



**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
February 2, 2022**

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

Approval of Meeting Minutes – December 1, 2021, October 6, 2021, and September 15, 2021

There were no meeting minutes presented for approval.

A) Emergency Certification, Paul & Laura Chinappi, 36 Cinnamon Circle, Assessor Map 32, Lot 76

It was noted that there was no one present for this matter.

Mr. Fontaine noted that this was for a failed Title V and explained that the Board of Health issued an Order, which allows him to issue the Emergency Certification. Mr. Fontaine explained that he has been working with the contractor to install silt fence/straw waddle around the area of construction. Mr. Fontaine noted that the wetlands are approximately 80 feet away and that he does not anticipate any adverse impacts as long as the erosion sediment controls are installed and inspected prior to construction commencing.

MOTION: Mr. Holland made the motion to approve Emergency Certification, Paul & Laura Chinappi, 36 Cinnamon Circle, Assessor Map 32, Lot 76; seconded by Mr. Sheehan and the motion unanimously carried 4-0-1. Mr. Gove did not take part in this vote.

B) Violation Notice, Group 1 Realty, Inc., 464-468 Main Street, Assessor Map 22, Lots 71 & 117, DEP #305-1027

This matter was tabled to the end of the meeting as there was no representative present.

C) **Request for Certificate of Compliance, Marc & Paul Tortorici, 390 Kendall Road, Assessor Map 79, Lot 74, DEP #305-999**

Present was Marc Tortorici of 390 Kendall Road.

Mr. Tortorici explained that Mr. Fontaine visited his property approximately two weeks ago to look at the work that had been done and noted that he also submitted an as-built plan from a surveyor. Mr. Tortorici explained that this matter may have to be continued as there are a few items Mr. Fontaine has requested more explanation on.

Mr. Ronan explained that the as-built cannot be accepted as presented as it is difficult to read and is not the typical as-built that is submitted. It was noted that there are some items on the plan that are not accurate. Mr. Tortorici explained that the surveyor spoke with Mr. Fontaine and the additional information will be added to the plan, but he was unable to do it for tonight's meeting.

Mr. Fontaine explained that the issues he noted during his site visit were there was no permanent marker located at riverfront flag 3, the retaining wall was proposed to essentially demarcate the 25 foot no disturb zone and it is within the 25 foot no disturb zone in several areas and 18-20 feet from the riverfront in other areas. Mr. Fontaine explained that the as-built plan should reflect the actual location of the retaining wall. Mr. Tortorici noted that he believes the actual measurements will be put on the as-built survey.

Mr. Holland asked if the retaining wall is together, or if it is stacked, and Mr. Tortorici noted that it is poured cement. Mr. Holland explained that he does not feel these conditions should be waived as they are in the original Order of Conditions.

Mr. Fontaine noted that the last item is the revegetation of the vegetation within 25 feet of the river and explained that it was hard for him to observe this due to winter conditions, however, the applicant did provide a photograph and the photograph looked good. Mr. Fontaine suggested waiting until March or April for proper observation of the vegetation in that area.

Discussion took place on when to continue this matter to and it was the consensus to continue until spring. The homeowner will reach out to Mr. Fontaine.

MOTION: Mr. Holland made the motion to continue to Request for Certificate of Compliance, Marc & Paul Tortorici, 390 Kendall Road, Assessor Map 79, Lot 74, DEP #305-999 to a date and time to be determined; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. Gove did not take part in this vote.

D) Request for Determination of Applicability, Susan Rice, 50 Dalton Street, Assessor Map, 30, Lot 6

Present was Susan Rice and Paul Rice of 50 Dalton Street.

Mr. Rice noted that they are seeking to replace a failed septic as well as connect to town water. Mr. Rice explained that the main purpose for being before the Commission is for the water connection as it is not considered an emergency situation.

Mr. Fontaine noted that this property was discussed at the last Conservation Commission meeting for the failed septic and was managed under an Emergency Certification. Mr. Fontaine explained that the RDA request is for the water connection because it is not considered an emergency under the regulations. Mr. Fontaine noted that the waterline is approximately 10-15 feet away from the wetlands, but because the project is to connect to town water, he does not have an issue with the project. Mr. Fontaine recommended the following conditions: establish erosion sediment control in the areas of trench cut, and coordinate with him prior to construction commencing. Mr. Fontaine explained that best management practices will have to be used if any dewatering is required because they are so close to the wetlands.

Ms. Rice asked what dewatering is and Mr. Fontaine explained the process and noted the intent is to avoid pumping dirty water into the adjacent wetlands.

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; seconded by Mr. Sheehan and the motion unanimously carried 4-0-1. Mr. Gove did not take part in this vote.

MOTION: Mr. Holland made the motion for a Negative Determination, Susan Rice, 50 Dalton Street, Assessor Map, 30, Lot 6, erosion sediment controls shall be installed at trench cut locations, coordinate with Mr. Fontaine prior to start of construction, best management practices shall be used if dewatering is required; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. Gove did not take part in this vote.

