



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
1009 Main Street
Tewksbury, MA 01876**

Daniel Ronan, Chairman
Evan Walsh, Vice-Chairman
Patrick Holland
Dennis Sheehan
Steve Gove

**Meeting Minutes
January 11, 2023**

The meeting was called to order by Daniel Ronan, Chairman, at the Tewksbury Town Hall at 6:30p.m. In attendance was Evan Walsh, Vice-Chairman, Patrick Holland, Dennis Sheehan and Steve Gove.

Approval of Meeting Minutes

There were no meeting minutes presented for approval.

- A) **Continue to February 22, 2023, Conservation Commission Meeting, Public Hearing, Notice of Intent, Civil Design Consultants, Inc. of Andover, MA on behalf of Yvon Cormier, Vale Street, Assessor Map 112 Lots 23, 87, 88, 89, 90, 91, 92, 93, 94. DEP File # 305-1154**

MOTION: Mr. Holland made the motion to continue to February 22, 2023, the Conservation Commission Meeting, Public Hearing, Notice of Intent, civil Design Consultants, Inc. of Andover, MA on behalf of Yvon Cormier, Vale Street, Assessor Map 112 Lots 23, 87, 88, 89, 90, 91, 92, 93, 94. DEP File # 305-1154, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

- F) **Continue to January 25, 2023, Public Hearing, Notice of Intent; Cornerstone Land Associates, LLC of Dracut, MA on behalf of Taylor Goudreau; 100 Breckenridge Road, Tewksbury, MA; Assessor Map 111 Lot 68. DEP File # not yet assigned.**

MOTION: Mr. Holland made the motion to continue to January 25, 2023, the Public Hearing, Notice of Intent; Cornerstone Land Associates, LLC of Dracut, MA on behalf of Taylor Goudreau; 100 Breckenridge Road, Tewksbury, MA; Assessor Map 111 Lot 68. DEP File # not yet assigned seconded by Mr. Sheehan and the motion unanimously carried 5-0.

- H) **Continue to January 25, 2023, Public Hearing, Notice of Intent; Hancock Associates of Danvers, MA on behalf of Crowninshield Management Corporation of**

Marblehead, MA; Quail Run, Tewksbury, MA, Assessor Map 62, Lot 15. DEP File # 305-1171.

MOTION: Mr. Holland made the motion to continue to January 25, 2023, the Public Hearing, Notice of Intent; Hancock Associates of Danvers, MA on behalf of Crowninshield Management Corporation of Marblehead, MA; Quail Run, Tewksbury, MA, Assessor Map 62, Lot 15. DEP File # 305-1171., seconded by Mr. Sheehan and the motion unanimously carried 5-0.

- I) Continue to January 25, 2023, Public Hearing, Notice of Intent; John G. Crowe Associates, Inc. of Bedford, NH on behalf of Raytheon Technologies, Inc. of Andover, MA; 100 Apple Hill Drive, Tewksbury, MA, Assessor Map 38, Lot 2. DEP File # not yet assigned.**

MOTION: Mr. Holland made the motion to continue to January 25, 2023, the Public Hearing, Notice of Intent; John G. Crowe Associates, Inc. of Bedford, NH on behalf of Raytheon Technologies, Inc. of Andover, MA; 100 Apple Hill Drive, Tewksbury, MA, Assessor Map 38, Lot 2. DEP File # not yet assigned, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

- B) Request for Certificate of Compliance; AJM Development Inc., 15 Starbird Ave Subdivision, DEP File # 305-998**

No one was present for this agenda item, and therefore it was tabled till the end.

- C) Request for Certificate of Compliance; Adam Goldverg/Seefried Properties of Atlanta, GA; 495 Woburn Street/40 Discovery Way, Tewksbury, MA, Assessor Map 1 Lots 1 & 3. DEP File #305-1112**

No one was present for this agenda item, and therefore it was tabled till the end.

- D) Public Hearing, Request for Determination of Applicability; Greenman-Pedersen, Inc. of Wilmington, MA on behalf of the Massachusetts Department of Transportation. Multiple locations along Main Street, Tewksbury, MA.**

Present was Sam Campbell, design consultant with Greenman Pedersen Inc., Alexa Marshall, environmental scientist with Greenman-Pedersen Inc., and Cortney Walker, environmental analyst with MassDOT.

Mr. Campbell reviewed a project map. He recapped that the project involved 7 intersections along Route 38 in both Tewksbury and Lowell. The RDA is being submitted for the work along the riverfront area, which is the intersection of Route 38 and Clarke Road. Along Route 38 there are numerous deficiencies in the existing conditions primarily the existing sidewalks, where they do not meet the current standards for the

Americans with Disabilities Act and architectural board. There are either no pedestrian crossing markings, or if they are present, they are not current with the manual on uniform traffic control devices, or they are almost completely faded. There are also no pedestrian signals in many locations, and a lot of the equipment is outdated and not meeting current standards.

