

**Conservation Commission Meeting Minutes
February 9, 2011**

Members Present: Louis A. Napoli, Chairman; John J. Mabon, Vice Chairman; Joseph W. Lynch, Jr.; Douglas W. Saal; Deborah A. Feltovic (arrived at 7:50PM); Albert P. Manzi, Jr. (arrived at 8:00PM).

Member Absent: Sean F. McDonough.

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: 7:05 PM Quorum Present.

General Business

- A motion to grant the approval of the minutes from 8/25/10 & 9/13/10 is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

242-1410, Modification Request & COC Request, 129 Berry Street (Lot 1N-A) (One Hundred Fourteen Trust) (cont. from 1/26/11) (Request to cont. to 2/13/11)

- The administrator states that no further submittals have been made regarding the relocation of the driveway, and the applicant requests a continuance to the February 23, 2011 meeting.
- A motion to grant the request for a continuance to the February 23, 2011 meeting is made by Mr. Saal, seconded by Mr. Mabon.
- Vote unanimous.

242-1428, Modification Request, Lot 4N-A Turnpike Street (One Hundred Fourteen Trust) (Patrick C. Garner of Garner Company, Inc.) (cont. from 1/26/11) (Request to cont. to 2/13/11)

- The administrator states that the applicant is requesting a continuance to the February 23, 2011 meeting.
- A motion to grant the request for a continuance to the February 23, 2011 meeting is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

242-1173, 169 Gray Street (Murphy) (Merrimack Engineering Services, Inc.)

- The administrator states that work never commenced under this Order of Conditions and the applicant is requesting a COC citing that this is an invalid Order of Conditions.
- A motion to grant the COC (invalid) is made by Mr. Mabon, seconded by Mr. Saal.
- Vote unanimous.

*A motion to go into recess for 5 minutes made by Ms. Feltovic, seconded by Mr. Lynch
Vote unanimous.*

**242-266, PCOC Request, 18 Campion Road (Stratouly) (William D. Cox Attorney at Law)
(cont. from 1/26/11)**

- William D. Cox Attorney at Law is present for the applicant.
- The administrator states that the original filing was for drainage structures and was not specific to this lot. There is a long standing brush pile within the buffer zone to jurisdiction wetlands at the rear of this lot.
- Attorney Cox states that the applicants have agreed to have the brush pile cleaned up.
- The commission discusses the PCOC request and the brush pile.
- A motion to issue the PCOC for 18 Campion Road but to hold it until the brush pile is removed and to require that three wetland markers are installed prior to June 1, 2011 is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote 5 to 1 (Mr. Manzi abstained from voting.)
- *Documents:*
 - *PCOC request form and letter from Attorney William D. Cox.*

Public Hearings:

Request for Determination of Applicability (RDA)

75 Johnson Circle (Actis/Blint) (cont. from 1/26/11) (Request to cont. to 3/9/11)

- The administrator states that the applicant is requesting a continuance to the March 9, 2011 because deep snow is preventing an accurate delineation.
- A motion to grant the request for a continuance to the March 9, 2011 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Continuance request dated 2/7/11*

Notice of Intent (NOI)

242-1507, 169 Gray Street (Murphy) (Merrimack Engineering Services, Inc.) (cont. from 1/26/11)

- The applicants Francis & Ellen Murphy of 169 Gray Street and Edward Payne of Quality Design Nor'easter Pools are present.
- The administrator states that revised plans have been submitted showing the shed, stockpile area, dewatering area, and fence location. Due to the deep snow the wetland delineation cannot be confirmed at this time.
- The commission discusses the 3-feet of snow which is still on the ground, preventing confirmation of the wetland delineation, and reviews the DEP guidance on winter delineations.
- Mr. Payne discusses the timeline of the pool and how waiting for more meetings will delay the work.

- The administrator recommends continuing the meeting until March 23, 2011 to confirm the delineation.
- A motion to grant the request for a continuance to the March 23, 2011 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Revised plans dated 1/26/11*

242-1509, 858 Great Pond Road (Tracy) (Sullivan Engineering Group, LLC)

- Mr. Saal reads the legal notice.
- The applicants Gay S. Tracy & David M. Tracy of 933 Great Pond Road, and John Sullivan of Sullivan Engineering Group, LLC are present.
- Mr. Sullivan presents the project and the delineation. There will be no tree removal and little grading. Roof infiltration is proposed.
- Mr. Manzi asks questions about the delineation.
- Mr. Sullivan states that the Bank was delineated in September 2010 and that the BVW was delineated by Arrow Environmental.
- Mr. Sullivan states that this project will be before the Planning Board at their next meeting and we will need to request a continuance to the March 9, 2011 meeting because the Planning Board might want plan changes and that would give enough time to revise the plans for the Conservation Commission meeting.
- A motion to grant the request for a continuance to the March 9, 2011 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.
- *Documents:*
 - *Notice of Intent Filing and associated documents received January 28, 2011;*
 - *Plans titled "Proposed Site Development Plan", prepared by Sullivan Engineering Group, LLC, dated January 25, 2011 (2 sheets),*
 - *Soils survey information, GIS aerial photos, and mailing receipts.*

242-1508, 279 Boxford Street (Manos) (Sullivan Engineering Group, LLC)

- Mr. Saal reads the legal notice.
- John Sullivan of Sullivan Engineering Services, LLC is present.
- The administrator states that the proposal is for a 2-car garage on slab outside the 50-foot No-Build zone. The delineation cannot be confirmed because of deep snow.
- The commission discusses the project and that the delineation cannot be confirmed at this time due to heavy snow cover.
- Mr. Mabon states that the applicant should continue until the delineation can be confirmed.
- Mr. Sullivan requests a continuance on behalf of the applicant.
- A motion to grant the request for a continuance to the March 23, 2011 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Notice of Intent Filing and associated documents received January 28, 2011;*

