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Conservation Commission

Minutes

Wednesday, June 12, 2019

Ms. Mitchener called the Wednesday, June 12, 2019 meeting of the Conservation Commission to order at 6:00 PM in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

Members Lori Mitchener, Chair
Present: Melissa Campbell, Member
 Randy Mason, Member
 Martin Weiss, Member
 Tim Allen, Member

Absent:

Staff Christine Doolin, Administrative Assistant
Present: Leah Basbanes, Conservation Agent

Discussion/ Correspondence File/Minutes

Minutes

Ms. Mitchener moved seconded, by Mr. Mason, and voted 5-0;
that the Conservation Commission approve the minutes from May 8, 2019.

Certificate of Compliance

14 Swan Pond (245-1599) septic system

Mr. Allen moved, seconded by Mr. Weiss and voted 5-0;

that the Conservation Commission issue a Certificate of Compliance for the work completed in substantial compliance.

113 Central St (245-1564) septic system

Mr. Allen moved, seconded by Mr. Weiss and voted 5-0;
that the Conservation Commission issue a Certificate of Compliance for the work completed in substantial compliance.

93 Burroughs Rd (245-1207) septic system

Mr. Allen moved, seconded by Mr. Weiss and voted 5-0;
that the Conservation Commission issue a Certificate of Compliance for the work completed in substantial compliance.

Public Hearings

77 Elm St (245-1608) 7 lot subdivision

Asked for a continuance to the July 10th conservation meeting

15 Nutter Rd (245-1616) NOI James Kavanaugh presented a Notice of Intent for 15 Nutter Rd for a septic system repair. The site is very small and has a single family dwelling, garage and driveway. Leach field will be 22' and grading and retaining wall will be 15' from wetlands. The design will provide an impermeable barrier and concrete block wall to contain the system. Erosion controls will be installed. BOH approved.

Mr. Allen moved, seconded by Ms. Weiss and voted 5-0;

that the Conservation Commission close the Public Hearing and issue an order of Conditions with the standard 46 conditions.

28 Eames St (245-1615) NOI James Kavanaugh presented a Notice of Intent for a septic system repair. This site is difficult and surrounded by four walls. Mr. Kavanaugh is changing the system to a stone pipe trench system. Agent Leah Basbanes asked he could do a tight tank system. Mr. Kavanaugh said a tight tank would make it worse. The wetland line has changed a bit and is making the system be 5 feet away from the wetland. The work will be in the 12' NDZ. The bylaw prohibits work in the NDZ except when it has been proven to be unavoidable. The design will provide an impermeable barrier and concrete block wall to contain the system. Board of Health has approved the plan.

Mr. Allen moved, seconded by Ms. Weiss and voted 5-0;

that the Conservation Commission close the Public Hearing and issue an order of Conditions with the standard 46 conditions.

19 Shady Hill Lane (245-1614) NOI Luke Roy from LJR Engineering presented Notice of Intent for a septic system replacement. The existing failed septic system is located directly behind the existing house in close proximity to the wetlands. The replacement system is proposed to the left of the house and will be 53' from the wetlands at the closest point. All work to replace the system is proposed within existing altered buffer zone areas (lawn and landscaped areas). Grading around the replacement system is proposed to meet existing grade at the erosion control line. Erosion controls will be installed.

Mr. Allen moved, seconded by Ms. Weiss and voted 5-0;

that the Conservation Commission close the Public Hearing and issue an order of Conditions with the standard 46 conditions.

20 Elm St (245-1613) ANRAD Delineation of the wetland resource areas on the property. Flagging series include: A1-A29, A1A-A23A, B1-B39 (connects to A23A). These series define the Bordering Vegetated Wetlands (BVW) associated with the Ipswich River. The Mean Annual High Water line (MAHWL) of the Ipswich River is defined by the flags MA1-MA22. The other wetland delineation is along the North side of the property is depicted as C1-C18. This BVW borders on an intermittent stream that is culverted near the edge of the parking lot. This culvert extends to the A series wetlands where the stream daylights and flows into the Ipswich River. The wetland line was estimated by using MassGIS. Agent Leah Basbanes and Greg Hochmuth of Williams and Sparages have walked the delineation and have no issues with the wetland boundaries as defined. The Commission has also walked the site with Mr. Hochmuth. A few minor changes were made.

Mr. Woodmansee of 34 Elm Street stated the prior wetland delineation, why are we not using that-does this survey take in the prior violations of the Thompson Country Club Condos-they did a perc test and it failed. Ms. Mitchener stated a perc test can fail and be done again.

Mr. Woodmansee stated that root systems are out of the ground. He stated that the stream runs 12 months of the year. Mr. Hochmuth stated that he did see enlarged root system and they are within the delineated wetland area. These are typical adaptations of plants within a wetland area.

Mr. Hochmuth stated we learned there were some violations and did find a small area with some covers from an old septic tank and construction debris is 100' away from the wetlands.

Mr. Stolz of 2 Gillis Drive stated that they did not get to see the site and are concerned about not having seen adjustments. They stated they would have a lot of questions if they can't see the site. Ms. Mitchener stated that the town cannot grant permission to anyone to enter the property, that's why we have a commission. The Commission has been appointed to carry out the requirements of the Wetlands Protection Act and Regulations. Only the property owner can give permission and he has not given that to anyone but the Commission thru the ANRAD process.