Mr. Campbell went on to explain that a lot can be solved by replacing the traffic signals and installing pedestrian signals where they currently do not exist. Also, widening sidewalks and fixing curb ramps to make it handicap accessible. To address the issues where Clark Road is (within the riverfront area), it is going to result in 50 square feet of temporary alteration/ construction phase disturbance of lawn, including installing erosion and sediment controls and grading. The project also involves 16 sq feet of permanent alterations, including a new impervious area associated with the construction of the sidewalk in the northeast corner. Existing paved areas will be repaved or include new concrete sidewalk where there is already existing sidewalk that is substandard. There is no work to be planned within bordering vegetated wetlands underwater or impacts to stream bank as most work is cited in developed areas. In conclusion, disturbed areas with temporary impacts will be stabilized with a seed mix upon completion.

Mr. Gove clarified if permanent area would be 6 feet or 16 feet, and Mr. Campbell responded 16 feet.

Mr. Holland voiced that he thinks it is good because they need a new sidewalk, and Mr. Gove agreed that this must be done. Mr. Holland asked if the signals would be changed on the lights and Mr. Campbell responded that there would be a minor change to the timing to alleviate cue lengths with respect to traffic. Mr. Ronan responded that they are speaking about one of the worst traffic intersections in town so any improvements would be appreciated. Mr. Campbell agreed and stated that the official anticipated advertisement date is Spring of 2023 with hopeful completion by 2024.

Mr. Ronan asked what order they would start the work on, and Mr. Campbell suspected they would start at one end and work their way down one intersection at a time.

Mr. Ronan read on behalf of Mr. Joe Fontaine, Conservation Commissioner who was not in attendance, that if the commission was to issue a negative determination the following conditions would apply: Installing and maintaining erosion and sediment controls, which shall include a properly entrenched silt fence and/or staked straw waddle around the area of construction to prevent the deposition of sediment from construction activities into nearby wetland areas. Sediment controls shall remain in place until all areas of loose disturbed soil and other erodible materials have been stabilized at the site. Prior to construction, controls shall be established and appropriate photos showing the installed sediment controls at the intersection of Clark and Main Street shall be sent to the conservation agent.

Mr. Campbell stated that he has no issues with that and will modify any documents if needed for the contractor.

Mr. Ronan opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Holland made the motion to close the public hearing for this project, seconded by Mr. Sheehan, and the motion unanimously carried 5-0.

MOTION: Mr. Holland made the motion to issue a Negative Determination of Applicability; Greenman-Pedersen, Inc. of Wilmington, MA on behalf of the Massachusetts Department of Transportation. Multiple locations along Main Street, Tewksbury, MA, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

E) Public Hearing, Notice of Intent, David Dillon; 100 Terramor Drive, Tewksbury, MA; Assessor Map 33, Lot 75. DEP File # 305-1173

Present was David Dillon of 100 Terramor Drive, Tewksbury, MA.

Mr. Dillon explained that he submitted an application regarding a portion of the south-western corner of the home that he just built, as is in conservation land, and they are looking to build a fence and install a shed in that area. It is not determined if the shed would be located outside the 25-foot buffer zone, but he is hoping to have it within the 50-foot buffer zone. Most of his property is within a 50-foot no build zone so he is hoping to find a spot for it. He is also looking at the future installation of a pool and patio area and some tree removal in the back of the property.

Mr. Walsh asked if the pool is planned to be above ground or in-ground and Mr. Dillon responded that it would preferably be in-ground. Mr. Ronan stated that they have 2 plot plans and his is more accurate as it shows the 100-foot area. Mr. Walsh pointed out that the pool area is slightly different between the two, and Mr. Dillon agreed that he did the best he could with the tools he had, but will do what he can with respect to the property. Mr. Walsh stated that if it is to be an in-ground pool, additional erosion control measures will have to be put in place so that disturbance to the ground does not go into the wetlands. Mr. Walsh also noted that the shed is 12x16 and it goes under 10 percent, so he is okay with it on this project. Mr. Holland noted that they allow 221 square feet and it makes that threshold.

Mr. Ronan asked if he knew what type of shed he wanted, and Mr. Dillon stated that he did not as he wanted to get it approved first. Mr. Ronan added that he would prefer it to be nothing that requires concrete to be poured, and Mr. Dillon stated that it would be a gravel bed to place the shed on. Mr. Holland asked how many trees there are to be removed, and Mr. Dillon responded that there are 9-10, not very large and quite a few are dying; three that are small within the no disturb zone and the rest are outside the 50-foot zone. Mr. Holland stated that he has no issues.

