

**Middleton Conservation Commission**  
**Tuesday, January 7, 2020**  
**Flint Public Library**  
**7:00 p.m.**

**Members Present:** Jerry Gove, Andrea Nelson, Mike Sliney, Anthony Pesce, Laurie York  
Commission Members. Also present were Kristin Kent, Conservation Agent, and Marlene Clapp,  
Recording Secretary.

**Presiding – Mr. Pesce**

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

**Minutes – Ms. Nelson made a motion to approve the minutes of the November 6, 2019 meeting. Mr. Gove seconded the motion and all were in favor. The motion passed (5-0-0).**

**Mr. Gove made a motion to approve the minutes of the December 5, 2019 meeting. Mr. Sliney seconded the motion and all were in favor. The motion passed (3-0-2). Mr. Pesce and Ms. Nelson abstained.**

**Continued Notice of Intent, 7 Thunder Bridge Lane (222-0819) Angelo Trodella / Hayes Engineering, Inc. After-the-fact application for a sports court within buffer zone to Bordering Vegetated Wetlands - Continued at the request of the Applicant.**

**Notice of Intent, Interstate 95 Massachusetts Department of Transportation / AECOM Construction of stormwater BMPs within the median of Interstate 95. Work is proposed within Riverfront Area and the buffer zone to Bordering Vegetated Wetlands –** Joe Yu from the Massachusetts Department of Transportation Stormwater Unit was present to speak on behalf of this Notice. Mr. Yu identified the project as MDOT project 608378, Danvers/Topsfield/Boxford/Rowley, Interstate Maintenance and related work on Interstate 95. The proposed improvements are part of a statewide MPO resurfacing interstate project. MDOT will use Stormwater Best Management Practices to construct within the median along Interstate 95, adjacent to the Ipswich River. Mr. Yu explained that the stormwater aspect of this project falls under the Impaired Waters Program and the goal of the IWP is to reduce the amount of impervious cover and untreated runoff from the impervious cover within the Ipswich River Watershed.

The MDOT consultant referred to the proposed plans and explained the project will be within the median on Interstate 95. The proposed construction entrance is located at the furthest point from the Ipswich River. She explained that there are two existing catch basins located along both I95 north and southbound that will be plugged and discontinued. The water will be directed into the median, through a level spreader, back over to the vegetated filter strip and then into the infiltration basin. There is high outlet out of the trench which will then tie back into the existing catch basin and allow runoff to go back across the road and into the existing wetlands. Under existing conditions, this area doesn't meet the Impaired Water Quality Standards or any of the State Stormwater Regulations but with the proposed basin, it will meet the Standards.

MDOT consultant, Tom Touchette, explained that there are two large State jurisdictional wetlands on either side of the median. The project is located outside of the FEMA floodplain. He said there will be some temporary impacts within the 200' Riverfront area as they disconnect the two catch basins. There will be 50 square feet of permanent impact as a result of the new riprap aprons for the discharge ends of the two catch basins. The proposed infiltration area will result in 630 square feet of grading associated with the new design and the stone fill will impact another 360 square feet. No impervious surface area will be added. Mr. Yu assured the Commission that the BMPs are designed to draw down within 72 hours of a storm event and that the elimination of two catch basins will not create a potential flooding problem. He also clarified that the current drains that run under the highway are covered and not used by animals to cross under the roadway. Attendee Sandra Rubchinuk requested that the area be deemed a low-salt zone. Mr. Yu said he was unsure why it is not a low-salt zone and would look into it.

Ms. Kent noted there was no DEP number in file. Mr. Yu said the estimated advertisement date for the project will be February 15, 2020. Construction typically begins six months after the advertising date. The BMP should be built within a couple of months and the resurfacing from Danvers to Rowley will take approximately 20 months to complete.

*Ms. York made a motion to Issue an Order of Conditions for Interstate 95 Massachusetts, construction of stormwater BMPs within the median of Interstate 95, work is proposed within Riverfront Area and the buffer zone to Bordering Vegetated Wetlands contingent upon issuance of a DEP file number. Mr. Gove seconded the motion and all were in favor. The motion passed (5-0-0).*

**Notice of Intent, 59 South Main Street Fairway Estates, LLC / Williams & Sparages, LLC Construction of 45 residential dwellings and associated appurtenances within the 100 foot buffer zone to Bordering Vegetated Wetlands. Proposed work also includes construction of a walking path within Bordering Vegetated Wetlands** – Chris Sparages of Williams and Sparages, LLC was present to speak on behalf of this Notice. A variance through the Zoning Board of Appeals was secured for this age-restricted cluster home development at the intersection of Route 114 and Maple Street, behind Angelica's Restaurant and Banquet Facility. The development is proposed to be comprised of 45 units on 23 acres with frontage on Rt. 114. Mr. Sparages showed the plan which is cluster of 19 buildings containing seven three-unit buildings and 12 duplex buildings. Six duplex buildings fall within the 100' Buffer Zone. There is a large existing wetland on the west side of the lot. Mr. Sparages said the proposed development honors the 25' No Disturb Zone throughout and proposes to use low impact development techniques. The proposed project will make a \$5,000 donation to the Town, per unit, which will be earmarked for the development of a new Senior Center.

