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Massachusetts

Conservation Commission

Minutes

May 10, 2023

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

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

Tomas Sanchez, Vice Chair, called the Wednesday, May 10th, meeting of the Conservation Commission to order at 6:00 PM, by reading the following statement:

On March 29, 2023, Governor Healey signed into law the extension of the temporary provisions of Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, to continue until March 31, 2025. Specifically, this further extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. Members of the public attending this virtual meeting will be allowed to make comments, during the portion of the hearing designated for public comment. The Zoom meeting information is available on the Conservation Commission page on the Town Website.

The Zoom meeting ID is 839 9638 1983

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

Minutes

4/12/23 meeting.

Motion made by Jim Cheney, seconded by Melissa Campbell,
Voted 4-0 to approve 4/12/23 minutes.

Certificate of Compliance

14 Tarbox Lane (245-0681) Single family house and septic system. Leah Basbanes, Conservation Agent, summarized the As-Built plan as old, but does show substantial compliance. The site looked good and she observed no issues. It was recommended to issue a Certificate of Compliance.

Motion made by Randy Mason, seconded by Melissa Campbell, Voted 5-0 to issue a Certificate of Compliance.

145 Marblehead Street (245-1469) septic system, grading and shed. Leah Basbanes, Conservation Agent, summarized this request as being received from Williams & Sparages along with the letter and an As-Built plan. Site was inspected, everything is in compliance and it was recommended a Certificate of Compliance be issued.

Motion made by Randy Mason, seconded by Melissa Campbell, Voted 5-0 to issue a Certificate of Compliance.

Amendment to Order of Conditions

40 Elm Street (245-1707) raze existing house and construct new house. Ian Ainsley, of Meisner Brem Corp. was present to describe the amendment. This project was originally for an existing house to have an addition added along with some driveway work. The reason for the original plan was the applicant believed if they tore the house down, they would not meet the new zoning laws but they found that to be untrue. They are grandfathered in so they would be able to construct a new house with the same setback. They are still meeting the disturbance, the impervious and the 12' no disturb so they are in compliance. Originally it was 11% impervious and it now is 17%. The 17% for disturbed area would go to 22%. The plan itself is very similar other than the change to the house, the driveway changed a little based on the house shape. The septic is exact same as had been previously approved. The existing garage preexists the bylaw. It was requested that some new plantings be provided to compensate for the garage being within the 12' NDZ and increased house size in the areas near wetland flag 3A and 3B. No abutters were present.

Motion made by Randy Mason, seconded by Melissa Campbell, Voted 5-0 to close the public hearing and issue a standard Order of Conditions plus the demarcation of the 12' no disturb zone and restoring from lawn back to vegetated state.

Public Hearings

17 Anthony Road-346R Haverhill Street (245-1739) construction of a roadway. Mr. William Hall requested a continuance until the June 14th, 2023 meeting.

Motion made by Randy Mason, seconded by Melissa Campbell, Voted 5-0 to accept the request for a continuance until the June 14, 2023 meeting.

6 Palomino Drive (245-1747) tree removal, grading and patio extension. Luke Roy, LJR Engineering, on behalf of the applicant, Michael Luciano was present. He described the project as having a wetland resource area that was delineated along the rear of the property which is entirely off site. They identified the 100' buffer that extends on the site along with the 12' no disturb which just touches the far back corner of the property. The proposed work is not approaching the 12' no disturb zone. The applicant is looking to clear some trees in a portion of the back yard to create a larger, flat area behind the existing deck. 4-5 mature trees along with brush, saplings, and smaller trees would be removed. The applicant would also like to grade the lawn area. In addition, there is a very steep grade of the existing driveway and the applicant would like to improve that by tapering the grade by landscaping and building retaining walls to terrace it to the rear of the house near the patio under the existing deck. They propose to extend the patio area, off to the left side of the deck. The buffer zone standards for altered and impervious are well within the permissible thresholds as a 53.7% buffer alteration and 4.7% impervious including the paver patio. Mr. Sanchez asked what species of trees are being cut down. Mr. Roy responded with oak and pine. Mr. Sanchez asked if there was a plan to replace the trees. Mr. Sanchez would like a plan to replace the loss of the trees and Mr. Roy said the applicant would be open to that. Ms. Basbanes said it is current policy that trees that are cut down, that plantings/shrubs should be put back. Mr. Mason asked about erosion control. Mr. Roy responded that silt fencing would be used. No abutters present.

Motion made by Randy Mason, seconded by Melissa Campbell, Voted 5-0 to close the public hearing and issue a standard Order of Conditions plus special condition to plant native trees and shrubs to be determined pre-construction.

21 Anthony Road (245-1746) installation of an in-ground pool. Luke Roy, LJR Engineering was present on behalf of the applicant, Amy McCarthy. Mr. Roy showed the revised plan for the proposed installation of an in-ground pool. The applicant prefers the pool to be off to the right hand side so that it is not in the middle of their useable lawn area. The setback from the property line is 10' but they have it at 11'. The pool is 42' at the closest point to the wetlands between Flag 1 and 2. The patio and pool deck will be 33' at the closest point based on the design. The pool, safety fencing, etc. will all be within an existing maintained lawn area. Minimal grading, relatively flat. The applicant plans on planting native tree and shrubs to enhance and improve the 12' no disturb buffer zone. Mr. Mason asked about demarcation for

the no disturb. Mr. Roy stated that they was open to that in addition to the plantings, signage and boulders if the Commission wishes. Mr. Roy added that there is no change to the altered area but the impervious is at 15.3% with the proposed pool. Most of the buffer is lawn area, other than ½ the shed which just touches the back corner of the house. Low impervious coverage. Exposed aggregate concrete which is completely impervious. Ms. Basbanes wanted Mr. Roy to know that no water can be discharged into the wetlands. No abutters present.

Motion made by Randy Mason, seconded by Jim Cheney, Voted 5-0 to close the public hearing and issue a standard Order of Conditions plus planting native trees and shrubs and a demarcation 12' no disturb with boulders and signage.

Adjourn

Randy Mason moved, seconded by Melissa Campbell, and voted 5-0; that the Conservation Commission adjourn the meeting at 6:48 PM.

Approved



Dated

15 June 2023