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*Massachusetts*

Conservation Commission

### Minutes

April 13, 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 April 13th, 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 870 2983 6607**

**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 and 3/9/22

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 3-0 to approve both meeting minutes.

**Certificate of Compliance**

**31 Pleasant Street (245-1657) above ground pool and patio.** Discussion was had with regard to the As-Built plan being submitted months ago but the need for the grass to grow in delayed this process. Ms. Basbanes recommends a Certificate of Compliance be issued as the site is now stable.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 3-0 to issue a Certificate of Compliance.

Board member Lauren Beshara has just joined in.

**Enforcement Order**

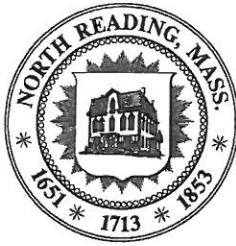
**37 Haverhill Street (245-1348) single family dwelling and driveway.** Town council has recommended a new enforcement be issued in the new owner's names.

Motion made by Randy Mason for a new enforcement order replicating the current Enforcement Order, including the current timeframe, in the new owner's names, seconded by Melissa Campbell; voted 4-0 to issue Enforcement Order.

**Miscellaneous:**

**21 Winter Street.** This is not on the agenda, however, Ms. Basbanes wanted to bring this up to the board to let them know that there are possible wetland violations at this property. There are other non-wetland issues and potential violations which several of the town departments are getting involved with. The Conservation Agent is requesting that the DEP be allowed to take over this possible enforcement issue.

Motion made by Randy Mason to allow the DEP to take over this matter, seconded by Melissa Campbell; voted 4-0.



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**Public Hearings**

**14 Damon Street – NOI – (245-1710)** – septic system repair. Continued from March 9 2022 meeting. No abutters attended. This was continued from March 9 2022 due to lack of DEP number. The DEP number has been issued with no comments, Ms. Basbanes recommends that an Order of Conditions be issued.

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

**12 Dogwood Lane – NOI – (245-1706)** - construct detached garage for tractor and equipment storage and install well. Continued from March 9 2022 meeting due to lack of DEP number. Elizabeth Wallis of Hayes Engineering was in attendance. She wanted to refresh everyone's minds that the proposal is to construct a 40x25 detached garage and that the construction is a slab with a pre constructed building on top of it. Also proposed is water service to the summer cabin. She submitted a new plan with the requested revisions, i.e. correct well line, and extended erosion control behind the building. The NOI was revised to include the ORW box check. Further discussion was had with regard to amount of impervious area and whether there is an extension of the roadway – there will be no extension as it's already filled up to grade. There will be some hands on grading with hand tools to fine tune the entry apron and backfill the slab. Danvers reached out to obtain details regarding how the well was going to be installed. Ms. Wallis provided a response to them but did not receive a response from them. She will provide that information (if and when she obtains it) to the Conservation Commission and Danvers. Ms. Basbanes commented that she assumed the well is going to be drilled like a regular well and the water line in an excavated 1' wide trench. Ms. Wallis agreed. It is confirmed that erosion control will encompass the work areas. Elizabeth Wallis has asked for any other questions – Mr. Sanchez asked how deep will the well be – response was no one will know until they start. No abutters were present.

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

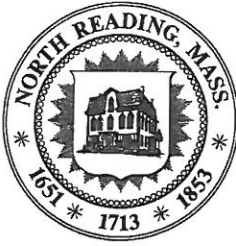
**25 Harding Road – NOI – (245-1709)** - septic system replacement. Continued from March 9 2022 meeting due to lack of DEP number. Luke Roy of LJR Engineering was there to present the project. A DEP number has been issued with no comments. No abutters were present.

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

**27 Lakeside Boulevard – NOI – (245-1708)** - demolition of existing dwelling and construction of a new single family dwelling, septic system and associated site work within 100' buffer. Continued from March 9 2022 meeting due to lack of DEP number. Luke Roy of LJR Engineering. No abutters present. Discussion with regard to Mr. Roy submitting a revised plan pertaining to the removal of two pine trees near the bank of the pond. New plan states only the larger tree that was leaning towards the house will be removed. The one leaning towards the pond will remain. Ms. Basbanes had no concerns except that at the end of the project Mr. Roy confirms that there was no change to the floodplain elevation in the back of the house.