E) Request for Determination of Applicability/Violation Notice, Richard Famolare, 84 Leighton Lane, Assessor Map 79, Lot 48

Present was Richard Famolare of 84 Leighton Lane.

Mr. Fontaine explained that during his site visit he noted that the applicant had installed a pool and deck without obtaining a permit from the Conservation Commission. Mr. Fontaine noted that he conducted some field measurements and the pool is approximately 40 to 45 feet away from the nearby stream/wetlands and the deck is outside of the 50 foot. Mr. Fontaine explained that the purpose of the hearing is to see if the Commission is okay with this after the fact and noted that there is also application of loom in the 100-

year flood plain which would constitute fill. Mr. Fontaine explained that typically anytime this occurs, there must be compensatory flood storage, however, the applicant stated during the site visits that it was just “throwing loom out into the backyard”. Mr. Fontaine explained that he attempted to advance several soil augers to see if there was a distinct soil boundary and to determine the depth of the loom applied and he was unable to identify any, which he feels seems consistent with what the applicant has stated.

Mr. Holland asked where the 50 and 100-foot buffers are located, and Mr. Fontaine explained that the wetlands are not actually shown and that he did his own field measurements. Mr. Holland noted that even with just the field measurements, it is less than the 10% allowed.

Mr. Ronan noted that the soil that is pushed into the stream should be removed. Mr. Fontaine explained that the violation notice is for the soil stockpile that is pushed into the wetlands; to bring it back to its original topography, with native soil, and then restore the area by throwing down some wetland seed mix. Mr. Famolare confirmed this will be done. Mr. Fontaine explained that the homeowner will have to coordinate with him to evaluate the success of this area to ensure it will stay healthy over time.

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; seconded by Mr. Sheehan and the motion unanimously carried 4-0-1. Mr. Gove did not take part in this vote.

MOTION: Mr. Holland made the for a Negative Determination, Richard Famolare, 84 Leighton Lane, Assessor Map 79, Lot 48, the soil stockpile discussed shall be removed, reseed the area and check back with Mr. Fontaine in July and yearly thereafter until violation notice is removed; seconded by Mr. Sheehan and the motion carried 4-0-1. Mr. Gove did not take part in this vote.

F) Culvert Replacement Project, Vanasse, Hangen, Brustlin, Inc. (VHB) of Watertown, MA on behalf of the Town of Tewksbury Department of Public Works, near 161 Pringle Street, Assessor’s Map 106, Lot 46, DEP #305-1147

Present was Andrew Stack, Town of Tewksbury Engineering Division, and Eric Olson and Jill Baumbach of VHB.

Mr. Stack explained that this is a culvert replacement project on Pringle Street near house number 61. The project involves the replacement of an existing culvert that is structurally deficient due to years of corrosion and officially needs to be replaced sooner than later. Mr. Stack explained that if the culvert is not replaced, sinkholes may begin to form over time and the roadway could become undermined. The existing culvert is a 36-inch corrugated metal pipe with approximately 3.9 feet of cover above the pipe at the roadway. Mr. Stack noted that the pipe is severely corroded and has crushed overtime into more of an elliptical shape with approximate dimensions of 45 inches wide by 24

inches tall. Mr. Stack explained that the existing outlet of the culvert is perched several inches and there are no exact records on when the culvert was constructed, but the existing culvert is estimated to be at least 40 years old based on institutional knowledge of longtime DPW employees. Mr. Stack noted that there are numerous utility constraints at this current location, which limits the options that can be done for a replacement culvert. There is an existing 12 inch ductile iron gravity sewer pipe that crosses just below the culvert invert, a 2 inch gas main just above the crown of the culvert, and a 6 inch AC water main below the culvert. Mr. Stack explained that they are also limited in design options due to downstream constraints as there is an existing downstream culvert at the end of Poplar Street past the Elks. Mr. Stack noted that this culvert is a 30-inch corrugated metal pipe culvert that goes through the middle of a drain manhole, which also has an 18-inch gravity sewer pipe that goes through that manhole making it severely restricted at that structure.

Ms. Baumbach showed the location of the intermittent stream and noted that the stream flows South to North. Ms. Baumbach explained that there is a channel on the left side of 161 Pringle Street and noted that it is a “pretty shallow” channel with grass all around. The stream then goes into the culvert, which is set back approximately 10-feet from the roadway. Upon entering the culvert, the stream channel goes under the roadway and discharges towards the top side of the road where it becomes a larger channel, approximately 10 feet wide. Ms. Baumbach showed photographs of the channel.

Ms. Baumbach reviewed the design and explained that they are installing an arch pipe culvert due to the utility constraints. Ms. Baumbach explained that they are rerouting the water for the work zone and noted that it will enter the pump and will go through on top of the road bypass pipe, and be piped around the work area. Ms. Baumbach noted that they are not expecting a huge amount of flow and explained that one of the conditions that Mr. Fontaine and she spoke about was doing work during low flow times of the year. Ms. Baumbach noted that there is a water main going from east to west which is to help with the future water main project that will be going on this roadway. Ms. Baumbach explained that they are putting some “nature like” streambed material on the downstream end and filling slightly to fill the scour hole.