Mr. Ronan read on behalf of Mr. Fontaine, that the following conditions include standard conditions number one through four and nine through nineteen. Special conditions include installing and maintaining erosion and sediment controls which shall include a properly entrenched silt fence and/or staked straw waddles around the area of construction as to prevent the deposition of sediment from construction activities into nearby wetland resource areas. ESCs shall remain in place until all areas of disturbed

loose soil and other erodible materials have been stabilized at the site. Prior to construction activities commencing the following must be completed: ESCs shall be installed by the applicant and the conservation agent shall inspect the installed ESCs. Soil stockpiles shall be properly covered while not in use and stockpiles shall be surrounded with a silt fence or straw waddle. If dewatering is necessary, water from the excavation pit shall be properly pumped into the dewatering location depicted on the approved plan. The water shall be appropriately filtered prior to being discharged onto the ground. The appropriately sized filter bag shall be surrounded by a silt fence or straw waddle. Upon completion of the construction activities and receiving a certificate of compliance, an as built must be submitted that shows all constructed features being proposed under this application relative to the wetland boundary. The as built must show the proximity with accurate measurements of said structures to marina near by wetlands and must also show the extent of land clearing, final tree line or unaltered vegetation line is after completed construction activities. The request for a certificate of compliance shall be accompanied by photographs of the completed construction. Pool water shall not be discharged into the nearby wetlands. The Conservation Commission has approved the removal of approximately 15 plus or minus a few trees as depicted within the provided photographs showing which trees are anticipated to be removed. Mr. Ronan finished by saying that if Mr. Dillon has any questions or needs guidance regarding any of these, that Mr. Fontaine is always available. Mr. Dillon noted that since it is a new construction, a lot of these measures are already in place, which is good.

Mr. Ronan reiterated the importance of not pouring any of the pool water into the nearby wetlands, and instead letting it go into the lawn.

Mr. Holland asked Mr. Dillon if an abutters notice was included and he stated that yes, it was hand delivered because all the houses were still owned by AMG Development, so he only had to give them to two direct neighbors. Mr. Sheehan commented that a lot of folks have pools in that area and Mr. Dillon agreed.

Mr. Ronan opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Holland made the motion to close the public hearing for this project, seconded by Mr. Sheehan, and the motion unanimously carried 5-0.

MOTION: Mr. Holland made the motion to approve the Notice of Intent, David Dillon; 100 Terramor Drive, Tewksbury, MA; Assessor Map 33, Lot 75. DEP File # 305-1173, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

G) Public Hearing, Notice of Intent; Civil Design Consultants on behalf of Arnie Martel; Frasier Lane Paving Project; DEP File # 305-1157

Present was Bill Hall with Civil Design Consultants representing the applicant for a notice of intent.

Mr. Hall started by explaining that this is a unique site that is a partially completed subdivision, permitted under a now expired order of conditions. The roadway has been paved, all drainage basins and storm water structures have been installed. All the wetland replication areas have been installed this. It's approximately 3,700 feet of paved roadway. There are a couple wetland crossings that were associated with the construction that is finished as well as a certified vernal pool located on lot 17 through 19. Mr. Hall is looking for this road to be accepted as a public way because right now it is not. For that to happen, the DPW has asked for a few items to be done first. Within the buffer zone, sections of binder course will be repaired as well as removing and replacing concrete berms along the roadway. An inspection would take place, then they would install a finish course along the roadway, raising a catch basin and all else associated. The storm water structures will be maintained per their operation and maintenance plan.

Mr. Holland stated that the road was already there, and asked if they would be changing the storm water system. Mr. Hall clarified that they would just be maintaining them, which would involve if there is sediment in them, mowing, etc. Essentially, they are just paving the road.

Mr. Ronan read on behalf of Mr. Fontaine, that the following conditions include standard conditions number one through four and nine through nineteen. Special conditions include installing and maintaining erosion and sediment controls which shall include a properly entrenched silt fence of 12-inches diameter compost filter tube around the area of construction as to prevent the deposition of sediment from construction activities into nearby wetland resource areas. ESCs shall remain in place until all areas of disturbed loose soil and other erodible materials have been stabilized at the site. Alternative sediment controls may be approved by the conservation agent. Prior to construction activities commencing the following must be completed: ESCs shall be installed by the applicant, or agent of the applicant, and the conservation agent shall inspect and approve the installed ESCs. Silt stacks shall be installed in all catch basins within a conservation commission jurisdictional area. Soil stockpiles shall be properly covered while not in use and stockpiles shall be surrounded with a silt fence or straw waddle. Mr. Hall stated he did not have any issues with these conditions.

Mr. Ronan opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Holland made the motion to close the public hearing for this project, seconded by Mr. Sheehan, and the motion unanimously carried 5-0.

