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Conservation Commission

Minutes

September 14, 2022

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

Absent: Tomas Sanchez, Vice Chair; Jim Cheney, Associate Member

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

Randy Mason called the Wednesday, September 14th, 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 898 5600 4258

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

Minutes

8/10/22 meeting

Motion made by Melissa Campbell, seconded by Lauren Beshara;
voted 3-0 to approve 8/10/22 minutes.

Minor Modification to Order of Conditions

1 Sunset Avenue (245-1619) redesign of septic system plan for increased design flow to four bedrooms. Luke Roy of LJR Engineering present on behalf of the home owners of 1 Sunset Avenue. Mr. Roy asked the Commission to recall that they had come in for a modification and the Commission approved it. However, the homeowner's plans changed and they asked if they could increase the capacity of the septic system from 3 to 4 bedrooms. Luke went on to discuss that the only change was to raise the system by 1', and also because it was an expansion design, or a new construction, as they refer to it, they had to comply with the 75' local bylaw requirement from the wetlands to the system. In addition, the system is slightly further from the Wetlands than the one that the Commission first approved – 68' at the closest point is now 75'.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 3-0 to approve the Modification to Order of Conditions and 46 Special
Conditions.

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Certificate of Compliance

1 Eisenhaure Lane (245-1723) septic system. Luke Roy of LJR Engineering was present to discuss the Certificate of Compliance for 1 Eisenhaure Lane. Mr. Roy reported that this was a quick turn-around septic replacement and a leach field rebuild which took place in the front yard of the house. The Commission approved the Order of Conditions and the septic was installed immediately. Everything that was disturbed was sodded and is completely stabilized.

Motion made by Melissa Campbell, seconded by Lauren Beshara;
voted 3-0 to approve the Certificate of Compliance.

Public Hearings

332 Park Street (245-1726) replacement of a septic system. Luke Roy, LJR Engineering on behalf of the applicant, Bill Fallon. This is a Notice of Intent for a replacement of a septic system at 332 Park Street. This is an existing 3 bedroom dwelling and yard area. The wetlands run along the back of the property, and the Ipswich River is located at the rear property line. The BVW delineated and there is also a flood plain which extends into the backyard. The existing septic system is in the front yard. Mr. Roy stated that they looked at the front/side yard for the replacement system site to be as far from the wetlands as possible given the site constraints. They designed a replacement system, which is called a butterfly configuration. He described it as being 72' from the wetlands at the closest point – with minor grading – approximately 1', 1.5' and it'll taper out. Mr. Mason asked what they were using for erosion control and Mr. Roy responded silt fencing had been discussed. He also mentioned that the Board of Health has approved the plan. Ms. Campbell asked if there were any changes to the buffer zone or impervious areas and Mr. Roy responded that no all changes are entirely within the existing altered area of grass and no new impervious surfaces. No abutters present.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 3-0 to close the public hearing and issue a standard Order of Conditions and 46 Special Conditions.

2 Darrell Drive (245-1729) installation of in ground pool and hardscape. Thor Akerley Wetland Scientist and Registered Sanitarian with Williams & Sparages was present and representing the homeowners of 2 Darrell Drive, Phil and Kathleen Conte. Mr. Akerley told the Board that the Conte's have been the owners of this single-family house lot for about two years and are looking to install a 36'x18' in ground pool to be surrounded by permeable pavers. He described further that the material staging and any equipment would be taken through the existing paved driveway, and that the existing steps that eventually connect to a step up through the wood deck area would need to be raised about 2' to create a level surface for the pool and patio area. He also said there would be a short landscape wall about 2' high – which would replace an existing railroad tie wall. As a result of that area being picked up a little there will be some grading. The 86' contour is proposed to move out a little to create a flatter area. Everything would slope about 1% to 1.5% in the existing direction towards the wetland. He stated that they tried to keep things away from the resource areas, and showed on the plan where the pool equipment would be located. The existing septic system tank, is about 14.2' from the edge of the water and the pool code requires 10'. As far as the resource areas go they had a larger wetland system out here that stretches pretty far out. He pointed out the erosion controls are shown along the center of the yard which will allow access around the concrete block wall area to allow them to do work with the pool. In addition, as far as the bylaw, impervious and disturbance calculations go the total impervious areas within the buffer zone is 3,513 sf, and that equates to 25% of the buffer zone. He also