Ms. Baumbach presented a profile view of the culvert and noted the utility constraints; on the top there is a gas line and right underneath the culvert there is the 12-inch sewer and the two waterlines. Ms. Baumbach noted that there is not a whole lot of room to increase or put in a different material culvert given the constraints.

Mr. Olson reviewed the list of impacts that will result from the project:

- 41 linear feet of temporary impacted bank and 25 linear feet of permanent impact
- land underwater - 292 square feet of temporary impact and 83 square feet of permanent impact
- boarding land subject to flooding - 90 square feet of permanent act, which also includes 6 cubic feet of fill to fill the scour hole mentioned. Mr. Olson explained that DEP requested they raise the bed up to meet the culvert, which they will be doing.

- 25 foot no disturb zone will have no permanent impact and 2,541 square feet of temporary impact due to work within the roadway and right at the culvert.

Mr. Olson explained that as far as regulatory compliance, they are filing this as a limited project for replacement of an existing stream crossing and so the impacts of the crossing have been avoided where possible and, where not possible, they have minimized and tried to mitigate to protect the interests of the Wetland Protection Act.

Mr. Olson explained that in terms of the bylaw, they are requesting a waiver from the work inside the 25 foot no disturb zone and 50 foot no build zone because it is a project for the public good. In terms of BLSF, they will be adding compensatory flood storage as a result of the new configuration of the of the culvert itself. This will result in being a net positive for the compensatory flood storage.

Ms. Baumbach reviewed the stream crossing standards and explained that, as mentioned, they are filing as a limited project, so they are meeting this to the greatest extent possible. Ms. Baumbach explained that they really cannot do much with the design in terms of widening the channel, but it is an improvement over existing conditions and because they will be going with the arch, it does improve the width from 36 to 42. In addition, because they are filling in the scour hole, it will help with the crossing so that there is not a perch condition.

Mr. Olson reviewed the mitigation measures and explained that the typical erosion and sediment controls will be in place to protect the stream where possible. Mr. Olson noted that he doubts they will need to do any dewatering, but if it does occur, they will be using filter bags and putting to a proper upland location 100-feet away from any wetlands. In addition, they will loam and seed the upland areas that were disturbed after the completion of the project.

Mr. Olson showed the comments received from DEP in the pre-filing meetings. Ms. Baumbach noted that they have also gone back and forth a few times with Mr. Fontaine.

Mr. Holland noted that it was stated that there are utility lines and asked if just the waterline is being replaced and Mr. Stack confirmed this. Mr. Holland asked if the gas company has been informed and Mr. Stack explained that the gas company will be notified prior to the start of work. Mr. Holland noted that the sewer line must be newer and therefore in fairly good condition. Mr. Stack confirmed this and explained that the sewer line at the culvert is a ductile iron sewer and there should not be any issues with that. Mr. Stack noted that the culvert was installed approximately 10-15 years ago as part of the big town sewer project. Mr. Holland asked if anything will be connected to the new waterline at this time. Mr. Stack noted that there is an existing waterline that crosses underneath the culvert and explained that they will be doing a separate project for a water main upgrade project on Pringle Street.

Mr. Sheehan asked if it was stated that this is an AC line and Mr. Stack confirmed this.

Mr. Fontaine noted that as mentioned this has been filed as a limited project and the Commission can determine whether it can be filed as such. Mr. Fontaine explained he

feels the applicant has demonstrated that they tried to meet the stream crossing standards to the maximum extent practicable, which is a part of the limited project citation but, because of the utility lines, it is not possible. Mr. Fontaine requested existing conditions be matched and a straw waddle be installed at the bottom of the slope near the bank, which he does not believe was included as part of the original submission, and a 12-inch compost sock around soil stockpiles. Ms. Baumbach explained that they do expect this to be a part of the Order. Mr. Fontaine requested he be contacted prior to work beginning.

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

MOTION: Mr. Holland made the motion to approve culvert Replacement Project, Vanasse, Hangen, Brustlin, Inc. (VHB) of Watertown, MA on behalf of the Town of Tewksbury Department of Public Works, near 161 Pringle Street, Assessor's Map 106, Lot 46, DEP #305-1147 as a limited project with waivers for work inside the no disturb and no build zones; seconded by Mr. Sheehan and the motion carried 4-0.

G) Notice of Intent, Vanasse, Hangen, Brustlin, Inc. (VHB) on behalf of the Town of Tewksbury Department of Public Works, Bayberry Lane, Assessor Map 71, DEP #305-1143

Present was Andrew Stack, Town of Tewksbury DPW, and Eric Olson and Olivia Richards of VHB.

Mr. Olson noted that they were before the Commission on this matter in October, 2021 and that the project location is Heath Brook where it crosses Bayberry Lane. Mr. Olson explained that the project is for the replacement of a failed existing four pipe culvert; of which two pipes have currently collapsed, and that they are proposing a new precast concrete box cover with a 15-foot-wide opening.

