



**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 25, 2023**

The meeting was called to order at by Daniel Ronan, Chairman, at the Tewksbury Town Hall at 6:30 p.m. In attendance were Patrick Holland, Dennis Sheehan, and Steve Gove. Also in attendance was Joseph Fontaine, Conservation Agent.

Evan Walsh was not in attendance.

Approval of Meeting Minutes – May 11, 2022, November 2, 2022 and November 16, 2022

MOTION: Mr. Holland made the motion to approve the May 11, 2022 meeting minutes; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

MOTION: Mr. Holland made the motion to approve the November 2, 2022 meeting minutes; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

MOTION: Mr. Holland made the motion to approve the November 16, 2022 meeting minutes; seconded by Mr. Sheehan

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

It was noted that there was not a representative present for this matter.

Mr. Holland suggested taking this matter off the agenda until they are ready.

MOTION: Mr. Holland made the motion to continue to a date to be determined; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

B) Request for Certificate of Compliance, Adam Goldver/Seerfried Properties of Atlanta, GA, 495 Woburn Street/40 Discovery Way, Tewksbury, MA , Assessor Map 1, Lot 1 & 3, DEP #305-1112

It was noted that the applicant has requested to continue this matter.

MOTION: Mr. Holland made the motion to continue Request for Certificate of Compliance, Adam Goldver/Seerfried Properties of Atlanta, GA, 495 Woburn Street/40 Discovery Way, Tewksbury, MA , Assessor Map 1, Lot 1 & 3, DEP #305-

1112 to the next meeting; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

C) Emergency Certification, Raytheon Technologies of Tewksbury, MA, 100 Apple Hill Drive, Tewksbury, MA, Assessor Map 38, Lot 2

A representative of the applicant was present for this project discussion.

The representative of the applicant, the Conservation Commission, and the Commission's agent discuss the following:

An emergency certification was issued to Raytheon technologies after they had reported a partially collapsed roadway within their parking lot. After meeting with the civil engineer for Raytheon, he had explained that the road failure was due to a compromised drainage pipe.

The compromised drainage pipe resulted in sediment entering the drainage system, resulting in outwash to be deposited near/within surrounding wetlands. The cleanup of sediment will be addressed after the emergency is abated.

The emergency certification allowed Raytheon to fix the collapsed roadway and repair the drainage pipe as necessary to alleviate the emergency.

The emergency certification was issued with the following conditions:

1. Install and maintain sediment controls, which shall include of a properly entrenched silt fence and/or staked straw wattles, 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.
2. Subsequent to the completion of work related to abating the emergency, provide the Conservation Commission/Agent with photographs depicting the construction area subject to this Emergency Certification.

The Commission may vote to ratify the emergency certification.

It was noted that a separate violation notice will be issued for sediment that has deposited into the nearby wetlands as a result of the failed drainage pipe.

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

D) Request for Determination of Applicability, Chistian Tirella, 495 Chandler Street, Assessor Map 60, Lot 163

The applicant was present for the project discussion.

The applicant, the Conservation Commission, and the Commission's agent discuss the following:

- (1) The applicant is proposing to clear vegetation up to the 25-foot No Disturb Zone, as shown on the provided plans
- (2) The wetland delineation shown on the provided plans was conducted in the Summer of 2018
- (3) The Conservation Agent had conducted a site visit on 01/18/2023 to confirm the accuracy of the wetland delineation shown on the provided plans. Based on available evidence at the time, including observations of soils, hydrology, and vegetation, it seemed that a portion of the wetland delineation could be expanded closer to the dwelling. Note that it is winter and not ideal to observe the vegetation factor in delineating wetlands.
- (4) The Commission likes the idea of refreshing the wetland delineation to ensure that the wetland boundaries are accurately depicted.

MOTION: Mr. Holland made the motion to continue Request for Determination of Applicability, Chistian Tirella, 495 Chandler Street, Assessor Map 60, Lot 163 to the 2nd meeting in April 2023; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

E) Request for Determination of Applicability, Joseph & Meghan Carter, 18 Regis Road, Tewksbury, MA, Assessor Map 103, Lot 14

The applicant was present for the project discussion.

