

**Middleton Conservation Commission**  
**Tuesday, January 5, 2021**  
**Public Virtual Meeting via Zoom**  
**Meeting ID: 837 5252 7075**  
**7:00 p.m.**

**Members Present:** Jerry Gove, Anthony Pesce, Mike Sliney and Laurie York (via Zoom audio and video) Commission Members. Also present were Kristin Kent (via Zoom audio and video), Conservation Agent, and Marlene Clapp (via Zoom audio and video), Recording Secretary.

**Presiding – Mr. Pesce**  
Mr. Pesce called the meeting to order at 7:00p.m.

**Minutes – Ms. York made a motion to approve the minutes of the December 1, 2020 meeting. Mr. Gove seconded the motion and all were in favor. The motion passed (3-0-1). Mr. Pesce abstained.**

**Request for Certificate of Compliance, 301 North Main Street (222-0804), 301 N Main Street LLC / Williams & Sparages, LLC, Close out permit for construction of an industrial building and associated appurtenances -** Peter Blaisdell of Williams & Sparages, LLC was present (via Zoom audio and video) to speak on behalf of this Request. This property was purchased by JC Fence. Mr. Blaisdell said the As-builts are complete, the lot is stable and all of the work has been completed, in compliance. Ms. Kent noted that the required signage has not been installed. She will conduct a site visit and be sure the outstanding condition is fulfilled.  
**Ms. York made a motion to issue a Request for Certificate of Compliance, 301 North Main Street (222-0804), Close out permit for construction of an industrial building and associated appurtenances with the following conditions: Ms. Kent to complete a site visit and oversee the installation of conservation markers. Mr. Gove seconded the motion and all were in favor. The motion passed (4-0-0).**

**Request for Certificate of Compliance, 303 North Main Street (222-0811), Matthew Chiaradonna / Williams & Sparages, LLC, Close out permit for site work -** Peter Blaisdell of Williams & Sparages, LLC was present (via Zoom audio and video) to speak on behalf of this Request. The sites have been combined and Ms. Kent will conduct a site visit and oversee the installation of the required conservation markers.  
**Ms. York made a motion to issue a Request for Certificate of Compliance, 303 North Main Street (222-0811), Close out permit for site work with the following conditions: Ms. Kent to complete a site visit and oversee the installation of conservation markers. Mr. Gove seconded the motion and all were in favor. The motion passed (4-0-0).**

**Request for Certificate of Compliance, 23 Grandview Avenue (222-0775), 1000, LLC / Williams & Sparages, LLC, Close out permit for construction of a single family home and associated appurtenances -** Peter Blaisdell of Williams & Sparages, LLC was present (via Zoom audio and video) to speak on behalf of this Request. Mr. Blaisdel explained that this project is a few years old and required filings with the Town of Danvers and the Town of Middleton. A field inspection and As-Built have been completed. The site is stable. Ms. Kent conducted a site visit and the conservation markers have been installed.

**Mr. Sliney made a motion to issue a Certificate of Compliance, 23 Grandview Avenue (222-0775), Close out permit for construction of a single family home and associated appurtenances. Mr. Gove seconded the motion and all were in favor. The motion passed (4-0-0).**

**Notice of Intent, 35 East Street, TPRO Development, LLC / Williams & Sparages, LLC, Reconstruction of an existing single family home, removal of a swimming pool and patio and septic system installation within the 100 foot buffer zone to Bordering Vegetated Wetlands** - Thorson Akerley of Williams & Sparages, LLC and Tim of TRPO Development were present (via Zoom audio and video) to speak on behalf of this Request. There is a brook on the property that runs to the west of the dwelling, toward East Street. There is an associated Bordering Vegetated Wetland and a steep embankment. The proposed septic system design was approved in 2015 under the previous homeowners. The property was purchased by TPRO Enterprises with intentions to repair, restore and sell the property. The owner is proposing to remove the existing deck, remove the garage and replace it with a first and second floor without changing the existing footprint. The plans have been approved by the ZBA. There is an existing in-ground swimming pool with aggregate decking, which Mr. Akerley noted is in poor condition and will be removed, filled with clean fill and covered with lawn. The pool area does intersect the 25' No Disturb Zone but restoring it to grass is seen as beneficial. Mr. Akerley explained that the septic tank, pump chamber and leaching field would be new construction. The leaching field is out of the 100' buffer zone but due to the existing plumbing, the septic tank and pump chamber must be located at the rear of the dwelling. The old leaching field is to be abandoned, pumped and filled with clean sand. Due to the high groundwater elevation of the property, the leaching field is proposed to be elevated, requiring a pump chamber system. It was noted that the lawn has historically maintained up to the edge of the brook.

