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Conservation Commission

Minutes

March 8, 2023

Members Present: Dr. Lori Chekal, Chair, Randy Mason, Melissa Campbell; Tomas Sanchez, Vice Chair; Jim Cheney

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

Tomas Sanchez, Vice Chair, called the Wednesday, March 8th, 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 840 7839 1604

Further information and the plans for each agenda item may be found on the Town Website
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Minutes

2/08/23 meeting.

Motion made by Tomas Sanchez, seconded by Randy Mason, voted 4-0 to approve 2/8/23 minutes.

Amendment Request to Notice of Intent

22 Little Meadow Way (245-1721) pool house. Thor Akerley of Williams & Sparages was present representing Deborah and Zain Kabazi. Mr. Akerley explained that back in the summer of 2022, a Notice of Intent was filed for the construction of a pool and patio in the backyard. The pool and the patio have been installed. In January, while out at the site to do an interim As Built Plan to show what had been done and compare it to the Notice of Intent, everything shifted away from the buffer zone. Mr. Akerley also stated they did construct about a 1' high landscape wall along the edge to create a flatter yard area and that is outside the 12' No Disturb Zone. As part of the amendment request, the home owners are proposing to construct a 400 sf pool house to the side of the patio. The area is level and there is not much earth work needed. Everything proposed is within the lawn area and along the 12' No Disturb Zone. Currently the impervious is at 19.4%. Mr. Mason asked if the pool house was for mechanicals, etc. Mr. Akerley responded that it was going to be set up with couches and a changing room. Ms. Basbanes wanted to know when the OOC expires and Mr. Akerley stated August, 2025. Leah described the project as straight forward and said the area had been restored, but would like to make sure there is some sort of visual barrier placed along the 12' no disturb zone. No abutters present.

Motion made by Randy Mason, seconded by Melissa Campbell, voted 4-0 to close the public hearing and issue an Amended Order of Conditions.

Certificate of Compliance

27 Kings Row (245-492) lot development including house, septic and associated grading. Leah Basbanes recommends the issuance of a Certificate of Compliance. Lauren O'Brien, home owner, was present.

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

27 Kings Row (245-1227) installation of an in ground pool at the rear of the house. Leah Basbanes stated that we have an As Built showing the pool has been put in, and is in compliance. However, there is a fence installed that creeps into the 12' no disturb zone and potentially even the wetlands. Lauren O'Brien, homeowner, was present and told Leah that the pool fence was installed back in 2007. Ms. Basbanes reiterated that the fence should be outside the 12' no disturb zone. Further discussion took place with regard to the placement of the fence being within the 12' no disturb zone and it was agreed that the chain link part of the fence would be removed and the posts cut down to ground level. It was determined to issue the COC but hold onto it until the chain link fence is removed and site is approved by Leah.

Motion made by Randy Mason, seconded by Jim Cheney, voted 4-0 to approve the Certificate of Compliance though issuance will be contingent upon site inspection by Leah Basbanes, Conservation Agent.

Public Hearings

148 Park Street (245-1733). Senior Housing Apartment Building. Mr. Latham asked for a continuance to the April 12, 2023 meeting.

Motion made by Randy Mason seconded by Tomas Sanchez voted 4-0 to continue the public hearing to the April 12 2023 meeting.

17 Anthony Road-346R Haverhill Street (245-1739). Construction of a subdivision roadway and stormwater management areas within the 100' buffer zone. Mr. Hall asked for a continuance to the April 12, 2023 meeting.

Motion made by Randy Mason seconded by Tomas Sanchez voted 4-0 to continue the public hearing to the April 12 2023 meeting.

15 Charles Street Lot 9 (245-1741) Proposed single family house with driveway, utilities, storm water management BMP, grassed yards. Elizabeth Wallis, Wetland Scientist with Hayes Engineering was present to represent applicant, Michael Bruno. Ms. Wallis described the project as a single family house with associated driveway, septic, walkway, cultech infiltration unit and a slope down to the 12' no disturb zone. She explained that for the storm water treatment, the rooftop drainage and a portion of the driveway will be directed into a stone trench. The rest of the driveway run off will go into the street and eventually drain into one of the detention ponds. A tracking pad for construction as well as putting in silt bags in nearby catch basins is also proposed. A grassed yard will be in front and back and a proposed fence along the top along with grass and other landscaping in the yard and septic areas. Approximately half of the construction areas fall within the 100' buffer. Leah Basbanes asked about the Board of Health. Ms. Wallis responded that they approval from BOH.

Ms. Basbanes had no particular concerns about this project except to mention that it's a tight lot but the requirements for impervious area and buffer alterations are being met, along with storm water management. Part of the original subdivision requirement was that each individual lot needed to provide treatment for their driveway and roof in order for them to fully meet the requirements of the State's storm water management requirements.

Sunil Prasad, abutter, was present to state that he lives across the street and he is happy to see the lots cleaned up and houses on it.

Dr. Chekal had recused herself from this public hearing.

Motion made by Randy Mason, seconded by Tomas Sanchez, voted 3-0 to close the public hearing and issue an Order of Conditions with the Standard Bylaw Conditions.

11 Charles Street Lot 10 (245-1742) single family house with driveway, utilities, storm water management BMP, grassed yards. Elizabeth Wallace, Wetland Scientist with Hayes Engineering was present to represent applicant, Michael Bruno. Ms. Wallis described the project as being located right next to the existing detention pond, the lot is within 100' of the isolated wetland that is connected to 15 Charles Street. The proposal is for a house, septic system, riprap slope and cultech infiltration for the roof. A paved driveway will come into the front/garage area and grass will be planted around the septic and the house. There will be a proposed fence along the back area to protect people from that slope and erosion control will be placed around the wetlands, staying back 12'. Ms. Basbanes asked about the detention basin and asked if it were functional, Ms. Wallis responded as far as she knew it is functioning. Ms. Basbanes confirmed that it is all tied into the drainage structures, the catch basins and that the silt sacks placed near the catch basins will need to be replaced, because trees are growing out of them. Ms. Wallis said she would make a note of that. Mr. Sanchez asked what was going in for erosion control and Ms. Wallis responded silt fencing. Mr. Sanchez and Ms. Basbanes asked to have straw wattles added. Ms. Wallis agreed to make a note of that. Sunil Prasad, abutter, was present and had no issues.

Dr. Chekal had recused herself from this public hearing.

Motion made by Randy Mason, seconded by Jim Cheney, voted 3-0 to close the public hearing and issue an Order of Conditions with the Standard Bylaw Conditions.

1 Perley Path (245-1743) proposed in ground pool in rear yard of an existing single family dwelling and located within 100' buffer zone to Bordering Vegetated Wetlands. Luke Roy was present on behalf of the applicant, Michael Levine. A Notice of Intent was submitted for a proposed in ground pool. The house is on a short private way with one house at the end of Tower Hill Road. The proposed pool is entirely within the grass area and there is no new alteration of the wetland buffer. The fencing is proposed to remain in its current location and the pool will be 49' from the wetland delineation at the closest point. The pool itself will be