



**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 8, 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. Also in attendance was Joseph Fontaine, Conservation Agent.

**Approval of Meeting Minutes** – November 16, 2022

**MOTION:** Mr. Holland made the motion to approve the November 16, 2022 meeting minutes; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

- A) **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.

Mr. Fontaine provided an update, stating that he went out for a site visit and the wetland replication area looks like it is in good condition. There are outstanding conditions associated with the order of conditions, including a three-year monitoring period after the plantings are done within the wetland replication area. Mr. Fontaine had a discussion with the applicant, and it is mutual understanding that they would recognize at least a monitoring period to see it through, which would require approximately two additional years. At that point they can come back for their certificate of compliance.

Mr. Fontaine further explained that this is just to satisfy their certificate of occupancy from the building department.

Mr. Holland noted that he has no issues with it and the commission has no issues with the facilities being granted, and not a certificate of occupancy.

**MOTION:** Mr. Holland made the motion to continue the Request for Certificate of Compliance until the conditions are met; 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, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

**B) Minor Modification; Civil Design Consultants, Inc. of Andover, MA; 319 & 321 Marston Street, Assessor's Map 20, Lots 28 & 87. DEP File # 305-1135.**

Present was Tom Schomburg of Civil Design Consultants, and Mark Bradley from MA Bradley Development Co., LLC of Tewksbury, MA.

Mr. Schomburg explained that the project is located at 319 and 321 Larson Street, and the applicant is seeking minor modification to the previously approved landscape. The applicant proposed different footprints that were originally permitted, and the proposed buildings will be located further from the wetlands.

Mr. Holland clarified that the project will be moved further away from the wetlands and will abide by all the conditions that were previously set. Mr. Schomburg and Mr. Bradley confirmed that to be true, and Mr. Holland stated that he has no issues.

Mr. Walsh asked where the deck would be in Lot D, and Mr. Schomburg stated that the deck is the same distance, but the building itself is further away. Mr. Walsh noted that in the image, the deck looked close to within the fifty-foot zone. Mr. Fontaine provided context that this minor modification outline may change as construction is underway, but it can still be used as a guide for the commission to decide whether it is substantial enough to require an amended order, or new notice of intent, etc. Mr. Bradley added that the house is a little bit bigger now.

**MOTION: Mr. Holland made the motion that this modification is a non-substantial change; Civil Design Consultants, Inc. of Andover, MA; 319 & 321 Marston Street, Assessor's Map 20, Lots 28 & 87. DEP File #305-1135, seconded by Mr. Sheehan and the motion unanimously carried 5-0.**

**C) Enforcement Order, Town of Tewksbury; 255 Livingston Street, Assessor Map 86, Lot 40.**

Present was Michael Seekamp with Seekamp Environmental Consulting, representing the Town of Tewksbury regarding the playing fields at 255 Livingston Street, and Vincent Bomal, Facilities Manager for the Town of Tewksbury.

Mr. Seekamp recapped that the enforcement order came from what was constructed being different than what was planned. He stated that he was not involved in the original order of conditions or the delineation, but was asked to help dissolve the reinforcement order. Mr. Seekamp stated that he was confused at what would be accomplished by amending the order of conditions and initially came up with a mitigation plan because under no circumstances does he think the riffraff should be taken out now, as it would cause more damage than being in there. He added that he thinks it should have been designed that way to begin with for the drainage of the fields. The riffraff also now has natural plants growing there.

Mr. Walsh clarified if the plan being proposed is to do nothing, and Mr. Seekamp confirmed this, as well as add seed to the riffraff and then monitor it for whatever period is appropriate.

The commission agreed that the area looks fine the way it is in the photo, as it is a dry area, more harm than good would result from going in there. Mr. Gove stated that he agrees with weed whacking the area, because eventually big trees would grow, which is not ideal.

Mr. Holland asked Mr. Bomal if this solved the problem with the drainage, and Mr. Bomal stated absolutely, there are no more puddles, and everything is dry.

Mr. Walsh asked if soil and seed would be added to the riffraff and Mr. Seekamp clarified just seed because there is already soil underneath it, and it would be worthwhile because it would increase diversity. Mr. Walsh asked if there would be a concern about water pooling in that case, and Mr. Seekamp did not believe there to be a concern.

Mr. Ronan asked when the weed whacking would take place, so that the new vegetation is not disturbed, and Mr. Seekamp recommended late November when all the flowering is done. He also advised saving the stems and keeping them nearby to compost or put them into a mulch in May to avoid larvae growth.

Mr. Walsh voiced that he rather just let it go as is, considering that is what they have already done the past year and the plants are already covering up the riffraff. Over the next season or two it will become natural vegetation. Mr. Seekamp stated that it could work, the seed was a suggestion to add diversity but ultimately there will be a lot of different vegetation in there. The commission agreed with leaving the area as-is and not adding seed.