The Conservation Commission, the Commission's agent, and the applicant discuss the following:

- (1) The applicant proposes to replace and expand upon an existing deck. The deck will be located about 40-feet away from nearby wetlands
- (2) Decks are not considered structures, therefore they can be constructed in the No Build Zone
- (3) Prior to construction, the applicant shall install sediment controls around the construction area and coordinate with the Conservation Agent for the Agent to conduct a site visit to approve of the sediment control installation.

MOTION: Mr. Holland made the motion to close the public hearing for the 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 for Joseph & Meghan Carter, 18 Regis Road, Tewksbury, MA, Assessor Map 103, Lot 14, as discussed at the meeting; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

F) 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 #305-1174

The applicant and applicant's representative were present for the project discussion.

The Conservation Commission, the applicant, the applicant's representative, and the Commission's agent discuss the following:

- (1) Project work: The proposed work consists of grading, removal of an existing retaining wall, installation of a new retaining wall, and the removal of trees to establish a stable base for the new retaining wall.
- (2) Where the work is occurring: Most work is located outside of the 25-foot No Disturb Zone. The application says that, "There is a short 20 foot section of the existing wall that is located within the No Disturb Zone that the applicant proposes to leave undisturbed."

The work is located within the buffer zone of wetlands and *near* the 100-year floodplain.

- (3) MADEP has the following comments: There is a preliminary FEMA FIRM and FIS dated 8-31-2021 for this site which should be used as best available data in lieu of the 2016 FIRM and plans should be revised accordingly.

The Commission may wish to issue an Order of Conditions for the Project, considering the following conditions:

- (1) Standard Conditions #1-#4 & #9-#19
- (2) Special Conditions:
 - a. Perimeter sediment controls to be installed as per plan. Conservation Agent to inspect and approve of sediment control installation & design prior to the start of construction.
 - b. Alternative equivalent sediment controls may be approved of by the Conservation Agent.
 - c. Upon completion of construction activities and in order to receive a Certificate of Compliance, a surveyed As-Built plan must be submitted that shows all constructed features being proposed under this application relative to the wetland boundary. The request for Certificate of Compliance shall be accompanied by photographs of the completed construction.

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

MOTION: Mr. Holland made the motion to approve the Notice of Intent for Cornerstone Land Associates, LLC of Dracut, MA on behalf of Taylor Goudreau, 100 Breckenridge Road, Tewksbury, MA, Assessor Map 111, Lot 68, DEP #305-1174, as discussed at the meeting and based on

the site plan provided to the Commission during the meeting; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

G) 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 #305-1171

A member of the applicant's representative was present for the project discussion.

The Conservation Commission, the Commission, agent, and the applicant's representative discuss the following:

Previous outstanding issues include (1) addressing MassDEP's comments on the requirement to conduct a Wildlife Habitat Evaluation if there is greater than 50-feet of Bank impact; (2) addressing outstanding comments from the Conservation Agent – see email correspondence – and (3) addressing the desire to have a sediment device that “catches” sediment that would otherwise deposit into the stream, considering the work is occurring directly above both ends of the culvert pipe.

The Commission may vote to issue an Order of Conditions in approval of this project, considering the following conditions:

(1) Standard Conditions #1-#4 & #9-#19

(2) Special Conditions:

- a. Install and maintain appropriate sediment controls around areas of construction as to prevent the deposition of sediment from construction activities into nearby wetland resource areas. Sediment controls shall remain in place until all areas of disturbed/loose soil and other erodible materials have been stabilized at the site.
- b. Prior to any construction activity commencing, the following must be completed:
 - i. Sediment controls shall be installed by the applicant or an agent of the applicant; and
 - ii. The Conservation Agent shall inspect and approve of the installed ESCs.
- c. Alternative equivalent sediment controls may be approved of by the Conservation Agent.
- d. “Silt fence installation detail” on final approved plan shall be implemented to “catch” sediment from excavation-related work before (potentially) falling into the streambed below.
- e. Upon completion of construction activities and in order to receive a

Certificate of Compliance, a surveyed As-Built plan must be submitted that shows all constructed features being proposed under this application relative to the wetland boundary. The request for Certificate of Compliance shall be accompanied by photographs of the completed construction.

Mr. Holland suggests including the existing photographs, as the site is now, to the Request for Certificate of Compliance application.