noted the pavers proposed are to be permeable (he mentioned that they couldn't make the patio impervious because they would be over the 22%). Therefore, they are proposing permeable pavers which he described as having gravel under the pavers, spaced out more than a traditional patio paver with pea stone which would allow water to infiltrate straight through the ground. It will basically act as a giant infiltration trench, with some pavers sitting on top of it. Lastly, the buffer disturbance calculations come up to be 66% which did not change because none of the undisturbed portion of the buffer zone was disturbed. Mr. Mason mentioned that when people come forward with plans, it's the Commission's opportunity to take another look at the site and he expressed concern on the 12' no disturb zone disturbance with the shed. Mr. Akerley responded that the shed does show on the assessor's page where it shows its existence, however, he is unsure if a permit was pulled for it and it's hard to tell if it is in the wetlands but if you auger down it's noticeable. He also mentioned because of the size of the shed, it would be hard to move and he would have to discuss this with the homeowners. Ms. Campbell stated that she would like to see the shed pulled out of the No Disturb, if possible, and have the 12' no disturb marked. Ms. Mitchener agreed and would like to see the area restored. Mr. Akerley respectfully requested a continuance of 2 Darrell Drive until the October 12th meeting.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 4-0 to continue this matter until the October 12th meeting.

7 Ashwood Drive (245-xxxx) installation of in ground pool and hardscape. Thor Akerley Wetland Scientist and Registered Sanitarian with Williams & Sparages representing the homeowners of 7 Ashwood Drive. This is a single family house lot approximately 50,000 sf. Mr. Akerley stated that the homeowners are looking to install a pool and patio area in the backyard along with a blue stone paver patio adjacent to the pool. The pool itself and patio area would be bordered by a retaining wall. A portion of the backyard exists at approximately elevation 98 and drops down to about 94 along the backside and then levels out. There is about a 4' drop from the existing wood deck so it's difficult to construct a patio and a pool here without constructing some kind of wall, or doing a pretty serious grading program and so that's why they opted to construct the wall which will help reduce the overall amount of disturbance. The existing shed has a gravel area off the back which is proposed to be removed and the shed would be shifted to the lower yard. The pool equipment would be located below the retaining wall and would tie into the pool. The pool company is installing a non-back wash cartridge filter so there would be no discharge of chlorinated water during pool cleanings. The pool equipment is equipped with a filter that's changed every so often, and doesn't discharge water at any point. When the pool does need to be dropped in elevation it was recommended letting the pool water sit for a few days without adding chlorine, and then discharging somewhere away from the wetlands. As far as landscaping, there are landscaped areas in between the patio where the homeowner's plan on planting native trees, shrubs and grass species. In addition, the husband is handicapped and it is part of the proposal that a couple of ramps be installed for access off the wood deck, which is out of the buffer zone.

As far as stockpiling materials for installation, it would be relatively minimal which would be done on the outskirts of the buffer zone. Mr. Akerley went on to say that they are proposing a fence be installed which is required by pool code, but they do want to add a larger fenced in area in the yard that extends beyond the pool and patio areas. There is also an area in the yard which could only be described as meadow like grasses which the homeowner's want to remove and convert to a lawn area which is all outside the buffer zone. In terms of the bylaw, the plan is in compliance with the disturbance and the impervious calculations. The total impervious on the lot within the buffer zone is 9.8% and the total disturbance is just 48.1% in large part due to the upland areas.

With regard to the existing stone/batting cage area, Mr. Akerley stated that he told the homeowners that the Commission may ask for at least a portion in the no disturbance to be removed, and they were willing to do that and they are happy to provide a few additional plantings in there as well. Ms. Mitchener responded that that would be great and Ms. Campbell wanted to know about the drain easement. Mr. Akerley did his best to respond with although it is not impossible that there would be some kind of drain in here but they couldn't find an easement document that noted anything about the drain but they would look into it before the next meeting.

Mr. Akerley respectfully requested a continuance of 7 Ashwood Drive until the October 12th meeting.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 4-0 to continue this matter until the October 12th meeting.