Mr. Olson reviewed the timeline to date and noted that they presented the NOI initially to the Commission on October 20, 2021. At that time, they requested that the hearing be continued pending the receipt of comments from DEP. DEP comments were received on November 1, 2021 and an updated NOI response to the DEP comments was provided on December 23, 2021. Mr. Olson noted that DEP responded on January 4, 2022 stating that the comments have been addressed and that they have no further comments. Mr. Olson explained that they also received comments from the Commission on December 29, 2021 and response to those comments was sent to Mr. Fontaine on January 13, 2022. Mr. Olson explained that since the last meeting the town has conducted a short-term emergency repair on two of the four existing pipes to reestablish adequate streamflow. Since the repair of the southernmost two pipes have actually worsened in condition and the water control plan for the project has been revised to incorporate a temporary fix for these pipes. Mr. Olson showed a photograph of the culvert prior to the emergency work being done.

Mr. Olson noted that there are four 36-inch corrugated metal pipes and explained that as a result of the failures of these pipes, there was some sediment that was discharged into the stream downstream of the culverts. The town removed the sediment as part of the emergency action and this is not a part of this NOI. Mr. Olson reviewed the existing stream alignment upstream and noted that the stream is shifting over and creating its own new bank. Mr. Olson reviewed the stream align downstream and noted that it looks a little bit different now that there has been emergency action.

Ms. Richards explained that part of the concept is to install the proposed box culvert to be in line with the natural alignment of the stream that they were seeing taking place and noted that they figured they would take advantage of this time to actually align the structure with where the stream wants to meander.

Ms. Richards reviewed the proposed structure and noted that it is a 15-foot-wide box culvert, and they will establish bank continuous through the structure. Ms. Richards noted that they are meeting the 1:2 bank full width and explained that part of the project is to establish the natural bow leg through the structure, but they do need a bottom slab for the settlement calculations in this area. Ms. Richards noted that they will be burying the bottom slab with natural material providing the wildlife crossing.

Ms. Richards noted that one thing that has changed is the two southernmost types have worsened in condition. Ms. Richards explained that she was on site a couple weeks ago and the southernmost pipe did not look to be conveying any flow and the pipe just north of that is conveying very little flow. Ms. Richards explained that in order to perform the culvert replacement, they were counting on one of those two pipes to be able to use as a temporary stream diversion. However, since it has worsened, an initial stage of the project has been added where the southernmost 36-inch CMP will be dug up and a 36-inch PVC pipe will be installed and serve as the temporary diversion while they construct the box culvert. Ms. Richards explained that they plan to do temporary water diversion when they are replacing that southernmost pipe as the two northern pipes were replaced as part of the town's emergency repair action and are flowing well.

Mr. Olson reviewed the overall impacts for the project and noted that in addition to the culvert installation, the roadway is “pretty high” above the wetlands. As a result, they will have to access the culvert on both sides with a small amount of temporary impact on both sides of the culvert before construction work. Mr. Olson noted impacts to BVW, land underwater, riverfront area, and in the 100-year floodplain. As well as impacts to the 25 foot no disturb zone and 50 foot no build zone.

Mr. Olson reviewed the proposed restoration plan and noted that because they are shifting the stream over, there will be some conversions of various resource areas. Mr. Olson explained that there will be some land under water bodies converted to BVW, some new land underwater within the box culvert, as well as new bank in the box culvert, and bordering vegetated wetlands converted to land underwater.

Mr. Olson reviewed the summary view of the overall impacts and noted that there is actually a net increase of all resource areas after this project is completed. Mr. Olson explained that as far as bank and land underwater, because they are adding new bank and

new land underwater within the open culvert, this will increase the overall land underwater and bank in the area. Mr. Olson explained that when they move the stream over, they will be creating new BVW where the stream used to be, which will end up in the overall net increase. Mr. Olson noted that one of the changes that have been made to the riverfront area since the initial submission is the town decided not to put in a new sidewalk which will reduce the impervious surface and permanent impacts within the riverfront area. Mr. Olson noted that there is 208 square feet of permanent impacts within the riverfront area and 1,513 square feet of temporary impacts in the 25 foot buffer due to the work in the roadway. There are no permanent impacts due to the sidewalk being eliminated.

Mr. Olson reviewed the mitigation measures and noted that they will have erosion and sediment control as on the plans as well as non-structural practices like temporary seeding when needed, permanent seeding in accordance with the seeding plan, pavement sweeping, dust control, erosion control barriers, catch basin inlet protection, and dewatering filters.

Mr. Olson reviewed the restoration plan and noted establishment of new BVW and bank, as well as restoration of temporary impacts to the BVW and establishing new BVW per the restoration plan. Mr. Olson explained that based on the land underwater, they will be using a natural streambed material consisting of a mix of rocks and streambed material that is being excavated on site. Annual monitoring will take place once a year for two years.

Mr. Olson explained as far as regulatory compliance, they have conducted two pre-filing meetings with DEP and have responded to all their comments. Mr. Olson explained that they are filing as a limited project for the replacement of an existing stream crossing and noted that the project adheres to all the performance standards of the Wetland Protection Act and does meet the stream crossing standards.

