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TOWN OF NORTH READING
Massachusetts

Conservation Commission

Minutes

March 9, 2022

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

Absent: Lori Mitchener, Chair
Jim Cheney, Associate member

Staff Present: Leah Basbanes, Conservation Agent

Vice-Chair Tomas Sanchez called the Wednesday March 9th, 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 April 1, 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 863 8940 7512

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

Minutes 2/9/22

Not provided. Continued until April 13th.

Certificate of Compliance

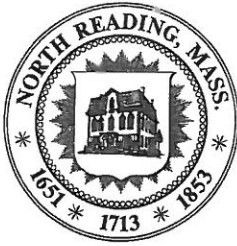
9 MacIntyre Drive (245-1661) in ground pool, patio and tree removal. Engineer from Williams and Sparages submitted an As Built plan and letter showing substantial compliance with the site, the Commission approved it.

Motion made by Melissa Campbell, seconded by Randy Mason; voted 4-0
to issue a Certificate of Compliance

2 Eaton Circle (245-1545) subdivision road within 100' of bordering vegetated wetlands. Ms. Basbanes reported that an Order of Conditions was issued for the subdivision roadway and infrastructure and this lot contains the house that was part of the original homestead for the at 10-12 Mt. Vernon Street. This lot does not have any jurisdictional wetland areas on it and the house is just encumbered by this OOC, so the owners are requesting a partial COC. When the entire roadway is divided and storm water management structures need approval, it is assumed the original developer will come forward and request a full COC. It is recommended when we do this COC a note is made that it is for the house and septic system only and does not include the storm water management and structure that's on it.

Motion made by Melissa Campbell, seconded by Randy Mason; voted 4-0
to issue a Certificate of Compliance

74 Park Street (245-1668) septic system replacement. Mr. Erich Nitzsche Manager of Septic and Stormwater Solutions, LLC was present and informed the board that this was for an existing house where the septic system failed that was located in the rear of the yard directly behind the existing house. The entire backyard is within jurisdiction of the 100' buffer zone. With the density and the detailed backyard the only feasible location to put the septic system was the northeast corner of the property up against Park Street. Mr. Nitzsche submitted a letter requesting the COC and identified on said letter dated February 22, 2022 that the system was put in along with two deviations from the approved Notice of Intent plan and those deviations were minor. Mr. Nitzsche identified those deviations as when the Board of Health of NR approved the system he had designed an innovative alternative technologies system because of the criteria - existent site constraints on the property with the high ground water and location in the area. He was unable to obtain a contractor on the approved board of health list to install the system, no one has any experience on that list has any experience in installing an innovative alternative technologies system, so we went back to the BOH and we revised the system to model a typical pump design and that was the system installed according to the approved NOI Plan which had been approved, the leaching field is in the exact same area - same size dimensions - the leaching field does not change. The pump chamber was located on the plan, where the proposed chamber for the pump system for the innovative alternative technology pump tank is supposed to be going and the fourth main pipe does wrap around the



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in ground swimming pool as shown on the approved plan. The second deviation to the plan was when they designed the system, NR BOH indicated to us that they do not want to have that six foot stockade fence going or traveling over the top of the leaching field. Mr. Nitzsche pointed out that the 6' fence on the NOI plan but BOH didn't want it, that section of fence was not put back into place. Everything else remained the same. Ms. Basbanes reported that the site looked fine although there was no grass growing on it despite the fact it was hydro seeded last fall but expects it will pop up this spring. She also reported that she didn't believe any erosion would be an issue due to the stockade fence in between.

Motion made by Melissa Campbell, seconded by Randy Mason; voted 4-0
to issue a Certificate of Compliance

Enforcement

37 Haverhill Street (245-1348) single family dwelling/driveway. Discussion was had with regard to correspondence from town counsel Attorney Kwesell and Mr. Bishay who is representing the new property owners. Mr Bishay's correspondence was that the new owners want to find a way to keep sport court, patio, and want to create resolutions for the board to agree to in order to allow this. He plans to hire wetland consultants to do an evaluation on the property to determine if there is any long-term negative impact to the wetlands. The board discussed Attorney Kwesell's written opinion on the matter and her suggestion to issue a new EO to the new owners. The boards was in agreement with her opinion and debated when to do this. Board also discussed that they did not want to set a precedent for this happening again. All agreed to put this on the April 13, 2022 agenda after discussion with Chair Mitchener and seeking further advice from Attorney Kwesell.