Mr. Fontaine spoke of the temporary alterations, which would be a proper restoration of be 75% vegetative coverage standard. Mr. Fontaine asked Mr. Seekamp if he was confident that it would meet the 75% standard, and he stated yes, as there is the necessary hydrology that drives it. Mr. Fontaine also added that by doing nothing, it would in turn cause permanent alterations to the trench dug from the end of the drainage pipe to the connecting storm water channel. Mr. Holland and Mr. Ronan stated that they believe that less is more in this case, and to allow nature to run its course.

Mr. Seekamp added that he had sent his suggestions in writing to Mass DEP. Mr. Fontaine stated that the previous enforcement order required an amended order of conditions and doing the mitigation, so in making this decision by the commission, that enforcement order is final to amend that and to reflect this conversation. Mr. Walsh asked if they should wait in the event Mass DEP may have questions, and Mr. Holland noted that they cannot finalize anything anyway because the area does not have 75% growth at this time. Mr. Holland asked if Mr. Seekamp would be able to then provide a certificate of compliance once this is met, and documentation that it still meets the criteria as a wetland, and Mr. Seekamp stated yes. Mr. Fontaine mentioned that this is currently under enforcement order, and they should document what they are doing now as a plan. The last one was provided to Mass DEP as a mitigation plan, but now that they are changing

course, they are amending the enforcement order to reflect this current scenario. This situation would be monitored over a period of 2 years until it reaches 75% growth.

Discussion took place on the right course of action, and Mr. Walsh pointed out that Mass DEP were the ones that made comments that resulted in the enforcement order, and therefore believes it is best to wait to hear their feedback first. Mr. Fontaine explained that the only way they would comment is if they did the amended enforcement order with the attachments.

**MOTION: Mr. Holland made the motion to close the Enforcement Order but keep the order of conditions with additional Notice of Intent, as discussed at this meeting, Town of Tewksbury; 255 Livingston Street, Assessor Map 86, Lot 4, seconded by Mr. Sheehan and the motion unanimously carried 5-0.**

#### **D) Wetland Protection Funds**

Mr. Fontaine requested \$150 for the Massachusetts Association of Conservation Commissions for all the classes and workshops in the Spring session. Additionally, there are annual dues for the Commission to be members of the MACC, which are \$60 for Mr. Fontaine and \$724 for the Commission. These amounts total \$934.

**MOTION: Mr. Holland made the motion to Approve \$950 to cover the cost of MACC fees, seconded by Mr. Sheehan and the motion unanimously carried 5-0.**

#### **New Business**

##### Tennessee Gas Company

Mr. Fontaine explained that they have provided information about their vegetative management activities that fall as an exempt activity since they are a gas utility, including cutting down brush and trees, things of that nature, just for maintenance. Tennessee Gas Company provided documentation regarding their exemption as well as their environmental management plan.

##### 999 Whipple Road – DPW Facility

Mr. Fontaine explained that they are proposing a new building. He has been out to the site for visits on multiple occasions to check the wetlands and boundaries. He believes the boundaries to be accurate, as he walked them in 2021 and 2022. The area that is currently proposed looks like it is entirely outside of jurisdictional areas, and it is the same large parcel as previously discussed. This area is behind the food bank on Pine Street. There is an outlet drainage pipe on Pine Street that sometimes ponds as it forms a channel, however, is not considered a stream because it is all sand, and therefore has no wetland characteristics.

Mr. Ronan asked about the placement of the parking lot on the two different site plans, and Mr. Fontaine stated that he is not sure specifically, however it is well into the future. Mr. Sheehan asked if anyone knew if the original building would remain, and Mr. Holland and Mr. Fontaine agreed as far as they knew, everything is still in the preliminary stages.

## **Old Business**

### 44 California Road

Mr. Fontaine explained there is an old permit at this single-family home, and the homeowners had reached out to ask him if they could take down a dead tree that is leaning over the 25-foot no disturb zone. Mr. Fontaine had let them know they can start to remove it.

**Mr. Ronan announced the next meeting is February 22, 2023.**

## **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 2.8.2023 Meeting  
Documents can be found in the Community Development Office*

- 06:30 P.M. Call Meeting to Order**  
**Approval of Minutes** June 22, 2022; July 13, 2022; August 17, 2022; September 7, 2022; September 21, 2022; October 5, 2022; October 19, 2022; November 16, 2022; December 7, 2022; December 21, 2022; January 11, 2023; January 25, 2023;
- **CAT Document**
  - A. 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.
  - B. Minor Modification;** Civil Design Consultants, Inc. of Andover, MA; 319 & 321 Marston Street, Assessor's Map 20 Lots 28 & 87. DEP File # 305-1135.
    - **Recorded OOC**
    - **Site Plan**
    - **Minor Modification Plan**
  - C. Enforcement Order;** Town of Tewksbury; 255 Livingston Street Assessor Map 86 Lot 40;
    - **OOC, unrecorded – 12/16/21**

- **Site Plan**
- **Enforcement Order Amended 6/22/22**
- **Photos 10/4/22**
- **Alternative Plan Letter – 1/31/23**

**D. Wetland Protection Funds**

- **MACC Email – 2/2/23**
- **MACC Virtual Annual Conference Schedule**

**Old Business**  
**New Business**  
**Administrators Report**  
**Adjournment**