



**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 22, 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 – October 19, 2022

MOTION: Mr. Holland made the motion to approve the October 19, 2022 meeting minutes; seconded by Mr. Sheehan and the motion unanimously carried 5-0.

- A) Continue to the April 5, 2023 Conservation Commission Meeting, Public Hearing, Notice of Intent, Civil Design Consultants, Inc. 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 the Public Hearing, Notice of Intent, Civil Design Consultants, Inc. 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 to the April 5, 2023 Conservation Commission Meeting, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

- B) 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 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 to the next meeting, March 8, 2023, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

C) Public Hearing, Notice of Intent, Civil Design Consultants, Inc. of Andover, MA on behalf of MA Bradley Development Co., LLC; 323 Marston Street, Tewksbury, MA, Assessor Map 20, Lot 28, DEP File # Not Yet Assigned.

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

Mr. Schomburg explained that he is representing Mark Bradley for the notice of intent. The parcel is approximately 1.18 acres and has on-site resource areas consisting of vegetative wetlands and associated buffers. The elevations range from 128 feet along Marston Street to 122 feet along the edge of the wetlands to the rear of the lot. Existing conditions include an approximately 900 square foot single family dwelling with a deck, paved driveway, and maintained lawn. These structures total approximately 2,980 square feet of impervious area. The entirety of the deck and existing dwelling lies within the 100-foot locker zone of the wetland area. The applicant is proposing the existing structure be removed and a new 1600 square foot single-family dwelling to be constructed with walkways, driveway, utilities, and other ordinances. Proposed areas total approximately 2,700 square feet resulting in a decrease of approximately 280 square feet of impervious area. Disturbances within the 100-foot buffer zone include site grading and the construction of a proposed dwelling. No portion of the proposed building is located within the 50-foot no build zone and nowhere within the 25-foot no disturb zone.

Mr. Holland asked if the old building being taken down is in the same footprint as the new one, and Mr. Bradley stated yes, but it is a little bigger but moved towards Marston Street and is not going any closer to the wetlands.

Mr. Fontaine asked Mr. Bradley if this delineation is based off 317 and 319 Marston and he said yes. Mr. Fontaine stated that he did a site visit and looked at the wetlands, and it looked fine. Also, the 317 and 319 properties are adjacent and approved under a notice of intent and order of conditions. Mr. Fontaine asked Mr. Bradley if this building is on sewer and he said yes and has already applied with the town. Mr. Fontaine also asked where it is located, and Mr. Bradley stated that he is not sure but assumes it is in the rear because of a discussion that took place when he purchased the property. Mr. Holland asked if the house has town water and he stated yes.

Mr. Fontaine commented that when this is approved, install erosion and sediment controls behind wherever the septic tank is that is going to be crushed in case it is not already encompassed. Mr. Bradley understood that and added that someone is coming out next week to re-stake the area. Mr. Fontaine asked if there is any proposal to go past where the current vegetation line is, and Mr. Bradley explained that he does not know where the erosion line is specifically right now. They saw it on the other two properties, but they did not see exactly where it would be on 323. Mr. Fontaine asked if there would be any additional clearing beyond where the sediment controls are proposed, and Mr. Bradley stated, no, if anything he would just clean up some of the dead brush.

Mr. Fontaine stated that if the commission was to approve the project and issue an order of conditions, they could do so under the following conditions: standard conditions numbers 1-4 and 9-19, and special conditions consisting of the following. Number One:

Installing and maintaining erosion and sediment controls which shall include a 12-inch diameter compost filter tube 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. Number Two: Prior to any construction activities commencing, sediment controls shall be installed by the applicant and the conservation agent shall approve of the installed sediment controls. Number Three: Soil stockpiles shall be properly covered and properly secured when not in use and soil stockpiles shall be surrounded with a silt fence and/or straw waddle. Number Four: If dewatering is necessary, water from the excavation pit shall be appropriately pumped to a dewatering location that is as far from the wetland boundary as possible, and at least 25-feet from the wetland edge and within the upgradient side of the perimeter sediment controls. The water shall then be appropriately filtered through an appropriately sized filter bag prior to being discharged onto the ground. This bag shall be surrounded by a silt fence and/or compost filter tubes. Number Five: The conservation agent may approve of alternative and equivalent erosion and sediment controls. Number Six: Upon Completion of Construction activities and to receive a certificate of compliance, an as-built plan must be submitted that shows all constructive features being proposed under this application relative to the wetland boundary. This must also show the accurate measurement of set structures to nearby wetlands. The requested certificate of compliance must be accompanied by photographic evidence of the completed construction.

