commission's memory that the proposal is for a single family house with septic system and related grading and utilities. She reported that there is a trench drain at the top of the driveway and further discussion was had with regard to the Cultec systems which were moved towards the rear of the house. A rear 12x32' deck was also added to the plan which didn't affect the area of disturbance. Ms. Basbanes reminded Ms. Wallis that erosion control should consist of silt fence and wattles.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 5-0 to close the public hearing and issue a standard Order of Conditions.

167 Central Street (245-1718) repair existing septic. Leah Basbanes described the project as a standard septic system replacement going in the original location, approximately 50' from the wetland and leach field. BOH has approved the septic. Erosion control line is approximately 20' off – because it is a slope and grading will be brought in, hay wattles should be reinforced along with silt fence. Additional discussion was had with regard to trees. Mr. Kavanaugh reported that 2-3 trees should come down for safety reasons.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 5-0 to close the public hearing and issue a standard Order of Conditions.

67 Chestnut Street (245-1722) repair existing septic. Mr. Kavanaugh was present to report that he is replacing a failed septic system which is currently located in the back of the house but will be moved to the front of the house, approximately 25' off the wetlands and new tank will be 90' away from the wetlands. Ms. Basbanes recommended that more erosion control should be put around the leach field before construction and recommended silt fence if done properly works best.

Motion made by Randy Mason, seconded by Tomas Sanchez;  
voted 5-0 to close the public hearing and issue a standard Order of Conditions with enhanced erosion control.

13 Mill Street (245-1717) repair existing septic. Mr. Kavanaugh was present to describe the project as a septic going into the same location, pump chamber and septic tank stays. 52' from wetlands, 33' for hay wattles, following the woods line.

Motion made by Randy Mason, seconded by Tomas Sanchez;  
voted 5-0 to close the public hearing and issue a standard Order of Conditions.

25 Lakeside Boulevard (245-1720) demolition of an existing dwelling and construction of a new single family dwelling, septic system and associated site work within 100' buffer to Martins Pond. Luke Roy of LJR Engineering was present to speak on behalf of Smith Sons Plumbing and Heating. Mr. Roy described the plan as demolition to an existing dwelling and construction of a new single family with septic and associated site work. The 12' no disturb buffer on this property is pretty well vegetated. The existing dwelling is slightly further away from the edge of the pond which is 39' at the closest point. The septic system is located at the front of the new home and almost entirely outside of the 100' buffer zone – or 96' from the edge of the pond. Another issue Mr. Roy discussed was that there is the 100 year flood elevation that goes around to the front and then tapers off to the edge of Lakeside Boulevard. The design being proposed is to not add any fill to that area, therefore, not impacting it. There will be a walkout style basement to the rear yard. With regard to the trees, Mr. Roy reported that there are three trees that they have identified to be removed to the back side of the new dwelling located in the area of the proposed driveway. Silt fence was proposed as erosion control. Luke also spoke about the buffer zone and said that buffer zone performance standards – he has the altered area as very close to the threshold of 75% at 74.9% and the impervious at 20.9% and that's including the house roof area and the driveway represents that percentage of the 100' buffer. Board of Health has approved the septic design and a DEP number has been issued. Further discussion regarding the driveway coming in from Poplar and how there will be no change to the grade of the driveway. Ms. Basbanes wanted the owners to be aware that



they are close to their limits of what they can do to this property going forward. Mr. Mason inquired as to the roof size doubling and was concerned about the rainwater coming off the roof. Mr. Roy responded that there was nothing specifically proposed but are open to discuss gutters, etc. Adding a roof line drip trench would be appropriate. Ms. Campbell brought up the subject of demarcation and the discussion lead into the owners, etc. gaining access to the shoreline through the no disturb area.

Motion made by Randy Mason, seconded by Tomas Sanchez;  
voted 5-0 to close the public hearing and issue an Order of Conditions with the 46 special conditions as well the with 2 extra conditions for adding roof drip edge infiltration and the replacement of trees that will be cut.

22 Little Meadow Way (245-1721) proposed construction of an in-ground swimming pool within the 100' buffer zone to bordering vegetated wetlands. Thor Akerley of Williams & Sparages was present and representing Deborah and Zaim Khabaze. He described the homeowners as having purchased the house back around 2018. As Leah mentioned, there is also a playground area, which fortunately was just outside the 12' no disturb zone. It consists of a turf area that was converted from lawn to turf and then there is a wooden play structure which they are proposing to relocate to the other side of the property. The property owners are looking to convert most of or the entirety of the lot area to a patio paver patio and in ground swimming pool. The area in the back is pretty flat but in order to accomplish a flatter area, they would bring in some material to level it off for the pool and patio area. He went on to mention that the current playground area is proposed to just be converted back to lawn. Ms. Basbanes responded with addressing the 12' no disturb zone and marking that area with boulders because it is prone to encroachment. Boulders should be placed along the 12' buffer from wetland flag G7 to the iron pipe at the property line Leah also pointed out that this site is rapidly approaching their threshold limits. Mr. Akerley agreed however, stated that it is not that bad, they are up to 19% impervious within the buffer zone and then total disturbances is at 67%. The total disturbance didn't change because the edge of disturbed didn't get touched. Mr. Mason questioned the 12' no disturb zone restoration area and Ms. Basbanes responded that that was done under friendly enforcement so the owners could get the Certificate of Compliance. Further discussion was had between Mr. Akerley and Ms. Basbanes regarding plantings that were put in that area and further boulder talk to keep that area no disturb. Mr. Akerley responded with he believes that request to be reasonable.

Motion made by Randy Mason, seconded by Tomas Sanchez;  
voted 5-0 to close the public hearing and issue a standard Order of Conditions.

### Adjourn

Tomas Sanchez moved, seconded by Melissa Campbell, and voted 5-0;  
That the Conservation Commission adjourn the meeting at 7:22 PM

Approved Melissa A Campbell Dated 8/16/2022