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**Conservation Commission**

**Minutes**

October 11, 2022

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

Absent: Lauren Beshara; Jim Cheney, Associate Member

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

Lori Mitchener, Chair, called the Tuesday, October 11<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 833 7774 4856**

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

## **Minutes**

9/14/22 meeting

Motion made by Melissa Campbell, seconded by Tomas Sanchez;  
voted 4-0 to approve 9/14/22 minutes.

## **Certificate of Compliance**

125 Haverhill Street (245-14933) septic system. As-built and letter have been submitted showing substantial compliance, the site is stable and Ms. Basbanes recommended a Certificate of Compliance be issued.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to approve the Certificate of Compliance.

27 Lakeside Boulevard (245-1708) This single family house raze/rebuild project was completed quickly and typically the lawn areas would not be grown in so fast, however the site was stabilized with sod. The restoration of the 12' NDZ was completed. Ms. Basbanes recommended a Certificate of Compliance be issued. Ms. Basbanes commented that the letter and As-Built have been received from the engineer and showed substantial compliance.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to approve the Certificate of Compliance.

## **Request for Determination of Applicability**

Off Marblehead Street (South) Friends of Harold Parker State Forest/New England Mountain Bike Association. Trail work. Discussion took place with regard to Lori Mitchener being an abutter to Harold Parker and Melissa Campbell being on the Board of Friends of Harold Parker. Everyone agreed that it acceptable for Lori to continue, though Melissa should abstain from deliberations and voting. Andy Sherman President of the Friends of Harold Parker was present. His discussion was as follows: He has teamed up over the last 2-3 years for 4 different trail projects some of which have been building trails or improving trails and others which have involved some pretty significant bridge work. They are proposing some basic repair and rebuilding of some existing bog bridges that are in the trail network, south of Marblehead Street – Darrell Drive area. The intent is to replace the boards that allow for stream crossings with more durable and useful bog bridges – 2x10, 2x12 construction over 6x6 stringers to elevate the boards to provide enough clearance. This would be helpful in keeping people from walking in the wetlands. Mr. Sherman continued on to state that this was fairly simple and non-invasive. All of the work would be done through experienced volunteers. Hank from 10 Railroad Ave, North Reading spoke up and stated that he was the

one who went out and marked the three locations with flags to make it clear and also to measure the distance accurately. Ms. Basbanes noted that this would be a real benefit given that it is not going to impact any vegetation growing there even though it is heavily used. Mr. Sherman agreed that the area is beautiful and the impact would be positive and Mr. Sherman also noted that it was all volunteer work and the materials would be covered by them as well. Ms. Mitchener asked if these new trail enhancements are strictly to keep people from trampling the vegetation on the periphery, or is it more of an ADA compliant measure. Mr. Sherman answered that it is not ADA compliant that would be under another project they are planning.

Motion made by Randy Mason, seconded by Tomas Sanchez;  
voted 3-0 to approve the Request for Determination of Applicability Negative 3 with  
no special conditions.

### **Public Hearings**

2 Darrell Drive (245-1729) installation of in ground pool and hardscape. Thor Akerley Wetland Scientist and Registered Sanitarian with Williams and Sparages was present to represent the owners of 2 Darrell Drive. He summarized at the last meeting and pointed out the property owners wanted to construct a pool, patio and fence in the backyard. An issue that came up at the last meeting was with regard to the shed and the homeowner has agreed to remove or relocate it. Mr. Akerley showed on the plan that there is a mix of high bush, blueberries, and silky dogwoods that should do well in a mixed, sunny/shaded environment that's not super wet, but somewhat damp which would take place where the gravel was underneath the shed. Melissa Campbell asked if the no disturb was going to be marked off and Ms. Basbanes responded that it should even if it is just posts with placards. Mr. Akerley responded that posts would be reasonable. Mr. Mason wanted to know what types of plantings would be going in and Mr. Akerley stated that a wild mix should do well in an area like that. He stated that the key would be to get a native seed mix that isn't invasive. No abutters were present.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to close the public hearing and issue a standard Order of Conditions and 46  
Special Conditions.

7 Ashwood Drive (245-1730) installation of in ground pool and hardscape. Thor Akerley Wetland Scientist and Registered Sanitarian with Williams and Sparages was present to represent the owners of 7 Ashwood Drive. He explained that this was a pool and patio install and that the backyard does slope so they will be adding a retaining wall that is designed to be less than 4' high. He went on to say that there was no change to the design since last meeting except for the area where the previous owners had installed a stone area which was used as a batting cage. The homeowners have agreed, in an effort to restore the area, and to comply with the by-law, that they will remove the stone and seed the area. An additional

row of silt fence was put in place given the proximity to the wetlands and the homeowners propose to demarcate the back line with the fence. No abutters were present.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to close the public hearing and issue a standard Order of Conditions and 46 Special Conditions.