Mr. Allen stated that the Conservation Agent, who is a wetland consultant, reviewed the delineation, but the Commission does have the option to do a 3rd party review.

Ms. Varonakis of 35 Brassie Way stated it would be a very good idea to do the 3rd party review and get another opinion.

Ms. Conway of 142 Elm St asked why was the delineation done in April and not in June? Ms. Basbanes Conservation Agent described the methodology of delineating a wetland under the Massachusetts Wetland Protection Act. There is a specific process and time of year is not a restriction.

Mr. Felix of 11 Judith Drive stated the plan was stamped by engineer and not stamped by a land surveyor and that the wetland is listed as a ditch but should be considered an intermittent stream. He was concerned that the wetland on the west part of site was not delineated in the field but by reference to MassGIS. Conservation Agent Ms. Basbanes stated that section of wetland is off site. Applicant did not obtain permission from those property owners to enter properties. Wetland boundary was estimated to their best abilities by observation from off site and using MassGIS as a reference. Mr. Hochmuth noted that an ANRAD does not have to get stamped by PE or PLS. The C series delineation that was based on GIS was very conservative and the wetland may actually be farther away from the subject property. Mr. Hochmuth stated only 3 flags were revised as requested by the Conservation Agent throughout the entire delineation. Those changes are show on the revised plan.

Ms. Mitchener stated that the MassGIS program points out the obvious and points us in the right direction regarding wetland locations. She stated that the commission members have all been out to the site and reviewed the delineation.

The property owners, Dales- Doltens-and Pineos, would have to give permission to go on the their properties in order to perform a truly accurate wetland delineation.

Mr. Holsing of 36 Niblick Way asked that if there is a 3rd party to review and will the person have that ability to answer certain questions we have today. Mr. Allen stated perhaps yes. Mr. Holsing stated there is fill outside of the buffer and identifying the buffer is very important. Mr. Holsing stated are 3 soil samples sufficient for that property. Ms. Basbanes stated that while there were many soil probes performed throughout the site to determine the wetland boundary, the 3 data sheets provided are sufficient to have an understanding of what the soils are like.

An abutter stated salamanders have been found on that property years ago. Mr. Hochmuth asked who the person was who found the salamanders and where they were found. No information regarding this was provided.

Mr. Puglia of 5 Gillis Drive asked how is the riverfront define. Mr. Hochmuth stated that the MAHWL is determined by bankful indicators, primarily the first observable break in the slope. It is from this line that the Riverfront is established.

Mr. Felix stated a 3rd party review what if it differs. Mr. Hochmuth stated we would work it out.

Mr. Rob of 21 Niblick Way asked if wetland change its possible. Ms. Basbanes stated beaver activity can change the wetland boundary, the removal of a dam as is proposed of the one in Middleton will change it, and the methodology of delineating can change. The methodology was modified in 1995 when soil evidence of hydrology became a parameter. Prior to that a delineation could be done only using vegetation which in her opinion was not scientifically sound. She stated that a delineation is typically considered valid for 3 years which is the length in a permit, though there is no specific regulation stating that.

An abutter stated pollution concern that a paint company dumped 15 to 20 gallons down the storm drain. The Commission expressed concern about this but there is impact to observe or evidence to prove this so acting on this is really impossible.

Abutter asked who does testing and elevation? How do we know his map is what he says it is? Mr Hockmuth stated that a surveyor and engineer have licenses and those are paramount. Presenting false information with their stamp has significant consequence and they would not risk that and lose their livelihood.

Mr. Bailey stated it is important that we get it accurate, transparency is important. We should have a 3rd party looking at it.

Mr. Stolz of 2 Gillis Dr stated he would like to request that the commission hire an independent person, because Mr. Yebba hired Greg Hochmuth. They would like someone hired by the Commission to do the 3rd party review. He asked if they could ask questions of the expert that is hired. The Commission explained that the hired outside consultant would be hired specifically to review the delineation in the field and provide a report on their findings, not to address all of the outstanding concerns. This consultant is hired by the Commission at the applicant's expense and would be in contact with commission only.

Mr. Stolz stated that it would give them a feeling of comfort if all of their questions are answered. Discussion about the group compiling a list of questions through a point person could be submitted to Ms. Basbanes.

Ms. Stolz 2 Gillis Dr stated she sent a letter April 1st and May 15th and that she believes a wetland was filled with these bricks. She is concerned that there may be toxic waste and asked to get the DEP out there.

Ms. Basbanes stated there is no indication of wetlands in this area of fill, none of the previous plans on file show wetlands in that area and the DEP has said it was the town's responsibility to review this for jurisdiction, which it has done. This fill is more than 100' from the wetlands and not in the jurisdiction of the commission.

Ms. Valdez of 28 Flint stated that they don't think anyone is lying and they have to deal with all the committees so please have patience. Ms. Valdez reiterated their desire to have and question a 3rd party.

Mr. Weiss stated that they abutters should designate someone as a point of contact.

20 Elm Street will be continued until they hire a 3rd party to review the wetland delineation.

Mr. Allen moved, seconded by Ms. Weiss and voted 5-0;

that the Conservation Commission continue the Public Hearing to July 10th and to pursue hiring a 3rd party review of the wetlands.

Adjourn

Mrs. Mitchener moved, seconded by Mr. Mason, and voted 5-0;
that the Conservation Commission adjourn the meeting at 8:35 PM

Approved R. Mason Dated 7/10/19