Mr. Holland voiced that he has no issues with these recommendations. Mr. Fontaine added that he would like to emphasize the importance of a 12-inch compost filter tube rather than the 9-inch. Mr. Bradley stated that his plan is to do the site work for all 3 sites at once, including grading, slabs and then to start framing. In doing so, he is trying to get all machines in and out at once to be cleaner and quicker.

Mr. Gove said that he is glad to see the building being torn down.

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, Inc. of Andover, MA on behalf of MA Bradley Development Co., LLC; 323 Marston Street, Tewksbury, MA, Assessor Map 20, Lot 28, DEP File # 305-1176 as discussed at this meeting, seconded by Mr. Sheehan and the motion unanimously carried 5-0.

D) Minor Modification; 319 & 321 Marston Street, Assessor's Map 20 Lots 28 & 87. DEP File #305-1135

Present was Mark Bradley, MA Bradley Development Co., LLC

Mr. Fontaine explained that he placed this item on the agenda to inform the commission about the conversation he had with Mr. Bradley about two projects that are right next to each other but are on different permits. Mr. Fontaine explained that he did a site visit at 319, 320 and 323 Marston Street, and there is a shed that is within the no disturb-zone boundary that Mr. Bradley would like to demolish and leave as is once the debris is removed.

Mr. Bradley explained that when he went out there, he noticed the stakes were in for erosion control and it looked like the shed was out past that line, therefore asked Mr. Fontaine to come out. He explained that he wants to clean it all out and remove the shed by hand, not using any machines, and let it vegetate after.

Mr. Holland stated that he has no issues with it. Mr. Fontaine explained that the erosion and sediment controls for sites 319, 320 and 323 can all be tied together and treated as one site. Mr. Fontaine stated that there are other structures behind 319 and 321 but those are more involved and closer to the wetlands, not to be addressed at this time. Mr. Walsh asked if it was a pile of tires and Mr. Bradley said yes. Mr. Fontaine reiterated to the commission that the shed will be taken down.

MOTION: Mr. Holland made the motion to Approve the Minor Modification; 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.

New Business

Permitting System

Mr. Fontaine there is an incentive for applicants to file permits online, as they are already going to be able to do so with the DPW, Building and Health Departments. This includes submitting packets and making payments. If they continue to bring in paper copies, then they will not do anything online. By uploading this information online, applicants are essentially doing the data entry piece of it, in terms of their DEP File#, project details, etc.

Mr. Holland and Mr. Walsh stated that they do not have issues with it, and Mr. Fontaine stated that for the bigger project, he would still want the applicants have something to present especially for larger prints, etc. Mr. Sheehan stated that that he has no issues with it, but with the larger prints it is still necessary to have it on paper.

Mr. Fontaine added that he can still email information as needed. Discussion took place and it was decided March 8th would be the best go-live date.

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 2.22.2023 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; December 7, 2022; December 21, 2022; January 11, 2023; January 25, 2023; February 8, 2023.

- **CAT Document**

- A. **Continued to the April 5, 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. [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.
- C. [PUBLIC HEARING] **Notice of Intent**; Civil Design Consultants, Inc. of Andover, Massachusetts on behalf of MA Bradley Development Co., LLC; 323 Marston Street, Tewksbury, MA, Assessor Map 20 Lot 28. DEP File # Not Yet Assigned.
 - **Application – WPA Form 3**
 - **Site Plan**
- D. **Minor Modification**; 319 & 321 Marston Street, Assessor's Map 20 Lots 28 & 87. DEP File # 305-1135.
 - **Photo Log**

**Old Business
New Business
Administrators Report
Adjournment**