6 Mill Street (245-1728) razing and construction of new single family home. Thor Akerley Wetland Scientist and Registered Sanitarian with Williams & Sparages representing the property owner, George Peone of 6 Mill Street. Mr. Akerley stated that Mr. Peone purchased the property recently, which is currently an existing single-family house. He further went on to describe the project as follows: the backyard of the house is mostly inhabited by lawn, although there is an existing edge of disturbed line most of the area is all lawn. There is an existing shed which is hard to see on the plan but not really notable other than it's about 60 square feet. The edge of disturb line is outside of the 12' no disturb zone. In terms of resource areas we have a bordering, vegetative wetlands that stretches off the property all the way across out to Mill Street. He mentioned that it was difficult to tell where the annual high water was, just because of how dry it was this year and that usually there would be a clear wet area where you would see where the edge of the river was, or where the high water typically is but in this year, where water was so low it was just things were dry that aren't usually dry. Mr. Akerley also mentioned that what we did to approximate that stretch was use a number of historical aerial photographs where you could see where the water sat for most of the year -- going back to the last 10-15 years on Mass map, or you can get an idea of where the Wetlands or where that boundary is. The rear of the lot also has a wetland off property. The 12' No Disturb is

completely off the property, but the 75' does come into play and then the 100' buffer zone essentially encompasses the entire lot with the exception of a small sliver and the rest the entire lot is within the 200' riverfront area.

Mr. Akerley said that the property owner is dealing with a house in poor condition and that it appears to be a tear down and they'd like to construct a new single family dwelling in its place. Mr. Akerley mentioned that they were able to shift the house a bit away from the primary resource areas which is the wetland line, and the edge of the river and that the existing gravel driveway is proposed to be removed and replaced with a paved driveway. He also mentioned that part of that work would include shifting the driveway back onto the owner's property so that's why there is some disturbance within the undisturbed portion of the buffer zone and a portion of the turnaround, for the driveway is proposed to be gravel in order to keep the impervious surfaces under 22%.

With regard to the septic system, Mr. Akerley said that it is currently serving the existing dwelling but appears to be a cesspool but there is no good record indicating such. There is a concrete cover in a circle cylinder shape they believe to be a simple leach field – so poor treatment of the wastewater is in existence. He stated that they know there's about a 30" water table based on the test pits they had dug for the septic system repair which is likely impacting the groundwater. Also as proposed, they would like to install a new leaching field and in order to comply with the Board of Health regulations, they need to be 75' from the Wetlands. Mr. Akerley said because of the high groundwater table they were unable to do much in terms of maintaining the existing grades, so the existing grade needs to come up by about 5-6' to create the required separation from groundwater to the bottom of the leaching facility. As such a retaining wall needs to be constructed on the backside of the lot because there's no way to grade off the septic system elevations 78 with an existing 72 it's just not possible to really do it. As mentioned, there is a bit of an undisturbed buffer zone which is approximately 70, which borders the buffer zone. In the rear of the house the applicants would like to construct an in ground pool and patio area which most of it is outside of the 50, so pool and patio outside the 50 is generally considered an exempt activity or minor activity when it's converted from lot.

The Riverfront Area Regulations are a bit of a tedious item to go through but just to give the Commission an overview the approving authority can allow 10% of the riverfront area on the lot to be altered if the lot was created prior to October 17, 1997 and they do know the lot was in existence prior to that date. In addition, he mentioned that what typically happens is when there is a disturbance on a lot like this, where there is an edge of disturbed that stretches well into the buffer zones, there's no way to not alter more than 10% to construct the house and reconstruct the house, put a septic system in and do a pool. He showed that the undisturbed portion of the buffer zone and work that's not exempt, such as the pool, patio and the septic system - comes out to be 3,244.1 sf. That ten percent alteration allowed in total is 5,262.4 sf. which is 10% of the lot which is the maximum allowed. In that calculation we included the work required to install the driveway back on the property. Additionally, as previously mentioned, there's an

undisturbed portion of the river front area that has about 50 sf. of work proposed at the edge of disturbed or undisturbed portion of the site. And, although the septic system really can't be sited anywhere else on the property they did include the disturbance to this portion.