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

MOTION: Mr. Holland made the motion to approve the 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 #305-1171; seconded by Mr. Sheehan, and the motion unanimously carried 5-0.

H) 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 #not yet assigned

The applicant and their representative was present for the project discussion. The applicant and/or representative indicated that they will be revising this notice of intent application.

MOTION: Mr. Holland made the motion to continue 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 #not yet assigned to a meeting at the earliest convenience of the applicant; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

I) Notice of Intent, GCG Associates, Inc. of Wilmington, MA on behalf of the Town of Tewksbury, 900 Chandler Street, Assessor Map 43, Lot 84, DEP #305-1175

Mike Carter of GCG Associates, Inc. and Bob Weatherall of Weatherall Design Group are in attendance for this project discussion.

The Conservation Commission, the Commission's agent, and the applicant's representative discuss the following:

- This is a town project
- The project seeks to permit three boardwalks within the Chandler Well Fields walking area. The boardwalks are meant for pedestrian crossing.
- The boardwalks will be crossing Heath Brook (perennial stream & therefore Riverfront Area), wetlands, Bank, and Land Under Water/Waterways.

- A volunteer group will be the contractor for installing the boardwalks;
- The project may qualify as a Limited Project, as long as the Commission approves. This means that the Commission has the jurisdiction to waive certain performance standards stipulated within the WPA for the project. The limited project is described at 310 CMR 10.53(3)(j): “The construction and maintenance of catwalks, footbridges, wharves, docks, piers, boathouses, boat shelters, duck blinds, skeet and trap shooting decks and observation decks; provided, however, that such structures are constructed on pilings or posts so as to permit the reasonably unobstructed flowage of water and adequate light to maintain vegetation”.
- Assuming the Commission is in agreement that the project as designed meets the criteria of the limited project AND the Commission wants to grant the project the “limited project” status, the Commission should determine if:
 - Any real impacts to wetland resource areas will occur as a result of this project;
 - Which performance standards for wetland resource areas should be waived;
- Some trees are marked on the site plan to be removed. These trees are located within the wetland or Heath Brook.
- Conditions for a project like this may include:
 - All wood cutting is to occur outside of wetlands. Any wood cutting debris shall be collected as best as possible and properly disposed of.
 - Temporary disturbances to buffer zone, Bank, and/or wetlands shall be restored back to its original condition prior to an issuance of a certificate of compliance. Re-establishing any temporary disturbances in buffer zone of wetlands shall reference procedures under “Grading, Stabilization and establishment of growth within resource buffer area”, as provided within the approved plans (Plan No. 2 of 6). Re-establishing any temporary disturbances in wetlands shall reference procedures under “Wetland replication and planting plan”, as provided within the approved plans (Plan No. 2 of 6) – note that the application of the wetland seedmix may suffice for temporary impacts, rather than implementing the planting of shrubs and herbaceous plants.
 - Equivalent seed mixes may be approved by the Conservation Agent
 - Install and maintain sediment control, as per Site Plans, around the area of construction as to prevent the deposition of sediment from construction activities into nearby wetland resource areas. Sediment controls shall remain in place until all areas of disturbed/loose soil and other erodible materials have been stabilized at the site.
 - Prior to any construction activity commencing, the following must be completed:

- ESCs shall be installed by the applicant or an agent of the applicant; and
- The Conservation Agent shall inspect and approve of the installed ESCs.
- The Commission understands that trees within the boardwalk or within a close proximity of the proposed boardwalks may be removed to maintain the long term integrity of the structures. The applicant may consult with the Commission's agent for the removal of particular trees near the boardwalk if not already marked on the plan.
- Assuming the Commission is not requiring a wetland replication plan, the Commission could still include a condition that allows a wetland replication plan to be implemented in case the project does develop permanent wetland impacts.
- The Commission recognizes the proposed "wetland replication plan" as more of a planting plan being approved of under the limited project regulatory citation.
- Mr. Fontaine asks whether a collection of sticks/mud that is potentially causing a damming effect in one of the proposed work areas will be removed. Mr. Weatherall states that this collection of sticks/mud will not be removed.

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

MOTION: Mr. Holland made the motion to approve the Notice of Intent, GCG Associates, Inc. of Wilmington, MA on behalf of the Town of Tewksbury, 900 Chandler Street, Assessor Map 43, Lot 84, DEP #305-1175, as discussed at the meeting; seconded by Mr. Sheehan, and the motion unanimously carried 5-0.

