

**Conservation Commission Meeting Minutes
May 4, 2011**

Members Present: Louis A. Napoli, Chairman, John J. Mabon, Vice Chairman, Deborah A. Feltovic, Albert P. Manzi (arrived 8:35 p.m.), Jr., Douglas W. Saal.

Members Absent: Joseph W. Lynch, Jr., Sean F. McDonough

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

Staff Member Absent: Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 8:14PM Quorum Present.

General Business

242-236, PCOC Request, 291 Appleton Street (Lot 36) (Shaheen, Guerrera & O'Leary, LLC)

- The administrator discusses that after reviewing the file, it was discovered that a PCOC was issued for Lot 36 on June 24, 1987.
- The commission discusses that since a PCOC was already issued for this lot then there is no action needed on this PCOC request.
- A motion to take no action was made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous
- *Documents:*
 - *Letter from Shaheen, Guerrera & O'Leary, LLC requesting a Partial Certificate of Compliance for DEP File # 242-236, 291 Appleton Street (Lot 36)*
 - *WPA Form 8A – Partial Request for Certificate of Compliance*

Public Hearings:

Notice of Intent (NOI)

242-1510, 707 Turnpike Street (Kmiec) (Christiansen & Sergi, Inc.)(cont. from 4/27/2011)

- Phil Christiansen presents the revised plan and states that the building has been moved outside of the 50' No-Build Zone and that the foundation of the proposed addition will be at elevation 240.
- The commission and Mr. Christiansen discuss the flood zone issue and the possible flood elevation.
- The administrator presents the FEMA flood map to the commission and states that there are no elevations given for this area.
- Discussion ensues regarding the history of flooding in the area including discussion of Jasmine's Plaza and other nearby properties.

- Phil Christiansen states that a previous study for Super Stop & Shop determined the flood elevation to be 236.74 and that the low point of 114 near to 707 Turnpike Street is at an elevation of 237.08 and that Christiansen & Sergi, Inc. has determined the proper flood elevation to be 237.08.
- The administrator states to the commission that the applicant should either prove to the commission through credible evidence that the proposed structure is not in the flood zone or can go through the process to get a Letter of Map Amendment from FEMA.
- The commission discusses the options with Mr. Christiansen and allows Mr. Christiansen to gather more evidence to support his assertion that the flood elevation is at approximately 237.
- Mr. Mabon asks if the foundation is a slab on grade and what the elevation will be at the top of the slab.
- Mr. Christiansen states that the foundation will be a slab on grade and the elevation at the top of the slab is proposed to be 240.
- Mr. Christiansen requests a continuance on behalf of the applicant to gather the additional documentation regarding the flood elevation.
- A motion to grant the request for a continuance to the May 18, 2011 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.
- *Documents:*
 - *Revised Plan titled “Notice of Intent Plan for Proposed Addition at 707 Turnpike Street in North Andover, Mass.” Prepared for Lou Kmiec, Prepared by Christiansen & Sergi, Inc., dated February 7, 2011, with a last revision date of 4/26/11.*
 - *Letter dated April 26, 2011 from Christiansen & Sergi, Inc.*
 - *Map titled “Roadway Low Point Figure” dated April 26, 2011, Prepared by Christiansen & Sergi, Inc. (Map is attached to the above referenced letter of the same date.)*
 - *FEMA Map Number 25009C0236F Preliminary May 28, 2009*

Decision

242-1516, 374 Sharpners Pond Road

- The administrator reviews the draft Order of Conditions, and states that a condition will be added with regard to the proposed mitigation.
- A motion to accept and issue the Order of Conditions as-amended made is by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Enforcement Order – Verizon/Mill Pond Condominiums

- The administrator discusses the enforcement order with the commission.
- A motion to ratify the Enforcement Order is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

A motion to adjourn the meeting at: 9:14 PM made by Mr. Saal, seconded by Ms. Feltovic. Vote unanimous.