Mr. Holland asked if there are any utilities involved. Mr. Stack confirmed this and explained that there is existing water and existing gravity sewer that cross; there is no natural gas. Mr. Stack noted that there are only three houses located on the opposite side at the cul-de-sac end of Bayberry Lane and only two of them are actually on town water. As a result, they will have to do a temporary water main bypass for those two houses. Mr. Stack explained that they will cut out the water main at the culvert crossing and run a temporary bypass water main to service those two houses. Once the culvert is installed, they will reconnect the watermain. Mr. Holland asked if the water main is in decent shape and Mr. Stack confirmed this and explained they did a similar cut and cap with the emergency repair.

Mr. Fontaine noted that as stated this is filed as a limited project and they meet the stream crossing standards, however, he feels it would be beneficial to have a qualified wetland scientist, to oversee all portions of restoration work, including grading to establish wetland hydrology, plantings, and seedings and selection of hydro soils and wetland vegetation. Mr. Fontaine explained that a qualified wetland scientist must monitor the BVW restoration areas at least once per year for a period of two consecutive years. The BVW areas shall achieve at least 75% vegetative regrowth. If 75% vegetative regrowth is

not achieved after the two consecutive year period, additional restoration efforts may be required. Mr. Fontaine noted that he likes the restoration of the bank with the live stakes and feels the project overall improves the existing conditions dramatically.

Mr. Stack noted that Mass DEP has been stating how rare a project like this where a stream can be realigned properly and also get a culvert in that meets the stream crossing standards, because there are typically all sorts of utility constraints that do not make it feasible.

Mr. Ronan asked if the collapsed pipe repair was a PVC pipe and Ms. Richards confirmed this and explained that the emergency repair was 24-inch PVC pipe.

Mr. Fontaine requested he also be notified prior to the restoration project beginning.

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; seconded by Mr. Sheehan and the motion carried 5-0.

MOTION: Mr. Holland made the motion to approve Notice of Intent, Vanasse, Hangen, Brustlin, Inc. (VHB) on behalf of the Town of Tewksbury Department of Public Works, Bayberry Lane, Assessor Map 71, DEP #305-1143, as a limited project; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

H) Notice of Intent, Rui & Delia Grilo, 90 Pinnacle Street, Assessor Map 77, Lot 24, DEP # not yet assigned

Present was Thor Akerley and Rui Grillo, applicant and his son, Isaac Grillo.

Mr. Akerley provided the Commission with a copy of the site plan and explained that this project is an existing single-family home. Mr. Akerley noted that the dwelling is “pretty small” at approximately 48x23.3 and explained that the lot was developed in the early 1970s prior to the riverfront protection regulations and the Wetlands Protection Act. Mr. Akerley reviewed the existing conditions, which include an existing paved driveway off Pinnacle Street that connects to an existing single car garage. The side of the house has a mud room and walk into the existing dwelling. Mr. Akerley explained that Mr. Grillo and his family recently purchased the property, and the house and driveway are quite old. Mr. Akerley noted that the driveway appears to be original to the property and explained that they are hoping to make some improvements to the property to make it more suitable for their family.

Mr. Akerley reviewed the resource areas and noted the riverfront area, specifically a mean annual high water associated with Meadowbrook, located to the east of the property boundary. In addition, have BVW flags which travel and connect up quite close to the mean annual high water in some locations. Showed the portion of the of the site that is a bit flatter and explained that there is less steep gradient, so the BVW tends to reach

further out in those locations resulting in a bit of a separation between the BVW and mean annual high water. Mr. Akerley noted also have a flood zone, Zone AE, with bordering land subject to flooding, as well as the 25 foot no disturb zone, 50 foot no build zone, and 100-foot buffer zones. As well as the 200-foot riverfront area, which encompasses the entire lot.

Mr. Akerley explained that the proposal is to construct a second-floor addition off the rear of the home with a patio underneath. Noted that there is no foundation associated and is solely set on concrete footings with the patio set underneath the addition. Noted that it is located approximately 75 feet between the 100- and 50-foot buffer zones. The applicants are also hoping to construct a 24x40 foot garage off the side of the house that would connect directly along the 2nd floor addition. To gain access to the garage, they are proposing to extend the existing paved driveway to be able to drive straight into the garage. Along with that as I mentioned the driveway is in generally poor condition, they are hoping to repave the entirety of the driveway. The property is served by a well located in the center of the frontward and is connected to public sewer.

Mr. Akerley reviewed the performance standards and noted that this is a unique property as there is quite a bit of degraded riverfront area, but also have area that is not degraded, which is currently existing lawn or landscaped area. Have not officially received DEP file number and have not received the DEP comments. Do expect to hear from them at some point and to have to revise the plan ahead of the next meeting hopefully.