Old Business

No old business was discussed.

New Business

The Conservation Commission and the Commission's agent discuss the following:

Cleghorn Lane, Hood Road, Trull Brook Lane and guile Ave Water Main Replacement Project:

This project utilizes the utility maintenance exemption for the replacement of water facilities. The project proposes to implement sediment controls such as compost filter tubes and silt sacks. Both the WPA and our Bylaw consider this an exempt project as long as appropriate construction best management practices are utilized.

Victor Drive Water Main Replacement Project:

This project utilizes the utility maintenance exemption for the replacement of water facilities. The project proposes to implement sediment controls such as compost filter tubes and silt sacks. Both the WPA and our Bylaw consider this an exempt project as long as appropriate construction best management practices are utilized.

Administrators Report

There was no Administrators Report provided.

Adjournment.

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

Approved: June 21, 2023

*List of Documents for 01.25.2023 Meeting
Documents can be located in the Office of Community Development*

- Conservation Agent Thoughts Document

- A. Request for Certificate of Compliance; AJM Development Inc., 15 Starbird Ave Subdivision, DEP File # 305-998.**
 - A letter dated April 5, 2022, from Woodland Design of Tewksbury MA addressed to Mr. Joe Fontaine regarding “15 Starbird Avenue – DEP 305-998 Certificate of Compliance”
 - A completed WPA Form 8A
 - An As-Built site plan dated April 5, 2019
 - A photograph titled “Drainage Issue Improvement – Installation of Sod – 11.15.2022”
 - A photograph titled “Photograph of Drainage issue within Starbird Ave Subdivision; Photo Taken 04/20/2022”
 - Field Notes dated 04.20.2022
 - A quitclaim deed of the open space parcel granted to the Conservation Commission as part of the subdivision
 - Site plans titled “Definitive Subdivision Plans for 15 Starbird Avenue”, with a most recent revision date of 12.21.2015
 - The Order of Conditions managed under DEP File # 305-998
 - A letter from Wetlands & Land Management, Inc. of Danvers, MA dated November 21, 2015, addressed to Kyle Boyd of the Tewksbury Conservation Commission and regarding “Notice of Intent Review – 15 Starbird Avenue”.

- B. 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.**

- As-Built plan set titled “As-Built Survey”, dated December 21, 2022
 - A letter from Conor Nagle, PE of Vanasse Hangen Brustlin, Inc. dated January 3, 2023 and addressed to Joe Fontaine of the Tewksbury Conservation Commission
 - A completed WPA Form 8A
- C. Emergency Certification;** Raytheon Technologies of Tewksbury, MA; 100 Apple Hill Drive, Tewksbury MA, Assessor Map 38 Lot 2.
- A WPA Emergency Certification Form (inclusive of associated attachments) issued by the Conservation Agent on behalf of the Tewksbury Conservation Commission.
- D. [PUBLIC HEARING] Request for Determination of Applicability;** Christian Tirella; 495 Chandler Street, Assessor Map 60 Lot 163.
- A completed WPA Form 1 – Request for Determination of Applicability with associated site plan/map
 - An email exchange between Joe Fontaine, Conservation Agent, and Christian Tirella, applicant most recently dated January 11, 2023.
- E. [PUBLIC HEARING] Request for Determination of Applicability;** Joseph & Meghan Carter; 18 Regis Road, Tewksbury, MA, Assessor Map 103 Lot 14.
- A completed WPA Form 1 – Request for Determination of Applicability with associated site plan/map
- F. [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 # 305-1174.
- A comprehensive Notice of Intent application document prepared by Cornerstone Land Associates, LLC of Dracut, MA dated August 12, 2022, inclusive of (but not limited to):
 - A cover letter addressed to the Chairman of the Conservation Commission
 - A completed WPA Form 3
 - A site plan titled “Proposed Site Plan” dated November 12, 2022
- G. [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.
- Email correspondence between Joe Fontaine (the Agent for the Tewksbury Conservation Commission) and representatives of Hancock Associates of Danvers, MA, most recently dated December 15, 2022
 - A site plan titled “Site Plan of Land in Tewksbury, MA”, prepared by Hancock Associates of Danvers, MA, and last revised 01/16/2023.
 - Additional email Email correspondence between Joe Fontaine (the Agent for the Tewksbury Conservation Commission) and representatives of Hancock Associates of Danvers, MA, most recently dated January 18, 2023

- A letter prepared by Hancock Associates of Danvers, MA, addressed to the Tewksbury Conservation Commission, dated December 23, 2022, regarding “Quail Run, Tewksbury, MA – Wildlife Habitat Evaluation (MassDEP File #305-1171).