They are aware the house footprint is expanding, but it's all within lawn area so the footprint of the house outside of the existing house was counted against it as well. In addition, with the pool, patio and grading outside of the 50' - that was counted as well. With all of that, they are still 2,000 beneath what the approving authority could allow. He stated that the applicants aren't looking to do anything more than putting in a new driveway, reconstruct the house, replace the septic system, and then be able to install an amenity like a pool in the backyard that's almost entirely outside of the 50.

As mitigation, in the Wetlands Protection Act it does say that they like to see the existing tree line or undisturbed line to be preserved or extended to the maximum amount practicable and Mr. Akerley said that they have shown a pretty expansive buffer zone enhancement area of about 2,600 sf. He also mentioned that in terms of the Bylaw, the total impervious surfaces come out to be 21% (5,424 sf) most of that is driveway - about 3,000 sf of that is driveway. The house footprint only increases by about 300 sf and the pool and patio is pretty small, but were counted as well. This is actually a lot that in its existing condition exceeded the 75% allowable total disturbance if you take everything outside of the undisturbed portion of the buffer zone that was highlighted.

As part of that mitigation it allows the property to be back in compliance with the 75% requirement. I believe we were down at 70. If you extend the proposed tree line and allow the area to re-vegetate and connect down to the existing tree line, it would be back at about 70% and result in about 2,600 sf of conversion to lawn to the naturalized buffer zone. The applicant would be fine with putting up signage wherever the Commission deemed appropriate. The plantings will consist of: red maple, high bush, blueberry, dogwood and winter berry.

Mr. Mason discussed scheduling a site visit due to the magnitude of work being done. Site visit is scheduled for Saturday, September 17th at 10:00 a.m. Mr. Akerley requested a continuance until the October 12th meeting.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 4-0 to continue this matter until the October 12th meeting.

221 Haverhill Street (245-1727) proposed addition to existing garage and proposed in ground pool. Luke Roy LJR Engineering on behalf of the applicant, Simone Franco of 221 Haverhill Street. This is a Notice of Intent for a proposed addition to their existing detached garage and a proposed in ground pool. As far as proximity to the wetlands, the work is entirely


within existing lawn areas around the house and existing altered buffer area. The addition to the garage is 41' from the wetlands. The proposed in ground pool is 86' from the wetlands. There is a proposed addition to the main house structure which is located outside of the buffer zone. Mr. Roy went on to discuss that an important issue that needs to be addressed is if the Commission is going to consider the large paver driveway area as impervious – then they would be over the percentage of impervious area. Mr. Roy went on to describe that there is an existing CULTEC infiltration unit in the back that receives some run off from the house and so they are proposing to expand that 1 unit to 5. He mentioned that it's a below ground, plastic chamber with stone around it and a fabric filter. They are further proposing that the existing dwelling that is in the buffer area go into that system along with the entire garage, along with the garage roof, all be tied into that system. There is also a trench drain in front of the garage door that has a drain that connects into that system. He stated that the run off from those surfaces will be drained into the infiltration system and rather than running off directly to the wetlands, will be recharging directly into the soil. Mr. Mason asked if the house would have gutters that are connected so the water slopes away and Mr. Roy said the owner's had done that and they were inspected and the downspouts go from the gutters to below the surface of the ground and connect to a drain. Mr. Mason asked about the proposed addition to the house and the impact on the septic – and Mr. Roy responded that he was not aware of any issues and noted that it was a different surveyor or engineer, maybe Norse Environmental. He stated that the Commission allowed them to leave the retaining wall but had to put up a vinyl fence demarcation which is more than 12' from the wetlands and had to add plantings in the space between the wall and the fence. A site visit was discussed and scheduled for Saturday, September 17th at 9:30 a.m. No abutters. Site visit set for Saturday, September 17th at 9:30 a.m. A continuance until the October 12th meeting was requested.

Motion made by Randy Mason, seconded by Melissa Campbell;
voted 4-0 to continue this matter until the October 12th meeting.

Adjourn

Randy Mason moved, seconded by Melissa Campbell, and voted 4-0; that the Conservation Commission adjourn the meeting at 7:19 PM

Approved



Dated

12 Oct 2022