Mr. Sanchez has opened the Virtual Public Hearings

Public Hearings

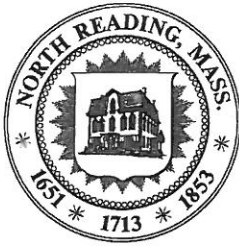
40 Elm Street (245-1707) – NOI – addition, septic upgrade and partial removal of existing driveway. Ian Ainslie P.E. of Meisner Brem Corporation, was present to represent the applicant. Mr. Ainslie stated that this is an existing single family house and putting on two additions along with upgrading the septic system. The current septic system is a cesspool in the back which will be decommissioned and a new system built as far away from the wetlands as possible. He continued on to say that at the last meeting there were three outstanding issues which have been completed and approved. Ms. Basbanes notes that there is an existing garage

which was built in 1970 which was well before the bylaw. Mr. Sanchez asked what the total pervious percentage was and Ms. Basbanes responded that it is being reduced (from 12.4% to 10.9%). Mr. Mason asked if gravel is considered impervious and Ms. Basbanes responded that it was so compacted that it was not really acting as a pervious surface, so they included that in their calculation so it would actually be even less the amount of impervious if they were to consider that to be a pervious surface. Mr. Mason asked but that's not gravel per se its gravel that's old and compacted like concrete.

Motion made by Randy Mason, seconded by Melissa Campbell; voted 4-0
to issue an Order of Conditions

12 Dogwood Lane – Notice of Intent – (245-1706) construct detached garage for tractor and equipment storage and install well. Elizabeth Wallis from Hayes Engineering was present representing the applicant, Dana Rowe who was also present. She informed the Board that they are proposing two projects: a 40x25 prefabricated detached garage and a proposed well to service the existing cabin. The proposal is to install the prefabricated garage behind the existing structure and install the well to service the existing structure. The prefabricated garage will be set on top of a concrete slab foundation which won't require much grading around it except for an extension of some boulders that will be placed on the slope behind it for more stabilization. The well only requires some trenching and the drilling will take place next to the garage. The well will be 25' off of the property line and the garage will be 10' off of the property line. Both these activities are within the buffer zone but outside the 12' no work zone – there will be a small amount of disturbance around the garage which will store tractors and other equipment. The impervious area is less than 21% so it meets the standard and the buffer zone disturbance is much less than the 75%. Ms. Basbanes questioned that the NOI states that they are at 21.9% impervious area which sounds like a high number considering size of the site and the amount of buffer zone. Ms. Wallis responded with that in the last hearing it was discussed what's pervious v. impervious and Ms. Wallis had counted existing house, driveways paved and gravel, existing cottage, prefabricated garage and it all seemed like it was impervious, and the reason why it's so high, is we have not defined the wetlands and the entire property and we actually considered this general area. Ms. Wallis stated that it's much lower if you consider the rest of the wetlands that are on the property. Ms. Basbanes was satisfied with that. She had one other question with regard to the gravel driveway ending at the cabin. Ms. Wallis suggested a site visit may be helpful as the garage has been staked. Mr. Sanchez asked how far the proposed garage is from the pond. Ms. Wallis responded with at least 100' if not 150'. Ms. Basbanes reported that Danvers is an abutter and they had some comments with regard to erosion control and the well. Ms. Wallis will reach out to the well driller for a response. Ms. Basbanes would like the Board to go out to the site and take a look. All agreed to go Saturday, March 12th @ 9:30 a.m. Ms. Wallis requests a continuance on this matter until Wednesday, April 13th at 6:00 p.m.

Motion made by Randy Mason, seconded by Lauren Beshara; voted 4-0
to issue a continuance until Wednesday, April 13th



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25 Harding Road (245-xxxx) NOI – septic system replacement.

Mr. Luke Roy was present from LJR Engineering on behalf of the applicant, Donald Stephenson. A NOI was submitted for 25 Harding Road for replacement of a septic system. The existing septic system is in a state of failure. It's currently close to the wetlands and the new design would be that of a long and narrow leaching field 10' off the property line and 50' from the wetlands. The tanks will remain and it'll be a pump system with a septic tank pump chamber up to an elevated area where the leach field will be 50' from the wetlands. Mr. Mason asked what Mr. Roy was using for erosion control. Mr. Roy stated he hasn't specified but straw wattles/ silt fence is typical, unless the Commission preferred something specific. There are a few small caliber trees which will need to be removed. The buffer zone performance standards are at 9.7% existing and no new impervious area will be added. The board of health department did approve this. But as Leah mentioned that the dep hasn't issued a file number. Ms. Basbanes wanted confirmation that the Board of Health did in fact approve it because it was not on PermitEyes. Mr. Roy informed her that he received an email from Christine Doolin that it was approved. Ms. Basbanes stated it is a pretty straight forward project but requested when trees are cut down the Board likes to see some sort of mitigate plantings done. No abutters present. Mr. Roy requested a continuance until the April 13th meeting.