MOTION: Mr. Holland made the motion to Approve the Notice of Intent; Civil Design Consultants on behalf of Arnie Martel; Frasier Lane Paving Project; DEP File # 305-1157, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

B) Request for Certificate of Compliance; AJM Development Inc., 15 Starbird Ave Subdivision, DEP File # 305-998

MOTION: Mr. Holland made the motion to move the Request for Certificate of Compliance; AJM Development Inc., 15 Starbird Ave Subdivision, DEP File # 305-998 to the next available meeting, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

C) Request for Certificate of Compliance; Adam Goldberg/Seefried Properties of Atlanta, GA; 495 Woburn Street/40 Discovery Way, Tewksbury, MA, Assessor Map 1 Lots 1 & 3. DEP File #305-1112

MOTION: Mr. Holland made the motion to move the Request for Certificate of Compliance; Adam Goldberg/Seefried Properties of Atlanta, GA; 495 Woburn Street/40 Discovery Way, Tewksbury, MA, Assessor Map 1 Lots 1 & 3. DEP File #305-1112 to the next available meeting, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

Mr. Ronan asked the Commission on behalf of Mr. Fontaine if anyone would like to discuss any Old Business or New Business, and no one commented.

Mr. Holland stated that he would like the Conservation Agent to reproduce item A as that has been going on for a year and there is no new information. Mr. Ronan agreed and added that the applicant indicated they would attend a meeting in February.

Adjournment

MOTION: Mr. Holland made the motion to adjourn; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

Approved: October 4, 2023

*List of Documents for the 1.11.2023 Meeting
Documents can be found in the Community Development Office*

06:30 P.M. Call Meeting to Order
Approval of Minutes May 11, 2022; June 22, 2022; July 13, 2022; August 17, 2022; September 7, 2022; September 21, 2022; October 5, 2022; October 19, 2022; November 2, 2022; November 16, 2022; December 7, 2022; December 21, 2022;

- **CAT Document**

A. *Continued to February 22, 2023 Conservation Commission Meeting* [PUBLIC HEARING] **Notice of Intent**, Civil Design Consultants, Inc. of Andover, Massachusetts on behalf of Yvon Cormier, Vale Street, Assessor Map 112 Lots 23, 87, 88, 89, 90, 91, 92, 93, 94. DEP File # 305-1154.

B. **Request for Certificate of Compliance;** AJM Development Inc., 15 Starbird Ave Subdivision, DEP File # 305-998.

C. **Request for Certificate of Compliance;** Adam Goldberg/Seefried Properties of Atlanta, GA; 495 Woburn Street / 40 Discovery Way, Tewksbury, MA; Assessor Map 1 Lots 1 & 3. DEP File # 305-

1112.

- *Application - WPA Form 8A*
- *Site Plans*

D. [PUBLIC HEARING] **Request for Determination of Applicability;** Greenman-Pedersen, Inc. of Wilmington, MA on behalf of the Massachusetts Department of Transportation. Multiple locations along Main Street, Tewksbury, MA.

- *Application - WPA Form 1*
- *Site Plans*
- *Photos*
- *Exemption Letter*

E. [PUBLIC HEARING] **Notice of Intent;** David Dillon; 100 Terramor Drive, Tewksbury, MA; Assessor Map 33 Lot 75. DEP File # 305-1173.

- *Application - WPA Form 3*
- *Site Plans*
- *Tree Removal Photos*

F. *Continued to January 25, 2023 Conservation Commission Meeting* [PUBLIC HEARING] **Notice of Intent;** Cornerstone Land Associates, LLC of Dracut, MA on behalf of Taylor Goudreau; 100 Breckenridge Road, Tewksbury, MA; Assessor Map 111 Lot 68. DEP File # Not Yet Assigned.

- *Application - WPA Form 3*
- *Site Plans*
- *Photos*

G. [PUBLIC HEARING] **Notice of Intent;** Civil Design Consultants on behalf of Arnie Martel; Frasier Lane Paving Project; DEP File # 305-1157.

- *Application - WPA Form 3*
- *Site Plans*

H. *Continued to January 25, 2023 Conservation Commission Meeting* [PUBLIC HEARING] **Notice of Intent;** Hancock Associates of Danvers, MA on behalf of Crowninshield Management Corporation of Marblehead, MA; Quail Run, Tewksbury, MA, Assessor Map 62 Lot 15. DEP File # 305-1171.

I. *Continued to January 25, 2023 Conservation Commission Meeting* [PUBLIC HEARING] **Notice of Intent;** John G. Crowe Associates, Inc. of Beford, NH on behalf of Raytheon Technologies, Inc. of Andover, MA; 100 Apple Hill Drive, Tewksbury, MA, Assessor Map 38 Lot 2. DEP File # Not Yet Assigned.

Old Business
New Business
Administrators Report
Adjournment