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Massachusetts

Conservation Commission

Minutes

November 16, 2023

Members Present: Dr. Lori Chekal, Chair, Tomas Sanchez, Vice Chair; Randy Mason, Melissa Campbell, James Cheney.

Staff Present: Leah Basbanes, Conservation Agent, Jennifer Ryan, Administrative Assistant

Staff Absent:

Dr. Lori Chekal, Chair, called the Thursday, November 12, meeting of the Conservation Commission to order at 6:00 PM, by reading the following statement:

On March 29, 2023, Governor Healey signed into law the extension of the temporary provisions of Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, to continue until March 31, 2025. Specifically, this further extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. Members of the public attending this virtual meeting will be allowed to make comments, during the portion of the hearing designated for public comment. The Zoom meeting information is available on the Conservation Commission page on the Town Website.

The Zoom meeting ID is 802 634 4678

Further information and the plans for each agenda item may be found on the Town Website
Home » Boards & Committees » Conservation Commission » Public Hearings

Minutes

9/13/23 and 10/12/23 meeting minutes. Motion made by Randy Mason, seconded by Jim Cheney to approved both sets of minutes. Voted 5-0 to approve.

Discussion:

Girl Scouts: discussion on proposed project. The North Reading Girl Scouts Troop 62798 is working on their silver award, which is the highest award Girl Scouts can earn in Middle School. They were in attendance to discuss options for a project that would help earn them this award. Elizabeth & Lisa Troop 62798 informed the board that the girls have done a lot of prerequisite work and brainstorming to come up with an idea they feel is a community need - trail awareness. Izzy R stated that the Troop believes there is a need in the community for locating hiking and walking trails but they are not easy to locate. Gargi further commented that the project idea is to improve trail awareness by using signs and maps and they would like to plan guided hiking classes for families and kids in order to increase the amount of hiking done in this town. Elizabeth further stated that their next steps would be to research current projects and proposals that may already be in motion and would like more information on what resources are available to them. Elizabeth mentioned that she recently discovered that there's a trail committee already established and she has reached out to them. Lori Chekal, Conservation Commission Chair, responded that she had been in touch with Hannah, who is working with a group that is surveying the Swan Pond area. Dr. Chekal also mentioned the Flying Squirrel Network may have something for them. Elizabeth & Lisa Troop 62798 asked if there are any existing trail maps of North Reading. Leah Basbanes, Conservation Agent responded no. Further discussion was had with regard to trails being unmarked, hard to find, marked private property, signage that said you could enter here, etc. Further discussion took place with regard to finding inventory of parks, parcels of land, committees, funding, budgetary needs, etc. Leah Basbanes, Conservation Agent added her input of getting an inventory of where the trail heads are and which ones need signage would be helpful but she thought that may be beyond the Girl Scouts scope of what they wanted to take on unless this was a project that took place year after year.

37 Haverhill Street: discussion regarding enforcement order. Leah Basbanes, Conservation Agent stated that the owners of the property at 37 Haverhill Street asked to have a discussion. Mr. Riad Riskalla (owner) and Mr. Bahig Bishay (representative) were present. Mr. Bahig Bishay spoke on behalf of his client and summarized for the Board that he provided all the information to the Board and he is waiting for the Commission's decision.

Leah Basbanes, Conservation Agent stated that she has repeatedly outlined what the Commission is looking for and the report from the Wetland's Consultant, Lucas Environmental, was not something that was ever requested by the Commission. Further, the delineation performed by the wetlands consultant has not been reviewed, and therefore not approved. Ms. Basbanes further stated that there is an Enforcement Order requiring certain work to be done to bring the site into compliance. The 3 exhibits which Mr. Bishay referred to as As-Built plans are not in accordance with what has been required by the Commission under the Enforcement Order. Further Ms. Basbanes has repeatedly stated that an As-Built plan is not acceptable at this point because an As-Built plan is submitted when work is complete and there has been no work completed. Leah Basbanes continued to inform them

that she has spoken to the individual board members and they agreed to a concession in order to resolve this issue which was to allow the patios to remain, but the sport court to be removed, considering that that is an illegal structure, it was put in without a permit and was not approved by the Conservation Commission. Its presence exceeds, along with the patios in a portion of the driveway, the 22 threshold. Mr. Bishay responded to Ms. Basbanes that there are 2 options she received in writing, and it needs to be voted and decided on so they can proceed. Dr. Lori Chekal intervened and stated it has been repeatedly stated the Board is not going to accept them. Dr. Chekal ended the discussion.

6 Mill Street: minor modification to plan. Leah Basbanes, Conservation Agent informed the Board that this is for a minor modification to the plan. The change is a reconfiguration to the driveway and creating pervious pavement. She explained the footprint is a little larger but the imperious area is actually going to decrease.

Motion made by Randy Mason, seconded by Melissa Campbell, Voted 5-0 to accept the modification on 6 Mill Street.

Certificates of Compliance

250 Haverhill Street (245-1516) Request for a Certificate of Compliance for single family dwelling and septic. Leah Basbanes summarized that these were 2 individual houses with a common driveway. Previously, there was an existing dirt pathway with an existing culvert. When they constructed these houses, part of the work was to upgrade the access and stabilize the banks by putting in retaining block walls. She reported the site is stable and looks good. She recommended the issuance of the COCs for both of these.

