

**Conservation Commission Meeting Minutes
July 14, 2010**

Members Present: Louis A. Napoli, Chairman; John J. Mabon, Vice Chairman; Deborah A. Feltovic; Sean F. McDonough; Joseph W. Lynch, Jr (arrived at 8:13 pm).

Members Absent: Scott L. Masse, Albert P. Manzi, Jr.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator; Heidi M. Gaffney, Conservation Field Inspector; Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:10PM Quorum Present.

General Business

242-1447, Modification Request, 2357 Turnpike Street (Valley Realty Development) (Merrimack Engineering Services, Inc.)(cont. from 6/23/10)

- The applicant Anthony Mesiti of Mesiti Development Corporation, and Robert Vorbach of Vorbach Architecture, and Stephen Stapinski of Merrimack Engineering Services, Inc were present.
- The Administrator presented that a new plan detail has been submitted and we are waiting for Eggleston Environmental to review it.
- A motion to grant the request for continuance to July 28, 2010 made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

242-1469, COC Request, 268 Rea Street (Malsky) (Merrimack Engineering Services, Inc.)

- The Field Inspector presented that the site is stable, photos have been taken of the site and the as-built plan is in compliance with the Order of Conditions.
- A motion to grant the COC and bond release made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

No Recess

Public Hearings: 8:00 PM

Request for Determination of Applicability (RDA)

22-24 Ashland Street (North Andover Housing Authority) (Allen & Major Associates, Inc.)(cont. from 6/23/10)(Request to withdraw)

- Ryan Bianchetto of Allen & Major Associates, Inc.
- The Administrator presented that she recommend accepting the withdrawal of the RDA and that the applicant has filed an NOI to be heard later in the meeting.

- A motion to grant to accept the withdrawal of the RDA made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

52 Empire Drive (Lot 12) (Orchard Village, LLC) (Christiansen & Sergi, Inc.)

- Mr. McDonough read the legal notice.
- The Administrator presented that the proposal is for a house, deck and porch construction, sewer connection and associated grading, and that this lot was one of the ones required to have a porous pavement driveway.
- Mr. Manzi discussed that the commission does not normally approve house construction under and RDA because there is no control once you issue a negative determination.
- A motion to grant to issue positive determination made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

63 Empire Drive (Lot 23) (Orchard Village, LLC) (Christiansen & Sergi, Inc.)

- Mr. McDonough read the legal notice.
- The Administrator presented that the proposal is similar to above with house, driveway, utilities, and associated grading.
- A motion to issue a positive determination made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote 3 to 2.

67, # 71, # 75, # 79 Empire Drive (Lots 19-22) (Orchard Village, LLC) (Christiansen & Sergi, Inc.)

- Ms. Feltovic read the legal notice.
- The Administrator presented that the work that is within the 100-foot Buffer Zone is only driveways and utilities and that she recommends issuing a negative #3 determinations for these lots.
- A motion to grant a negative determination for Lots 19-22 made by Mr. Mabon, seconded by Mr. Lynch.
- Vote 3 to 2

Abbreviated Notice of Resource Area Delineation (ANRAD)

242-1484, 254 Great Pond Road (Leland) (Wetlands Preservation, Inc.)

- The applicant Nancy Leland and Curtis Young of Wetlands Preservation Inc were present.
- Mr. McDonough read the legal notice.
- The Administrator presented that she walked the site with Geoff Andrews of Wetlands Preservation, Inc. and made minor modifications (deleted one flag and added one flag).
- Mr. Young discussed that he will update the plan.
- The historic use of drainage tiles was noted
- Mr. Lynch discussed an area on the plan that was altered when the Castlemere Subdivision was built. Town changed drainage in the area in the 80's. Discussion of culvert and easement.
- The filing does not delineate the limits of Bordering Land Subject to Flooding
- A motion to close and issue a decision within 21 days pending the submittal of a revised plan to the Conservation Dept. was made by Mr. Lynch, seconded by Ms. Feltovic.

- Vote unanimous.

Notice of Intent (s) (NOI)

242-1428, Lot 4N-A Turnpike Street (Merrimack Condominiums) (One Hundred Fourteen Trust) (Patrick C. Garner of Garner Company, Inc.)(cont. from 6/23/10)

- Mr. McDonough left the meeting room because he is an abutter of the project.
- The Administrator presented that she walked the site with Patrick Garner and the contractor Timothy Barlow yesterday. The wetland remains valid and semi permanent markers are in place at almost all flag locations.
- Mr. Garner discussed that there would be 4 phases in the construction sequence.
- A motion to grant the request for a continuance to a special public meeting on July 21, 2010 was made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

242-1478, 1503 Osgood Street (Hera Development Corporation) (Wetlands Preservation, Inc.) (cont. from 6/9/10)