Motion made by Randy Mason, seconded by Melissa Campbell; voted 4-0
to issue a continuance until April 13, 2022

27 Lakeside Boulevard – NOI – (245-xxxx) demolition of existing dwelling and construction of a new single family dwelling, septic system and associated site work within 100' buffer. Mr. Luke Roy was present from LJR Engineering on behalf of the applicant William Smith. NOI for demotion of existing dwelling, construction of a new single family, septic and associated site work. The existing house is 15' from edge of pond. The proposed dwelling is shifted further from the pond from 15' to 22'. Septic will be out front (85' at closest point). Footprint of house is larger – no garage proposed. The impervious is at 15.9% and new house footprint at 21.7%. Discussed taking down 2 large pines that are in rough shape and then adding plantings in that area. Further discussion on having a porous driveway to keep under the 22% threshold. Board of Health approved the septic. Mr. Mason asked about the dock that extends into the water and Mr. Roy responded by saying he would take a closer look

and possibly remove. Ms. Basbanes questioned the paver patio as to whether it was existing or proposed and Mr. Roy responded that it was proposed thought the area on which the pavers would go exists. Ms. Basbanes asked whether it needed to extend that far due to the 12' no disturb zone and bordering up on the floodplain elevation. Mr. Roy stated that there is a retaining wall to remain and do little disturbance to that area. Ms. Basbanes requested that the 12' no disturb zone be restored and if the big pines are being cut down that area needs to be stabilized. Last discussion regarding the gravel driveway being porous or permeable – Mr. Roy said it would all be removed and will do a legitimate porous pavement surface. All agreed to meet on Saturday, March 12th at 10:15 - 10:30 for a site visit.

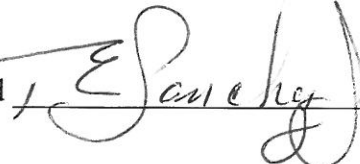
Motion made by Randy Mason, seconded by Melissa Campbell; voted 4-0
to issue a continuance until April 13, 2022

14 Damon Street – NOI – (245-xxxx) septic system repair. Jim Kavanaugh, design engineer representing the applicant/homeowner was present. Mr. Kavanaugh informed the board that the work done will be replacing a failed septic system. There is currently an overflow cesspool and dry well on property, which is a small site, with little option on where to put it and informs the Board that it will be about 70' away from the wetlands. Typical septic system tank and a leach field. Ms. Basbanes asked if he was going to install a retaining wall in order to keep the project within property lines and Mr. Sanchez asked if he were taking down any trees. Mr. Kavanaugh stated that one tree would be cut because it's in the way of the wall. Mr. Sanchez asked if he would be planting another tree and the response from Mr. Kavanaugh was that the other reason for the wall is for drainage so removing the tree will be beneficial for grading the site back to something reasonable. Ms. Basbanes' response was that she didn't see any harm in putting the tree along the line and also asked if he has Board of Health approval. The response from Mr. Kavanaugh was yes, BOH approved it and he had requested an emergency on this a couple months ago because the cesspool is not working and is being pumped bi-weekly and cesspool is actually starting to cave in. Due to the winter the contractor had not wanted to start the project but now that the weather is breaking he doesn't want to wait until April or end of April. He is still requesting an emergency on this so when the contractor is ready he can install system. Discussion was made with regard to Ms. Basbanes issuing an emergency permit tomorrow (March 14th) and at the next meeting it can be ratified. Mr. Kavanaugh requested a continuance until next meeting on April 13, 2022.

Motion made by Randy Mason, seconded by Melissa Campbell; voted 4-0
to issue a continuance until April 13, 2022

Adjourn

Mr. Mason moved, seconded by Ms. Campbell, and voted 4-0;
That the Conservation Commission adjourn the meeting at 7:20 PM

Approved  Dated 4/19/2022