Mr. Akerley reviewed the second story addition, which is outside of the 50-foot buffer zone as well as the riverfront area and explained that they call it “minor” activity since it's just concrete footings and a patio, but a patio specifically listed as a minor activity; concrete footings not specifically called out, but something that generally doesn't have much of a disturbance. Similarly, something like a wood deck will be mentioned as a minor activity but this is obviously a little bit bigger than it would deck, but the same idea in the same amount of earth disturbance. All proposed entirely within existing lawn area behind the home.

Mr. Akerley explained that the garage portion is a bit trickier and more explained that the garage itself is proposed almost entirely within degraded riverfront area. The regulations state cannot work beyond the degraded portion of the riverfront area, which makes logical sense for a lot that was developed prior to those regulations. As a result, they stayed well within the existing paved portion at least pushing outward. So is still as close to the house as possible while still being able to access the driveway. The tricky part is at a portion about 200 square feet off the back of the house is within lawn. DEP had said that the applicants would have to mitigate at a 2:1 ratio of disturbance to mitigation. They had always operated on the assumption that if it's within degraded riverfront area and you're not exceeding that limit of degraded riverfront area, then it was okay, but they understand the interpretation that this is lawn area and there are portions of degraded area.

The final portion that is relevant is the driveway expansion area. Had described this area in the regulations as under the 10% maximum allowable disturbance. The two areas result in approximately 3.1% of the lot disturbance, which is well under the 10% discretionarily allowed by the Commission. Otherwise locally the garage, addition, and proposed

pavement are all outside of the 50 foot no build zone and all within maintained lawn or landscaped areas. Are supposed to provide an alternatives analysis for the work within the riverfront area. Cannot put the garage on the other side of the house as it is already nonconforming by approximately 16.3 feet. So, this side of the house is the only alternative hence the justification for the driveway expansion to gain access and then extend it. Noted that the garage could have been cut back a little bit, but they extended it to the edge of the pavement. Mr. explained that the purpose of an alternatives analysis is to look at ways to minimize impact and noted that they are only disturbing 200 square feet of lawn area behind the house and approximately 75 feet in the wetlands it's discretionary they believe that that does not have a significant impact on the resource areas.

Showed the limit of existing pavement and noted that the erosion control border would stay in place while they excavate and remove the top of the pavement and replace it. Noted that they do not know the condition of the soil or base of the driveway, but it is possible they may need to go down a few inches to get the top of the pavement off and access the quality of the material under the driveway. No proposal to expand the driveway and will be replaced in its exact location.

Mr. Holland asked if all of the activity is taking place beyond the 50-foot buffer and Mr. Akerley confirmed this and noted with the exception of the driveway repair. Mr. Holland asked where the sewer line is located Mr. Akerley noted that they had trouble locating this or the tow for the sewer line. Mr. Grillo noted that it is located on the back of the house. Mr. Akerley explained that it would go around the back of the house towards Pinnacle Street then.

Mr. Akerley explained that are not looking for any action and are looking for input at this time and will incorporate that with DEP's comments.

Mr. Ronan asked if the erosion controls should be pushed back a little as they are rather close, and Mr. Fontaine explained that as long as they capture the runoff and note that would not hurt to push them back approximately 5 feet. Mr. Akerley agreed this is a good idea as it would allow the water to infiltrate a little first.

Mr. Fontaine explained that more or less this a buffer zone project, however, the thing that throws it off is that it is within riverfront and there are certain performance standards that need to be met from the WPA which is providing some sort of mitigation area, whether that's 2:1 or 1:1, and this is what is trying to be determined essentially with Mass DEP. As a result, the project will require some square footage of restoration or mitigation area along the riverfront and that is the piece of information that we are waiting on for further guidance. Mr. holland asked if the DEP will determine where it will be placed, and Mr. Fontaine explained that this is up to the Commission to decide but imagines it would be right along the riverfront area. Other than this he reviewed the site and reviewed the wetland lines and has no concerns with that portion.

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

MOTION: Mr. Holland made the motion to continue Notice of Intent, Rui & Delia Grilo, 90 Pinnacle Street, Assessor Map 77, Lot 24, DEP # not yet assigned to February 16, 2022 at 6:30 p.m.; seconded by Mr. Sheehan and the motion unanimously carried.

I) Request to Amend Order of Conditions, DEP File No. 305-1142, Civil Design Consultants, Inc., Tewksbury Country Club, Assessor Map 85, Lot 45-UB02

Present was Jim Hanley of Civil Design Consultants and Marc Ginsburg, applicant.

Mr. Hanley noted that this location is the Tewksbury Country Club and that the project was permitted October, 2021. Mr. Hanley presented the plan that was approved in October, 2021 and noted it is approximate 1,800 square foot residence offset about 15 feet from the existing storage maintenance barn located off of Livingston Street. Were before the Commission for activities within the 100-year floodplain. At that time, the plan was to elevate the building on piers so that there would be minimal disturbance within the floodplain. Did geotechnical reporting and began to develop the foundation and design. Essentially the piers grew in number, size, and magnitude to the point where it no longer was providing the benefit that we were hoping it would provide. As a result, took a fresh look at the project and came up with an alternative. One thing they are allowed to do within the floodplain essentially is fill a portion of the floodplain, so long as the flood storage is compensated for the flood storages loss by the fill on even foot increments. Noted that the building footprint and location have not changed. What has changed is now they have a 5-foot berm around the building that is approximately 18 inches high.