Motion made by Randy Mason, seconded by Tomas Sanchez, Voted 5-0 to issue a Certificate of Compliance.

250R Haverhill Street (245-1517) Request for a Certificate of Compliance for single family dwelling and septic. Leah Basbanes summarized that these were 2 individual houses with a common driveway. Previously, there was an existing dirt pathway with an existing culvert. When they constructed these houses, part of the work was to upgrade the access and stabilize the banks by putting in retaining block walls. She reported the site is stable and looks good. She recommended the issuance of the COCs for both of these.

Motion made by Randy Mason, seconded by Tomas Sanchez, Voted 5-0 to issue a Certificate of Compliance.

Extension Request

400 Riverpark Drive (245-1574) Request for an extension to the Order of Conditions for 3 years was submitted in writing by Kevin R. Bernier and Colin Hart of Atlantic Management were present. This property was purchased from the prior owner in 2021 and the plans to

expand the parking lot has not been completed due to Covid and the fact that the building is not fully occupied and the need is not there at this time. Leah Basbanes, Conservation Agent expressed her concern that it has been extended twice and cautioned the commission that it generally isn't good practice to repeatedly continue an OOC, though she is not specifically opposed to this request. Her concern was that if regulations and by-laws change, then the project would no longer be in compliance. Mr. Mason asked about the proposed work and the response was to complete the back lot. Ms. Basbanes expressed her concern for the fact that FEMA is changing flood maps and this project may be affected. Further discussion with Mr. Mason and others regarding looking into the new FEMA regulations before making a decision on this matter.

Motion made by Randy Mason, seconded by James Cheney, Voted 5-0 to continue this matter until a revised plan could be made after reviewing new FEMA maps and regulations.

Public Hearings

340 Main Street (245-1753) septic system replacement. Luke Roy of LJR Engineering was present on behalf of the applicant. He stated that this is a Notice of Intent for a septic system replacement at an existing vacant commercial garage property located at 340 Main Street with a failed septic system. There's a bordering vegetated wetland along the back side and also on the opposite side of Batchelder Ave. Additionally, there's a 100 year flood plain at elevation 79 which cuts through the property and crosses along the back of the building. Mr. Roy stated that there isn't a lot of room for the septic as the whole front area is an open driveway with old gas tanks and a pump island and there wasn't much option but to put it where the existing system is. Mr. Roy has designed the replacement leach with a retaining wall almost around the entire system field because of the elevated elevation. He mentioned that there will be a tank, pump chamber and leach field as far from the wetlands as possible. It's 33' to the rear wetlands and 36' to the wetlands across Batchelder Ave. He has requested several local upgrade waivers from Title 5 in order to fit the system and they are doing their best to fit it given the existing building that's grandfathered in. He is not proposing any expansion. He stated with regard to the floodplain, the construction of the system will fill some floodplain area and volume within the footprint of the retaining wall. He has silt fence as the typical erosion control and has a DEP file number and the design has been approved by the Health Department. Leah Basbanes, Conservation Agent asked Luke Roy about creating a flood plain to create more floodplain. Luke stated that they would be providing compensation for the volume lost at each elevation interval. In some spots it will be just a few inches of excavation. It will be hydraulically connected to the existing flood plain. Leah Basbanes, Conservation Agent expressed her concern about it being such a subtle difference, and how it could easily get filled in by people going to dump stuff (plowing and sediments accumulating, etc.) She suggested some type of notification or signage be installed stating that is a floodplain compensation area and cannot be filled.

Motion made by Randy Mason, seconded by Tomas Sanchez, Voted 5-0 to issue an Order of Conditions plus signage to indicate the floodplain compensation area.

9 Pomeroy (245-1754) septic system replacement. Luke Roy of LJR Engineering was present for the applicant, Ruth Greco. He stated that this is a Notice of Intent for a septic system replacement at 9 Pomeroy Road. It is an existing 3 bedroom home with a failed system where the septic tank was structurally compromised. He pointed out that the existing septic is on the left side of the house and the wetlands have been delineated behind the house. He stated that the driveway is on the right side and he proposed that the replacement system be in the front left as far from the wetlands as possible. The leach field will be 42' from the wetlands at the closest point and that this will be a pump system with the plumbing coming out of the back left corner. He also mentioned that the grade is going to be elevated somewhat, but in this case there's no walls required. It'll be sloped or tapered off and there'll be a 40 mil barrier around the perimeter of the excavation. All the work in this case is within lawn, an existing altered buffer area. One tree will have to be removed. Board of Health has approved.

Melissa Campbell asked about the vinyl fence right on the wetland line. Mr. Roy responded that he had Norse Environmental flag the wetlands and it appears that it comes right up to the fence and the fence has been there for many years.

Motion made by Randy Mason, seconded by Tomas Sanchez, Voted 5-0 to issue an Order of Conditions.

Adjourn

Randy Mason moved, seconded by James Cheney, and voted 5-0; that the Conservation Commission adjourn the meeting at 7:18 PM.

Approved Melissa A. Campbell Dated 12/15/2023