H. [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.

- Site plan set with project title “Culvert Repair”, prepared by John G. Crowe Associates, Inc. of Beford, NH, dated December 8, 2022.
- A completed WPA Form 3 & NOI Wetland Fee Transmittal Form
- A letter prepared by John G. Crowe Associates, Inc. of Beford, NH, dated December 8, 2022, addressed to the chairman of the Tewksbury Conservation Commission, regarding “Notice of Intent Submission, Raytheon Technologies, 50 Apple Hill Drive, Culvert Repair”.
- A document titled “StreamStats Report” pertinent to the area subject to the application.

I. [PUBLIC HEARING] Notice of Intent; GCG Associates, Inc. of Wilmington, MA on behalf of the Town of Tewksbury, MA; 900 Chandler Steet, Assessor Map 43 Lot 84. DEP File # 305-1175.

- A document titled “Notice of Intent Stormwater Management Report”, prepared by GCG Associates, Inc. of Wilmington, MA, dated January 11, 2023.
- A letter addressed to the Tewksbury Conservation Commission, dated January 11, 2023, prepared by GCG Associates, Inc. of Wilmington, MA, regarding “Chandler Well Fields, 900 Chandler Street, Town of Tewksbury, Notice of Intent, Local Filing Fee Waiver Request”.
- A letter addressed to the Tewksbury Conservation Commission, dated January 11, 2023, prepared by GCG Associates, Inc. of Wilmington, MA, regarding “Chandler Well Fields, 900 Chandler Street, Town of Tewksbury, Notice of Intent, Wetlands Protection Bylaw, Exemption and Wavier request.
- A letter of submittal from GCG Associates, Inc. of Wilmington, MA, dated January 12, 2023, and addressed to Joe Fontaine.
- A site plan set dated January 11, 2023, and prepared by GCG Associates, Inc. of Wilmington, MA with the following titles:
 - “Locus, Chandler Well Fields, Boardwalk/Bridge Crossings”
 - “Chandler Well Fields, Boardwalk/Bridge Crossings”
 - “Eleanor Rd Crossing plan & Profile, Chandler well Fields, Wetland Crossings”
 - “Heath Brook Crossing Plan & Profile, Chandler Well Fields, Boardwalk/Bridge Crossings”
 - “Peninsula Crossing Plan & Profile, Chandler Well Fields, Boardwalk/Bridge Crossings”
 - “Details, Chandler Well Fields, Boardwalk/Bridge Crossings”

New Business Items:

Cleghorn Lane, Hood Road, Trull Brook Lane and Guile Ave Water Main Replacement Project:

- Portions of 310 CMR 10.00
- A site plan set titled “Town of Tewksbury, Massachusetts, Cleghorn Lane, Hood Road, Trull Brook Lane and Guile Ave Water Main Improvements Project (PW-23-04)”, dated December 22, 2022, prepared by GCG Associates, Inc. of Wilmington, MA.
- A letter prepared by GCG Associates, Inc. of Wilmington, MA, dated January 4, 2023, addressed to Joseph Fontaine, regarding “Cleghorn Lane, Hood Road, Trull Brook Lane and Guile Avenue Water Main Replacement Project (PW-23-04) – Tewksbury DPW”.

Victor Drive:

- Portions of 310 CMR 10.00
- A site plan set titled “Town of Tewksbury, Massachusetts, Victor Drive Water Main Replacement Project (PW-22-05)”, dated November 15, 2022, prepared by GCG Associates, Inc. of Wilmington, MA.
- A letter prepared by GCG Associates, Inc. of Wilmington, MA, dated January 4, 2023, addressed to Joseph Fontaine, regarding “Victor Drive Water Main Replacement Project (PW-22-05) – Tewksbury DPW”.