- *Plan titled “279 Boxford Street-Plot Plan of Land”, prepared by Sullivan Engineering Group, LLC, dated: January 25, 2011;*
- *Photos taken 2/3/11;*
- *Mailing receipts.*

242-1491, 1003 Osgood Street, (Osgood Properties, LLP) (MHF Design Consultants, Inc.) (cont. from 1/26/11)

- Christopher Tymula of MHF Design Consultants, Inc. and Michael Howard of Epsilon Associates Inc. are present.
- Mr. Tymula presents the project and discusses the stormwater plan updates. Eggleston Environmental has reviewed.
- Mr. Howard discusses the resource areas relative to the project.
- Mr. Lynch states that the new plan is much more approvable. There needs to be a condition that no de-icers are used and that only low nitrogen fertilizers are used due to the proximity to the drinking water supply for the town.
- Mr. Tymula states the water table could be an issue. There must be a preconstruction confirmation of soil conditions.
- Mr. Manzi discusses that the applicant must install a permanent guard rail barrier or dry set stonewall between the parking lot and the wetlands to protect the resource areas.
- Mr. Mabon agrees that there must be some sort of barrier at the 25’ No-Disturb zone.
- Mr. Manzi discusses that the wet meadow can be mowed only once a year after August 1.
- The administrator discusses the location of wetland makers.
- The commission discusses seasonal mowing of field.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *Letter from MHF Design Consultants, Inc. dated February 4, 2011;*
 - *Stormwater Management Report Revised: February 3, 2011;*
 - *Revised Plans Sheets 3-6,8,9 dated 2/3/11;*
 - *Alternative Analysis Date: February 9, 2011.*

242-1479, 15 Lorraine Avenue (Breenmore Realty Trust) (The Neve-Morin Group, Inc.)

- The applicants Peter & Kerry Breen of 770 Boxford Street; John Morin of The Neve-Morin Group, Inc. are present.
- Abutters present: Norma Joyce & Sebastian Patane of 39 Hewitt Avenue, Nancy Chase Ryan of 57 Hewitt Avenue, Donald & Karen Rokes of 67 Hewitt Avenue, Michelle Saracusa of 210 Andover Street.
- The administrator states that abutters were re-notified for this hearing. There are no decks, bulkhead, stairs or walkways are shown on the new plan. The consultant also indicates the deck and walkway could be located outside the buffer zone.
- Mr. Morin discusses the plan revisions and states that the bottom of the foundation would be 1-foot higher than the current foundation and that the shed would be removed. He states there will be no changes in the drainage patterns on the lot. No trees will be removed.

- Mr. Lynch discusses dewatering and drainage issues in the area and states the abutter issues were well researched.
- Mr. Mabon discusses the restoration area.
- Mr. Napoli discusses a permanent barrier and wetland markers should be installed along the 25-foot No-Disturbance zone and states that the sump pump outlet isn't shown.
- Mr. Saal discusses the deck and walkways not being shown on the plan and states that this can be problematic when requesting the Certificate of Compliance.
- Ms. Saracusa of 210 Andover Street states that the commission should limit the size of the house to the size of the current house and discusses the wetlands and water issues in the area.
- Mrs. Patane of 39 Hewitt Avenue discusses the gravel vs. paving of Lorraine Ave.
- The commission states that paving of Lorraine is not currently proposed and therefore not currently part of the discussion.
- The applicant requests a continuance to the February 23, 2011 meeting.
- A motion to grant the request for a continuance to the February 23, 2011 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Revised plan dated February 4, 2011;*
 - *Proof of mailing.*

242-1506, Railroad Corridor (Massachusetts Electric Company) (AECOM) (cont. from 1/26/ 11)

- The applicants Joshua Holden of National Grid, Timothy Sullivan of AECOM and Scott Darling of the MBTA are present.
- The administrator states that the subcommittee consisting of Mr. Napoli and Mr. Manzi met with National Grid earlier this week to discuss the counterpoise project. Additional materials have been submitted by the National Grid engineer.
- Mr. Manzi summarizes the discussion that he and Mr. Napoli had with the National Grid engineer.
- Mr. Manzi states that the commission will need a status report when the COC is requested.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents: E-mail from Fouad Dagher dated 2/8/11 with attached sketch.*

Discussion: After the fact Filing Fees

- The commission discusses fees vs. fines and how to establish after-the-fact filing fees and that payment of the fees does not imply approvability of the project.
- The administrator states that the local by-law allows the Conservation Commission to set the amount of the fees and would include setting after the fact filing fees.
- The commission discusses the amount of the increase.
- The commission asks the administrator to please check with Town Counsel regarding the adoption of new fees before the Conservation Commission makes a decision on this fee schedule.

Carter Field As-Built Plan dated: November 30, 2004.

- The administrator states that the Open Space has not been recorded for this subdivision.
- The commission discusses the Carter Field Open Space.

Winter Delineations:

- The administrator discusses how to handle new filings when the wetland line cannot be verified due snow pack or frozen conditions.
- Mr. Lynch states that the Conservation Commission cannot make decision without confirming where the wetland line is and when conditions don't allow for the confirmation of the wetland line the filings will need to continue.
- Mr. Napoli states that wetlands can change but that the Conservation Commission must be able to verify the wetland line before any project can be closed.

A motion to adjourn the meeting at 10:00PM is made by Mr. Manzi, seconded by Ms. Feltovic. Vote unanimous.