6 Mill Street (245-1728) razing and construction of new single family home. Leah Basbanes, Conservation Agent, stated that the DEP had comments on this property. Thor Akerley Wetland Scientist and Registered Sanitarian with Williams and Sparages was present to represent the owners of 6 Mill Street, stated in response to DEP's comments that it used to be you're allowed to alter 10% of new alteration on the lot within the undisturbed portion of Riverfront Area even for an existing developed lot which he believes made sense because of the Rivers Protection Act which was put in place in 1997 and most of the disturbance predated it. Mr. Akerley went on to describe the five new DEP performance standards and how they meet those standards. Ms. Basbanes commented that given all the information Mr. Akerley presented, they are meeting the requirements, threshold, title five, flood plain, etc. Mr. Akerley stated no work was being done in the flood plain aside from restoration plantings and the system designed is 100% in compliance with the local regulations. Another thing he wanted to note was the plan hasn't been approved by the Board of Health, although it has been submitted. Ms. Basbanes and Mr. Akerley discussed different plantings for the area and what would do best and fill out faster. No abutters present.



Motion made by Randy Mason, seconded by Melissa Campbell;  
Voted 4-0 to close the public hearing and issue a standard Order of Conditions and 46 Special Conditions with an additional condition to modify plantings as discussed at the October 11, 2022 meeting.

221 Haverhill Street (245-1727) proposed addition to existing garage and proposed in ground pool. Luke Roy of LJR Engineering was present representing the homeowners of 221 Haverhill Street. Mr. Roy stated, as Leah Basbanes mentioned, a site visit was conducted last month and most of the discussion focused around the paver driveway. There was some question as to the perviousness of this actual space and the paver system that's there. The manufacturer supplier sent their specs on the system used as well as the joint material which is marketed as a permeable paving system. The system that they used, and the joint sand that they used was a permeable joint sand. Discussion continued as to how to arrive at accurate calculations for the paver area and Ms. Basbanes asked Mr. Roy if he could provide any calculation for that gravel area because it also appears to be full of stuff that is neither a non-imperious, or non-pervious surface either. Looks like there's a lot being crammed into the buffer zone with questionable amounts of perviousness and it's making it difficult for the board to make a decision without accurate numbers.



Mr. Roy stated that the gravel in the back doesn't factor into the calculations at all and that it's considered impervious. Ms. Basbanes is not confident that the pavers in question are 100% pervious.

Further discussion between Leah Basbanes and Luke Roy with regard to how to amend the plan to make the numbers work. The board mentioned that the property owner has taken some liberties on this property with the construction a "fortress" wall that is partially in the 12' NDZ in the back which is in violation of the bylaw, but a remedy was agreed upon by the Commission. Though it is still questionable whether or not this area is really serving the purpose as a buffer.

Mr. Roy asked if there was anything the Commission would want to see as an improvement to bring this project into compliance. Ms. Basbanes response was not doing the pool or the additions which is essentially denying the NOI. Ms. Mitchener wanted to know what the calculations would be if they ripped up the paver driveway and made it impervious. Mr. Roy responded that if that were the case, they could probably comply with the requirement. Ms. Mitchener stated it really comes down to what the property owner's want more. No abutters were present. A continuance was requested by Mr. Roy.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to continue to the November 9<sup>th</sup>, 2022 meeting.

25 Southwick Road (245-xxxx) septic system replacement. Mr. Saab was present and described the project as a septic system which is presently located in the rear of the property but the new one will be relocated to the front yard. The water and gas lines will have to be moved along with a couple of trees so they can move the gas line. Ms. Basbanes had no problem with that and asked if it was approved by BOH, and Mr. Saab said it was. There is erosion control going around the property. Ms. Basbanes stated she has no concerns with this project, only thing is the lack of a DEP number. Mr. Saab asked for a continuance. No abutters were present.

Discussion had about Leah Basbanes' absence from the office until November 5<sup>th</sup>. Lauren Beshara submitted her resignation effective as of this meeting. The plan is to recommend to the Select Board that the associate board member be appointed.

Motion made by Randy Mason, seconded by Tomas Sanchez;  
voted 4-0 to continue to the November 9<sup>th</sup>, 2022 meeting.

**Adjourn**

Randy Mason moved, seconded by Melissa Campbell, and voted 4-0; that the Conservation Commission adjourn the meeting at 7:17 PM

Approved Melissa A Campbell Dated 11/14/2022