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

**14 Concord Street – NOI – (245-1711)** – site development including two proposed commercial buildings, parking areas, driveways, utilities and associated site work located within the 100' buffer to wetlands. The rear building access requires a wetland crossing. Luke Roy of LJR Engineering, appeared on behalf of the applicant Sergio Coviello. The property is just over 14 acres of land and there are some structures at the front and some existing barn structures on the property. The proposed site development is for an industrial office zone. The proposal is for a 22,000 sf building in the front upland portion of the site and a smaller 10,000 sf building in the rear upland area. There will be driveways, access parking areas and so forth around the buildings. There is a wetland crossing proposed to access the back upland area for the proposed second building. There will be retaining walls and fencing around the site and will maintain the 12' no disturb buffer from the wetlands. The buffer zone performance standards are being complied with at 57.6% of the buffer zone within the 75% threshold and on impervious were at 17.3% less than the 22% maximum. Randy Mason asked for clarification on the existing two barns and Mr. Roy explained that two barns will be removed and the other two will remain for now. Further discussion was had with regard to moving the buildings, or having a two story building, so that the amount of land disturbed would be minimal. Also tree removal and replacement was discussed briefly. The Conservation Agent questioned whether the second building could be relocated to the front where the barns are in order to avoid the wetland crossing and the alteration of the buffer zone in back part of the property. Under the local wetland bylaw, the buffer zone is a resource area. While the project as



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proposed appears to technically meet the bylaw alteration threshold, the activity is altering undisturbed buffer when there are upland areas already disturbed in the front area. Avoid, minimize, replicate is the "mantra" of wetland protection. Mr. Roy stated that this has been looked into and they believe that the owner has the right to access the back property and this is the only configuration that works for the property owner's business plan.

Site visit scheduled for April 23<sup>rd</sup> and a plan to stake out specific areas for site visit was determined.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to issue a continuance to the May 11<sup>th</sup> meeting.

**24 Park Street – NOI – (245-1712)** – raze existing dwelling and construct a new house with driveway, septic, pool, and patio, reconfigured utilities and associated site work. Elizabeth Wallis Wetland Scientist at Hayes Engineering was present with the applicant Mr. Joseph Bocelli. Ms. Wallis explained the project involves razing the existing house and constructing a new single family house on the lot along with the existing garage and that the property is fairly big, including a developed area by the undeveloped area in back – which is a very old overgrown track area with wetlands.

Randy Mason asked about the existing asphalt driveway, because it appears to him that it is all dirt. Ms. Wallis responded that it is in fact paved but that it's all cracked pavement and the entryway is muddied up. She continued to say that the proposal includes constructing a new house, attached patio, proposed pool, rooftop infiltration chambers and a septic system. There will be some tree removal and minor reconfiguration of the driveway. Water service will be coming up from Park Street and the utilities will be reconfigured as there are some in place already, for the existing house.

Randy Mason asked about the track in the back mentioning that it looks like it was deep within the wetlands and Ms. Wallis responded that she was unsure of the history of the existing track but it's pretty evident that it is a dirt track that shows up in aerial photos.

Leah Basbanes mentioned that she was out there earlier in the week and noticed a couple of issues, namely that it appeared that work had been done on site as there was a significant amount of fill that was brought in and the area regraded. She went on to say that it appears a

septic system may have been installed because of the material and grading that appeared to be brought in. Ms. Basbanes also pointed out that there was no erosion control added where the septic system appeared to be installed as well as behind the garage where proposed grading appears. She also noticed that a machine had crossed the wetlands to get onto the track and had started to clear vegetation. Ms. Basbanes is curious about all that and her main concern is that work was already started without permits or review.

Joe Boccelli responded that when he purchased the property in July of last year, to the left of the garage there were about 20 piles of dirt and the neighbors kids were climbing on them. He said he moved them to the right of the house, out of the 100' buffer area. That was the only thing he said he did. No septic work, but he did cross the wetlands to remove some steel because he was worried about his kids going back there playing and getting cut.

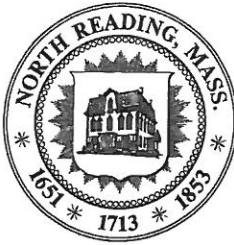
Leah Basbanes made note that the Commission would see her concerns when they go out for a site visit. It was mentioned Board of Health approved the septic system and then the issue of trees being cut down was mentioned.

Mr. Mason wanted to know if the maples and oaks came down, were others being planted in their place and Ms. Wallis said she'd add that to the plan. Ms. Campbell asked about impervious surface calculation and buffer zone calculation which Ms. Wallis responded that it was on the plan and as designed, it does meet the impervious and buffer zone disturbance with the impervious disturbance at about 11% buffer zone at about 70%.

Randy Mason raised the issue of the driveway again and asked if it was going to be changed and Mr. Boccelli responded by saying there is dirt on top of the payment and he will be using a combination of paving and cobblestones or something of that nature. Mr. Mason asked if that would be worked into the impervious calculation and Ms. Wallis responded that the impervious calculation presumed all asphalt on the driveway and that only a small portion of the driveway will be in the buffer zone.

Leah Basbanes said this will have to be continued until after the site visit which was scheduled for April 23 at 9:30. Both Ms. Wallis and Mr. Boccelli will be available

There were abutters in attendance. Jennifer and Paul Vieira of 27 Park Street and they questioned if there were two homes going on the property -- they were confused by the letter. Mr. Boccelli responded by stating that just a garage and replacement of the existing home with a new home. The Vieira's main concern is the high water table and are worried that the water that runs under their residence will flood their basement. Elizabeth Wallis responded by saying that the site is already constructed in its proposed form and explained the roof runoff, infiltration chambers, lawn and landscaping, etc. and does not see any issue. Ms. Basbanes then responded that no wetlands or waterways were being filled and there should not be any impact on the Vieira property. The Vieira's were satisfied with responses.