Mr. Hanley reviewed the floodplain, which is at elevation 87.2. The average grade where the residence is proposed is approximately 86.5 so there is approximately 8 inches on average at that location on the high side, less on the low side with approximately 14 inches. Are proposing to put a 5-foot-wide berm around the perimeter of the proposed building, which provides the fill and now they have to determine a way to compensate for the fill. Noted an area where they have pulled the 86 contour back to create a little bit of compensatory storage. Idea to pull the grade back all the way around to the back and essentially really minor modifications to the grading in the back to achieve the compensatory storage. Noted that the total lot disturbance is under 19,850 square feet with a total fill of 2,635 cubic feet and providing 2,873 cubic feet of additional storage. So there is approximately 250 cubic feet of additional storage.

No Comments from DEP and had a Zoom meeting with Mr. Fontaine to responded to his comments in writing. Today DPW did a walk through with them to provide essentially a comment letter that says they agree that they are providing adequate compensatory storage. They had a couple of comments which they will work through with them. Will need to go back to the Planning Board after the Commission for a non-substantial change but wanted to come to the Commission first as this is more a conservation project.

Previously were proposing to service the new residence through the existing utilities at the barn. While they are going through the process, they decided that they build the waterline shown as part of the proposed improvements.

Mr. Fontaine wanted to review some of the comments previously discussed with the applicant. For the waterline show the erosion and sediment controls and asked if this is a definite that this is going to happen now, and Mr. Hanley noted “more than likely”. Mr. Fontaine noted that if there is a need to dewater during the installation process, use best management practices like a filter bag surrounded by straw waddle, etc. Mr. Fontaine noted that the proposed limit of loom and seed should be staked out. Mr. Fontaine explained that there are certain performance standards that need to be met when you alter certain amount of square footage to 100-year floodplain. He has been told that 5,000 square feet and for this project they are altering significantly more than 5,000 square feet. So, the performance standard is that a wildlife habitat evaluation needs to be conducted if the Commission finds that this area is found to be significant to the protection of wildlife habitat. His comment on this is the proposed site is all part of an already maintained grass or degraded surfaces, impervious surfaces, existing building structure, helicopter pad, etc., so he does not think that it would be considered significant to wildlife habitat. The Commission would have to state that they find that this area is not found to be significant to the protection of wildlife habitat in order to meet that standard. Mr. Fontaine there is a discrepancy between the applicants’ numbers as far as volumes per fill and compensatory flood storage versus DPW, but the understanding is that you are providing more compensatory flood storage than fill. As a result, he would recommend that until those numbers are agreed upon that the amended order not be issued.

Discussion took place on the email sent by Kevin Hardiman and Mr. Hanley explained that Mr. Hardiman agreed that are providing more compensatory flood storage but had a question on the volume below the elevation 86. Mr. Fontaine explained that he just needs the exact numbers for the permit.

Mr. Ronan asked if the applicant agrees that if you find any rare or endangered species stop right there.

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; seconded by Mr. Sheehan and the motion carried 5-0.

MOTION: Mr. Holland made the motion to the Amend Order of Conditions, DEP File No. 305-1142, Civil Design Consultants, Inc., Tewksbury Country Club, Assessor Map 85, Lot 45-UB02; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

B) Violation Notice, Group 1 Realty, Inc., 464-468 Main Street, Assessor Map 22, Lots 71 & 117, DEP #305-1027

It was noted that there were was still no one present for this matter.

MOTION: Mr. Holland made the motion to continue Violation Notice, Group 1 Realty, Inc., 464-468 Main Street, Assessor Map 22, Lots 71 & 117, DEP #305-1027 to February 16, 2022; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

J) Deed Restriction, 319 & 321 Marston Street Project, DEP #305-1135

Mr. Fontaine explained that it is under Mass DEP's purview to approve the deed restriction for this matter.

K) Wetland Protection Funds

Mr. Fontaine explained that he is requesting \$150.00 from the Wetland Protection Fund for the MACC workshops in March. It was noted that the \$150.00 is to attend an unlimited number of the workshops.

MOTION: Mr. Holland made the motion to appropriate \$150.00 from the Wetland Protection Fund for MACC workshops; seconded by Mr. Sheehan and the motion carried 5-0.

Old Business

There were no items discussed.

New Business

Mr. Fontaine explained that there is a water main replacement project from Whipple Road at the Lowell/Tewksbury boundary to Chandler Street. Mr. Fontaine noted that the project does meet the appropriate exemptions as a water replacement project under the town's bylaw and the WPA as long as best management practices are used. Mr. Fontaine noted that they are proposing to use catch basin silt sacks and straw waddles or filter tubes on site as needed. Mr. Holland asked if it is known when this project will take place and Mr. Fontaine noted that he can provide this information.

