

**Conservation Commission Meeting Minutes
September 28, 2011**

Members Present: Louis A. Napoli, Chairman; John J. Mabon, Vice Chairman; Joseph W. Lynch, Jr.; Deborah A. Feltovic; Douglas W. Saal.

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: 7:00PM Quorum Present.

General Business

Approval of Minutes - 7/27/11 & 10/27/10

- A motion to approve the minutes of 7/27/11 & 10/27/10 as drafted is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

242-1447, Modification Request, 2357 Turnpike (Valley Realty Development, LLC) (cont. from 9/14/11)

- Anthony Mesiti and Simon Ackerman of Mesiti Development are present.
- The administrator reviews the proposed modifications and the letter from Eggleston Environmental.
- Mr. Ackerman talks about the mail boxes and that they have relocated where the mailboxes will go and there is no longer a need for a separate building.
- The Commission reviews the letter from Eggleston Environmental.
- Mr. Lynch states that he shares the concerns outlined by Eggleston Environmental but is ok with the project since Eggleston is ok with it.
- The commission discusses the modifications.
- A motion to approve the modifications as proposed is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Document:*
 - *Plan titled "Site Plan in North Andover, Massachusetts Showing Proposed Changes to Building #24, #25, #28", prepared by Merrimack Engineering Services, dated January 5, 2009, revised June 22, 2011*
 - *Letter from GZA Geoenvironmental, Inc., "Re: Opinion regarding Proposed Building Alterations", dated 9/13/11*
 - *E-mail Response from Lisa Eggleston, P.E., Eggleston Environmental, subject "Meadows-proposed building alterations", dated 9/26/11.*

242-1169, Request for Partial Bond Release, 2357 Turnpike Street (Valley Realty Development, LLC) (cont. from 9/14/11)

- Anthony Mesiti and Simon Ackerman of Mesiti Development are present.

- The administrator states that the total bond is \$70,000 and the request is to release \$35,000. She reviews the history of the site and the work that has been done during the past summer to bring the site into compliance.
- The administrator reviews how the original bond amount was calculated as stated in the OOC.
- The administrator states that as calculated an appropriate amount to release is \$20,000, which will leave a total bond amount of \$50,000 remaining for the Phase III work and final COC.
- The commission discusses that \$20,000 is a fair number according to the calculations.
- A motion to release \$20,000 of the bond is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- Mr. Ackerman asks the commission if work will be allowed to continue on the remaining buildings at this point.
- The commission discusses that work may continue at this point on the remaining buildings as proposed and approved by the modifications.
- A motion to allow work to progress as discussed is made by Mr. Lynch, seconded by Ms. Feltovic.
- *Documents:*
 - *Bond calculations from the original Order of Conditions*

242-55, PCOC Request, 10 Crossbow Lane (Concemi Attorney at Law)

- The field inspector states that the file is quite old and does not contain much information.
- A site inspection was conducted today and there are no wetlands on the lot; although there are wetlands nearby.
- There are no violations evident.
- The commission briefly discusses house location and the request.
- A motion to issue a PCOC for 10 Crossbow Lane (Lot N) only is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form 8A - Request for a Partial Certificate of Compliance*
 - *Letter from Samuel J. Concemi, Attorney at Law, dated 9/15/11*

242-2, PCOC Request, 20 Johnson Circle (Lot 2) (Shaheen, Guerrera & O'Leary, LLC)

- The field inspector states that this is a very old file and this lot is not affected by wetlands or buffer zone, and there was no evidence of any violations during the recent site visit.
- The commission discusses the age of the filing and the request for the PCOC.
- A motion to issue a PCOC for 20 Johnson Circle (Lot 2) only is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *WPA Form 8A – Request for Partial Certificate of Compliance*
 - *Letter from Shaheen, Guerrera & O'Leary, LLC dated 9/14/11*

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

- The applicant Douglas Yates is present.

- The field inspector states that the block wall was built according to the plan with the exception of an extension to the top tier of the wall. The proposed paver patio under the existing deck was not constructed and it is crushed stone under the deck. However, a small walkway with 3 granite steps has been installed portions of which are in the 50' No-Build Zone. The site is stabilized and the erosion controls have been removed.
- Mr. Yates discusses the history of the site and how the original wooden retaining wall started to fall after heavy spring rains requiring that this new retaining wall be built.
- Mr. Saal states a fence may be a good idea for safety.
- A motion to issue the COC and release the bond is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form 8A-Request for Certificate of Compliance*
 - *Letter from The Neve-Morin Group, Inc. dated*
 - *As-built plan titled "Plan of Land, Existing Site Conditions", prepared by The Neve-Morin Group, Inc. dated 9/2/11.*
 - *Photos dated 9/28/11.*

242-1493, COC Request, 104 Foxwood Drive (Donahue) (Sullivan Engineering Group, LLC)