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Mr. Mason motions to continue 24 Park Street to May 11 meeting; Melissa Campbell seconds it.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to issue a continuance to the May 11<sup>th</sup> meeting.

**314 Haverhill Street – NOI – (245-1713)** – Proposed addition to the rear of an existing single family dwelling located within the 100' buffer zone to border vegetated wetlands.

Luke Roy, LJR Engineering, on behalf of the applicant Rachel Cheng. This is a hammerhead lot on Haverhill Street which he believes was constructed about 8 or 9 years ago. The applicant is proposing an addition to the rear of the existing house. The wetlands delineated behind the existing rear yard and the addition is proposed to the rear - 56' from the wetlands at the closest point. The topography drops off quite a bit, down to the wetland area and the tree line has been identified. With the added impervious of the addition, the site will remain in compliance with the impervious coverage that is 6.2% and the altered is 37.7%. In addition to the addition the applicant is proposing to remove a number of trees, some of which are in proximity to the wetland line itself. They proposed that these trees be cut flush to the ground, stumps to remain. The applicant and their tree company have identified these trees as being either unhealthy, dangerous to the rear yard or the house and they provided a letter from the tree company along with pictures and explanations of the removal reasons. The main proposal of the Notice of Intent was for the addition but they wanted to take the opportunity to include the tree work under that OOC if the Commission would allow it.

Tomas Sanchez asked about erosion control. Mr. Roy responded that he has straw waddle but is open to changes. Leah Basbanes asked about the new foundation and Mr. Roy responded that it's all new foundation. Ms. Basbanes also mentioned she would like to see more than straw wattles because of the slope of the backyard and Mr. Sanchez mentioned silt fence. Leah Basbanes commented that the fence with straw wattles is appropriate if they are on a flat area and trenched into the ground and mentioned that silt fencing is fine if that is what they wanted to use and Mr. Roy agreed.

Mr. Tomas Sanchez Co-chair, asked that the tree company has a definitive report on all the trees that they're proposing to take down and Mr. Roy responded that he had dropped the letter off to the office.

Leah Basbanes wants to get the Board's opinion on taking them down, especially the ones further from the house and to the north of the property. She doesn't see the need to be taking them down if they are not a hazard. If the report identifies them as being diseased, she believes a dead tree is still a good tree for wildlife habitat. She recommended the site inspection to look at trees.

Tomas Sanchez Co-chair, asked if the homeowner was on line and Mr. Cheng introduced himself. He commented that he was appreciative of the Board's time and had nothing to add.

Site visit was scheduled for April 23<sup>rd</sup>.

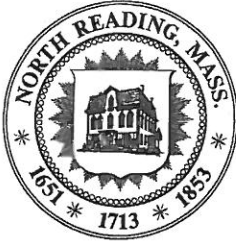
Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to issue a continuance to the May 11<sup>th</sup> meeting.

**1 Sunset Avenue – Request to Amend OOC (245-1619)** redesign of septic and addition. Luke Roy LJR, on behalf of the applicant Nick Antonopoulos. This is a request to mend an existing Order of Conditions. Same owner, but a different engineering company who did a septic system design to replace their current system back in 2019 or 2020. Since that time, the owner was unable to move forward because he could not find a contractor to do the job. Since then he decided to redesign the system which has been done. The design was always a septic tank pump chamber but they had a trench system and it is now designed to a leach field pushed further back. Mr. Roy also requested a waiver on the design to lower it by 1' and reduce the amount of fill. This makes it a more efficient fit. It is also centered approximately 28' feet from the wetlands on either side. Board of Health has approved the new design plan. The applicant is also asking to amend the OOC for a proposed addition to the right side of the existing home. The impervious coverage would go from 8.4% to 11.4% but the work, addition and septic is all within the existing altered area.

Leah Basbanes wanted to make sure that Mr. Roy was aware of the OOC expiring in July of 2022. He stated he was aware of that and they are interested in moving forward right away although the timing on the addition may be tight so they may have to request an extension to get that done. Further discussion was had with regard to making sure the request was submitted by June 15.

Tomas Sanchez Co-chair, asked about the foundation being a slab or 4' frost wall. Mr. Roy responded that it would be a slab. Further discussion with regard to erosion control – silt fence was final decision. No abutters present.

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



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Not an agenda item, but Leah Basbanes brought up the subject of what we should do when we are required to go back to in person meetings with regard to recording the meetings and whether we should use NORCAM as some of the other departments do, or just purchase a recording device. Consensus was to purchase a recording device.

**Adjourn**

Randy Mason moved, seconded by Melissa Campbell, and voted 4-0;

That the Conservation Commission adjourn the meeting at 7:58 PM

Approved Melissa A Campbell Dated 5/16/2022