Ms. Kent noted her concerns: demolition was started without Conservation Commission and Building permits, signage is needed and the maintenance of the lawn up to the Wetland's edge is discouraged. She would like to see Conservation Markers installed and the maintenance of the lawn, to the Wetland's edge, ceased. Overall, the proposed work appears to be a net positive for the lot. During the discussion, it was unclear if the pool was to be removed. Tim asked if it was possible to keep the pool and possibly install a drop-in pool. Ms. Kent explained that TPRO would have to come back with an updated plan showing the proposed pool whereas the plan submitted shows the pool removal. Tim did not want to wait until the following meeting to obtain an Order of Conditions for the property. Ms. Kent explained that should they change their mind and alter the plan to include the pool, they could return with an Amended Plan at a future date.

**Ms. York made a motion to issue an Order of Conditions, 35 East Street, Reconstruction of an existing single family home, removal of a swimming pool and patio and septic system installation within the 100 foot buffer zone to Bordering Vegetated Wetlands, with the following conditions: Installation of Conservation Markers at the Conservation Agent's discretion, the associated debris from the pool removal should be crushed and used to fill the pool or completely removed offsite and the maintenance up to the Wetland's edge shall cease. Mr. Sliney seconded the motion and all were in favor. The motion passed (4-0-0).**

**Request for Certificate of Compliance, 1 Kimberly Lane (222-0808), Michael Licciardi / LJR Engineering, Inc., Request to close out permit for construction of a single family home and associated appurtenances** - No one was present to speak on behalf of this Request. This is a single family dwelling with a stream which runs behind it. Ms. Kent explained

that the property was mostly in compliance with the exception of the driveway which was constructed larger than was permitted and the Conservation Markers have not been installed.

**Ms. York made a motion to continue the Request for Certificate of Compliance, 1 Kimberly Lane (222-0808), Request to close out permit for construction of a single family home and associated appurtenances to the February meeting. Mr. Sliney seconded the motion and all were in favor. The motion passed (4-0-0).**

**Discussion:**

**3 Leblanc Lane permit extension:** At the November 4, 2020 meeting, the Middleton Conservation Commission issued a one-year permit extension for an Order of Conditions for this property from its 2018 permit. Mr. White, the homeowner, had not yet completed the pool installation and was seeking a three-year permit extension. Mr. White was present to join in for this discussion. Mr. White was aggrieved about only receiving a one-year extension. The Commission was in agreement about its original decision to grant only a one-year extension. The Commission explained to Mr. White that many factors are likely to change over the years, such as the Commission members, Stormwater Regulations, etc. contributing to the fact that they have no intention of renewing this extension in perpetuity every three years, as Mr. White believed to be the typical protocol. Ms. Kent further explained that three-year extensions are often granted for larger projects and there were no extenuating circumstances in this situation. Mr. White admitted that he and his wife have no plans, or intentions, to install a pool but want the permit to continue on to the next person to own this property. Ms. Kent explained that extending a permit is a way to circumvent the changes to the law, is not allowable and the one-year extension was granted as a courtesy.

**Letter from Pike Messenger:** On December 23, 2020, Pike Messenger sent a letter to the Middleton Conservation Commission regarding the importance of maintaining 8-inches of topsoil on project sites, whether it is left or reapplied. Mr. Messenger would like to see an associated Bylaw and for the Commission to encourage the builders to be mindful of topsoil removal.

**Adjournment** – Mr. Sliney made a motion to adjourn the meeting. Ms. York seconded the motion and all were in favor. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

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Marlene Clapp, Recording Secretary