- Curtis Young of Wetlands Preservation, Inc., Christopher Tymula of MFH Design Consultants, Inc, and Carrie McMillen of Henderson Design were present.
- The Administrator presented that a site visit was held on 7/7/10 with several members in attendance.
- Lisa Eggleston's comments have still not been addressed. The test for the septic system was to be done today. The applicant has submitted updated plans that bring the limit of disturbance further away from the wetland. The preservation of mature trees was discussed at the site visit as well as the need for an invasive species management plan and additional detail is needed on the construction phasing.
- Mr. Napoli discussed that if there will be 15-feet of fill in the area it needs to be compacted to balance stabilize the slope.
- Mr. Lynch discussed that they need to hire a structural engineer to stabilize the slope.
- A motion to grant a continuance to July 28, 2010 was made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

242-1480, 14 Lorraine Avenue (Breenmore Realty Trust) (The Neve-Morin Group, Inc.)(cont. from 6/23/10)(Request to cont. to 7/28/10)

- A motion to grant the request for a continuance to July 28, 2010 made by Mr. Mabon, seconded by Mr. McDonough.
- Vote unanimous.

242-1479, 15 Lorraine Avenue (Breenmore Realty Trust) (The Neve-Morin Group, Inc.)(cont. from 6/23/10) (Request to cont. to 7/28/10)

- A motion to grant the request for a continuance to July 28, 2010 made by Mr. Mabon, seconded by Mr. McDonough.
- Vote unanimous.

242-1481, 22-24 Ashland Street (North Andover Housing Authority) (Allen & Major Associates, Inc.)

- Ryan Bianchetto of Allen & Major Associates, Inc.
- Mr. McDonough read the legal notice.
- The Administrator presented that the plans are thorough and addressed most aspects of construction. The top of bank/MHW delineation was confirmed in the field.
- Ryan Bianchetto discussed the proposed drainage improvements and the alternatives analysis.
- A motion to close and issue a decision within 21 days made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

242-1485, 280 Candlestick Road (Andersen) (Sullivan Engineering Group, LLC)

- The applicant Roger Andersen was present.
- The Administrator presented that the proposal is for a three season porch on sonotubes and lap pool.
- The wetland delineation confirmed all the work would be done outside the 50-foot No-Build zone.
- Abutters James and Mary Nania of 263 Candlestick Road submitted a letter at the meeting that states that they own and live at 263 Candlestick Road. The letter requested the following issues to be considered. We are concerned that the proposed addition/above ground pool at 280 Candlestick may have a negative impact on the adjacent wetlands. We are also concerned that the proposed project may diminish property values in the neighborhood. Additionally, the short notice and timing of the communication regarding the proposed project during summer vacation months did not allow sufficient time for adequate review by us. Furthermore, the Jared Place covenants do not permit the installation of above ground pools. Abutter Doris E. Barrett of 235 Candlestick Road stated that she is worried about water runoff onto her property.
- A motion to close and issue a decision within 21 days made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

242-1486, 123 Bonny Lane (Dawson) (Sullivan Engineering Group, LLC)

- Mr. McDonough read the legal notice.
- The Administrator presented that the applicant has requested to withdraw.
- A motion to accept the withdrawal made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

242-1483, 544 Sharpners Pond Road (Horn) (The Neve-Morin Group, Inc.)

- Mr. McDonough read the legal notice.
- The applicant Benjamin & Mary Horn, and Greg Hochmuth of the Neve-Morin Group, Inc were present.
- The Administrator presented that this filing would be reviewed by Natural Heritage.

- The wetland delineation was reviewed and some changes were made, Flag 109 was moved up-gradient 11' based on leaf staining, vegetation and water marks on trees.
- A letter submitted by an attorney representing the abutters as discussed.
- A motion to grant the request for a continuance to July 28, 2010 made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

242-1482, 84 Candlestick Road (Yates) (The Neve-Morin Group, Inc.)

- Mr. McDonough read the legal notice.
- The applicant Douglas Yates was present.
- The Administrator presented that the proposal is to replace a failed railroad tie retaining wall and remove several large white pine trees.
- The Conservation Commission discussed the removal of trees and suggested that he have an arborist check on the health of the trees that he wants to cut down.
- A motion to close and issue a decision within 21 days made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

242-1428, Lot 4N Turnpike Street (Merrimack Condominiums)

- The Administrator presented that the Conservation Commission will hold a special meeting on July 21, 2010 at the Town Hall to try to finalize this.

New Business

Windrush Farm Steering Committee

- The Administrator presented that the Conservation Commission needs to appoint a member of the Conservation Commission to the Windrush Farm Steering Committee.
- A motion to appoint Mr. Mabon to the Windrush Steering Committee made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

A motion to adjourn the meeting at: 10:40PM made by Mr. Manzi, seconded by Mr. McDonough.

Vote unanimous.