Administrators Report

Mr. Fontaine noted that he has received a request from BSC Group requesting a modification to the work being on the J-162 line that as recently approved by the Commission. Mr. Fontaine explained that they are changing the riverfront area alterations and would like to mow a certain area so they can park a truck and store some other materials as they are working along the lines. Mr. Fontaine explained that it is his opinion that it would fall under the utility exemption for the WPA as well as the Towns Bylaw as it is maintaining or replacing their equipment.

Adjournment.

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

Approved: June 22, 2022

*List of Documents for the 02.02.2022 Meeting
Documents can be found in the Community Development Office*

06:30 P.M. Call Meeting to Order

Approval of Minutes; October 20, 2021; November 3, 2021; November 17, 2021; December 15, 2021; January 5, 2022; January 19, 2022

- A. **Emergency Certification**, Paul & Laura Chimappi, 63 Cinnamon Circle, Assessor Map 32 Lot 76
 - Un-ratified Emergency Certification
 - Health Department Order
 - Site Plans

- B. **Violation Notice**, Group 1 Realty, Inc., 464-468 Main Street, Assessor Map 22 Lots 71 & 117, DEP File # 305-1027
 - Photo Log
 - Snow Removal Plan Associated with the Notice of Intent submittal
 - Violation Notice
 - Conditions associated with the Order of Conditions issued for the Project

- C. **Request for Certificate of Compliance;** Marc & Paula Tortorici, 390 Kendall Road, Assessor Map 79 Lot 74, DEP File # 305-999
 - Photo Log/Photos
 - Field Notes
 - Amendment Notice to Order of Conditions – Dated August 2017
 - Request for Certificate of Compliance WPA Form 8A
 - As-Built Site Plan
 - Final Order of Conditions
 - Statement of Substantial Compliance from James Aho (P.L.S.), dated 01/05/2022
 - Project Review & Comments Email – January 2022

- D. **[PUBLIC HEARING] Request for Determination of Applicability;** Susan Rice; 50 Dalton Street, Assessor Map 30 Lot 6.
 - WPA Form 8A
 - Site Plans
 - Proof of Abutter Notification Affidavit
 - Updated Site Sketch
 - Photo Log

E. **[PUBLIC HEARING] Request for Determination of Applicability/Violation**
Conservation Commission February 2, 2022 Page 16 of 19

Notice, Richard Famolare; 84 Leighton Lane, Assessor Map 79 Lot 48.

- WPA Form 8A
- Site Plans
- Certified Abutters List
- Legal Notice

- Field Notes

- Photo Log

- Violation Notice

F. **[PUBLIC HEARING] Notice of Intent**, Culvert Replacement Project, Vanasse Hangen Brustlin, Inc. of Watertown, Massachusetts on behalf of the Town of Tewksbury Department of Public Works, (continued from 12/01/2021 meeting), near 161 Pringle Street, Assessor's Map 106, Lot 46. DEP File # 305-1147. Continued from last Conservation Commission meeting.

- Cover Letter/Project Narrative

- Abutter Information

- Stormwater Memo

- Wildlife Habitat Evaluation

- Updated Project Plans

- USGS/Aerial/NHESP/FEMA Maps

- WPA Form 3 – Notice of Intent

- NOI Wetland Fee Transmittal Form

- Tewksbury Notice of Intent Checklist

- Transmittal Letter

- Photo Log

- BLSF Compliance Letter & New WPA Form 3

- Project Review & Comment Letter – dated 01.19.2022

G. **[PUBLIC HEARING] Notice of Intent**, Vanasse Hangen Brustlin, Inc. (VHB) on behalf of the Town of Tewksbury Department of Public Works, Bayberry Lane, Assessor Map 71. DEP File # 305-1143. Continued from last Conservation Commission meeting.

- Response letter from VHB, Inc. dated 01/13/2022

- WPA Form 3 – Notice of Intent

- NOI Wetland Fee Transmittal Form
- Site Maps and Site Plans
- Abutter Notification Information
- Wildlife Habitat Evaluation
- DEP Field Data Forms
- Updated Site Plans (dated 12/23/2021)
- Photo Log

H. **[PUBLIC HEARING] Notice of Intent**, Rui & Delia Grilo, 90 Pinnacle Street, Assessor Map 77 Lot 24. DEP File # Not Assigned Yet.

- WPA Form 3
- Project Narrative
- Site Plans
- Field Data Forms
- Abutter Notification Information
- Project Review & Comment Email – January 2022
- Revised Site Plan
- Photo Log

I. **[PUBLIC HEARING] Request to Amend Order of Conditions**, DEP File # 305-1142; Civil Design Consultants, Inc., Tewksbury Country Club, Assessor Map 85 Lot 45-UB02

- Cover Letter/Narrative
- Updated Site Plan
- Comment & Review Letter – January 2022

J. **Deed Restriction**; 319 & 321 Marston Street Project; DEP File # 305-1135

- Site Plans
- Memo Regarding Deed Restriction

K. **Wetland Protection Funds**

Old Business

New Business

Water main replacement along Whipple Rd.

- Exemption Letter/Narrative
- Site Plans

Administrators Report

Adjournment