- The field inspector states that the work is in compliance with the Order of Conditions. The sunroom and paver patio are slightly smaller than proposed and the deck is slightly larger than proposed, and all structures remain outside of the 50' No-Build Zone. The site is stabilized and the erosion controls have been removed.
- A motion to issue the COC and release the bond is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form 8A-Request for Certificate of Compliance*
 - *Letter from Sullivan Engineering Group, LLC dated*
 - *As-built plan titled "As-Built Plan of Land", prepared by Sullivan Engineering Group, LLC., dated 9/12/11.*
 - *Photos dated 9/28/11.*

242-1418, Modification & COC Request, 61 Granville Lane (Eriksen) (Norse Design Services, Inc.)

- Scott Eriksen is present.
- The administrator reviews the project and the modification request. A small portion of the existing rear egress is within the 50' No-Build Zone; the egress is required and the applicant is seeking the modification to allow them to remain as-is. There is a decrease in impervious area on the lot as discussed in the letter. The applicant wishes to have the modification approved and then the COC issued.
- Mr. Saal states that this is acceptable to him.
- Mr. Eriksen discussed the plan and the changes that caused the need for the stairs to be located where they are.
- There is discussion about the location of the stone wall.

- A motion to grant the modification request and approve the waiver is made by Mr. Lynch, seconded by Ms. Feltovic.
- A motion to issue the COC is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Modification request letter dated 9/26/11.*
 - *Waiver Request Form*
 - *Letter from Land Engineering & Environmental Services, Inc., dated 9/23/11.*
 - *WPA Form 8A-Request for Certificate of Compliance.*
 - *As-built plan titled "Existing Conditions Plan", prepared by Norse Design Services, Inc., dated 9/6/11.*
 - *Photos dated 9/26/11.*

242-1475, COC Request, 657 Forest Street (657 Realty Trust) (Merrimack Engineering Services, Inc.) (cont. from 9/14/11)

- The applicant George Haseltine is present.
- The field inspector states that the house was shifted from the proposed location by several feet, but is still 75' from the wetland at the closest point. A bulkhead and rear egress deck were added that were not shown on the proposed plan. A large boulder wall marks the No-Disturb zone which is far greater than 25' from the wetland in most areas. The yard is stabilized and the erosion controls have been removed.
- Mr. Haseltine discusses the project.
- A motion to issue the COC and release the bond is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Merrimack Engineering Services, Inc., dated 8/30/11.*
 - *As-built plan titled "Conservation As-Built Plan", prepared by Merrimack Engineering Services, Inc., dated 5/5/11.*
 - *Photos dated 9/14/11 & 9/22/11.*

242-1505, COC Request, 125 Sherwood Drive (Spitzer) (The Neve-Morin Group, Inc.) (cont. from 9/14/11)

- The field inspector states that she spoke to the homeowner today and that they have loamed and seeded and are just awaiting the grass growth to be sufficient. This should be ready for a COC at the next meeting. The applicant requests a continuance to allow more time for the grass to grow.
- A motion to grant the continuance to the October 12, 2011 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

242-1515, COC Request, 1050 Forest Street (Krovitz) (Pennoni Associates, Inc.)

- Doug Stewart of Pennoni Associates, Inc. is present.
- The field inspector states that the pool and associated patio were moved farther from the wetland and that the patio area is smaller than proposed. The patio/terrace portion of the fire pit was not constructed and only some stepping stones were placed in this area. The dining terrace was shifted but remains outside of the 50' No-build zone. The pool fence was brought in closer to the pool and follows the contour of the pool patio. The erosion controls

were placed further from the wetland than shown on the plan in order to reduce the number of the trees that needed to be cut; this resulted in a small stone retaining wall to reduce the amount of grading that would otherwise have been necessary. The homeowners wish to keep the gravel access drive, however only a small portion is within the 100' BZ. The yard is stabilized and the erosion controls have been removed.

- Mr. Stewart briefly discusses the project.
- A motion to issue the COC and release the bond is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Pennoni Associates, Inc. dated 9/22/11.*
 - *As-built plan titled "As-Built Site Plan", prepared by Pennoni Associates, Inc., dated 9/20/11.*
 - *Photos dated 9/28/11.*

Small Project

NACC # 88, 1010 Johnson Street (Dussault Carpentry) (Deck & Ramp)

- The administrator states that this project is to add approximately 150 s.f. for a handicap access ramp to the existing rear deck. The new ramp is approximately 80' from the wetland at the closest point. This is filed as a small project "J" since the total deck/ramp square footage is over 300 s.f.
- A motion to accept the project as a small project "J" is made by Mr. Lynch, seconded by Mr. Mabon.
- A motion to approve the small project with a post construction inspection condition is made by Mr. Lynch, seconded by Mr. Mabon.
- *Documents:*
 - *Small Project checklist*
 - *Sketch of the proposed ramp drawn by Mr. Dussault*
 - *Photos dated 9/27/11 (MIMAP Map)*

Public Hearings: 8:45 P. M.