The wetlands have been delineated and previously approved under an ORAD. Mr. Sparages said the low impact development techniques include no drainage structures, no catch basins, no drainage pipes and no hard concrete structures. The proposed project is broken down using country drainage-style techniques and the incorporation of grass swales. All of the paved surfaces along the driveway system are porous pavement including the roadway leading onto Rt. 114. Infiltration basins will be installed and created at the low point and underground infiltration chambers will be installed to control roof runoff. Driveway paver stones will also assist with infiltration and rain gardens are proposed to collect runoff. Mr. Sparages said under existing

conditions, there is very little runoff due to soil quality. Mr. Sparages explained that all the Stormwater Standards have been met as detailed in the Stormwater Report. There is a long-term Operation and Maintenance Plan for the drainage structures. The pervious pavement snow requirements call for the surface be sanded and the use of limited non-sodium based salt.

The proposed nature trail will begin along the Rt. 114 roadway and run along the wooded part of the property where the trees are to remain. The proposed walkway/path will go through the wetland to the Middleton Golf course parcel. The developer wishes to work closely with the Conservation Agent to identify the best path through the wetland to minimize the disturbance. No wetland filling is proposed. The half mile path is proposed to remain natural and the actual location is yet to be determined.

The septic system will be comprised of an underground sewer collection system throughout the development. It will run down to a low point at the rear and into a sewer manhole, into the septic tanks. Ms. Kent explained that the septic tanks can be within 100' of the wetland but the infiltration (leeching field) cannot be within the 100' wetland area. All of the tanks will be subsurface. The proposed development hopes to tie in a new 8" water main from the Town of Danvers water line along Rt. 114. Ms. Kent asked if the developer intends to dig an irrigation well. Mr. Sparages was unsure. Ms. Kent suggested speaking with Danvers Water Department regarding the potential water withdrawal. The Commission raised concern with the water use from the exterior sprinkler systems and its impact on the water supply. They expressed the preference for drought tolerant plants and grasses. Mr. Sparages said although the condo agreements are not yet drafted, typically, all the rear yards are common except for some exclusive-use easement areas, such as porches and walkways. The residential subdivision will be privately owned by a condominium board comprised of 45 unit owners. The roads will be maintained by the condominium association. There are no plans for a pool or clubhouse. There are 20 visitor parking spots distributed throughout the development. Each unit will have a two-car garage and the ability to park two cars in the driveway.

Abutter Claudia Johnson of 40 Boston Street asked for further explanation about the septic system. It was noted that there will be a visible candy-cane vent pipe for the pump chamber. She wanted confirmation that the tanks would all be subsurface. She noted that as drawn, the walking trail is right along her stone wall. Mr. Sparages explained that the path could be moved further away from her property although there is no setback requirement per ZBA zoning laws. Ms. Johnson explained that she will be subjected to losing the wooded area behind her property and the associated privacy. She requested that some of the sugar maples and oaks remain undisturbed. Mr. Sparages said that they will not be clearing 40' of trees from behind the Johnson property and there will be no clearing for the path. Mr. Sparages said he believes that the responsibility to maintain the walking trail will fall on the condominium association. Ms. Kent noted that the walkway through the wetlands will need to be elevated and per DEP, it is required that for every foot of width, it must be a foot off the ground, for boardwalks. Ms. Kent would like to see the details decided upon and solidified.

Mr. Sparages said he believes there will be an irrigation system in the proposed development but said the lawn will be limited as there will be extensive landscape planting. Ms. Kent expressed her preference for no irrigation system throughout the development. There was no snow removal

plan submitted and the Commission requested one be included on the future plans. Mr. Sparages said some fill will be brought in to construct the upper end of the site and the swales. He said if vegetated properly, the swales will not erode or change over time. Ms. Kent concluded by requesting that the Stormwater Plans be reviewed by an independent consultant, the walking trail plans be finalized, and the snow storage, water, irrigation and planting plans be submitted.

*Ms. Nelson made a motion to Continue the Notice of Intent, 59 South Main Street, Construction of 45 residential dwellings and associated appurtenances within the 100 foot buffer zone to Bordering Vegetated Wetlands. Proposed work also includes construction of a walking path within Bordering Vegetated Wetlands. Mr. Sliney seconded the motion and all were in favor. The motion passed (5-0-0).*

**Certificate of Compliance, 10 Ogden Lane, Daniel and Debra Kelly, Request for a partial release from the Order of Conditions for the Falcon Ridge Subdivision** – The owner is selling the property and is requesting a partial release from the subdivision’s Order of Conditions. There are no wetlands on the property.

*Ms. Nelson made a motion to Issue a Certificate of Compliance for 10 Ogden Lane, Request for a partial release from the Order of Conditions for the Falcon Ridge Subdivision. Mr. Gove seconded the motion and all were in favor. The motion passed (5-0-0).*

**Adjournment** – Ms. Nelson made a motion to adjourn the meeting. Mr. Sliney seconded the motion and all were in favor. The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

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Marlene Clapp, Recording Secretary