Notice of Intent (NOI)

242-1531, 315 Turnpike Street (Merrimack College) (VHB, Inc.) (cont. from 9/14/11)

- Jeff Doggett of Merrimack College and Chris Lovette of VHB, Inc. are present.
- Mr. Doggett reviewed the two alternatives that they have come up with to date to comply with the bylaw setbacks. Mr. Doggett states that they have just received the stormwater review letter from Eggleston Environmental and will address her comments and make the necessary changes for the next hearing.
- Mr. Lynch states that he appreciates the revisions that have been made to date and looks forward to seeing more revisions with regard to stormwater management.
- Mr. Lynch also stresses that the Andover Stormwater Master Plan is pivotal to stormwater discussions.
- Mr. Doggett states that they will continue to update the commission with regard to the stormwater revisions.

- Mr. Mabon states that the revisions are more in compliance than the original plan but that he is also looking to see more on the stormwater. Mr. Mabon also states that the applicant should seek to address the zamboni spoils that are currently dumped near the wetland.
- Mr. Doggett discusses that they are working on a long term plan that identifies future construction.
- Mr. Feltovic states that she is glad that the project is moving in a better direction.
- Mr. Napoli states that he is concerned with the stormwater plan and wants to see it worked on. Fire access should also be addressed.
- The chairman opens the meeting up to abutters.
- Sandra Lahood of Downing Street asks about the changes proposed and the stormwater issues and asks where things are as of now.
- Mr. Lynch and Mr. Doggett answer Ms. Lahood and let her know that there is much more work and revisions to be done that will be presented at future meetings.
- Mr. Doggett requests a continuance to the October 12, 2011 meeting.
- A motion to grant the request for continuance to the October 12, 2011 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Plan titled "Alternative 1, Volpe Center Expansion, Building Alternatives, Merrimack College, N. Andover, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., dated September 21, 2011.*
 - *Plan titled "Alternative 2, Volpe Center Expansion, Building Alternatives, Merrimack College, N. Andover, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., dated September 21, 2011.*
 - *Letter from Jeff Doggett, Chief of Staff, Merrimack College, dated September 21, 2011.*

242-1523, 273 Berry Street (Quimby) (Christiansen & Sergi, Inc.) (cont. from 8/10/11)

- Phil Christiansen of Christiansen & Sergi, Inc. is present on behalf of the applicant.
- The administrator reviews the project to date and states that the applicant has sought and received a variance from the ZBA.
- Mr. Christiansen discusses the project and the distance from the vernal pool as well as the process the applicant went through to get the variance.
- Mr. Lynch states that given there is a house already on the lot it is a buildable lot and the commission will look to improve the existing conditions on the site.
- The commission discusses the current conditions of the property, the proposed No-Disturb Zone and the plan revisions that are needed.
- Mr. Mabon requests plantings in the No-Disturb Zone.
- On behalf of the applicant, Mr. Christiansen requests a continuance to October 12, 2011 meeting.
- A motion to grant the request for a continuance to the October 12, 2011 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
 - *Notice of Intent and associated documents submitted 7/1/11.*
 - *Plan titled "Notice of Intent Plan", prepared by Christiansen & Sergi, Inc., dated 6/30/11, revision date of 9/16/11.*

242-1533, 16 Berry Street (Fiore) (Goldsmith, Prest & Ringwall, Inc.)

- Mr. Saal reads the legal ad.
- Matt Bombaci of Goldsmith, Prest & Ringwall, Inc. is present.
- The administrator briefly reviews the project.
- Mr. Bombaci presents the project and discusses that the proposal is for a roadway and stormwater management. The project incorporates Low-Impact Development techniques. House construction will be addressed by individual NOIs.
- Mr. Lynch states that it sounds like a lot of thought has gone in to the project so far. He is interested in seeing the report from Eggleston Environmental regarding the stormwater aspect of the project. He also discusses the maintenance of the LID's and states that the town does not have the ability to maintain LID's at this point.
- Mr. Bombaci discusses the NHESP process
- The commission discusses LID's and their maintenance.
- Mr. Mabon discusses the sewer lines proposed and where they will be tied in.
- Mr. Saal discusses that that section of Berry Street needs to be re-done and asks if they will propose to re-pave that portion of the road.
- Mr. Bombaci discusses the possibility but it is not certain at this point.
- The administrator states that the portions of the 25' NDZ which are currently mowed will need to be planted and allowed to revegetate and remain in a natural state. She also states that they need to identify any lot clearing that is proposed under this NOI, and discusses the need for additional erosion controls. She also has some stormwater questions but will await the report from Eggleston Environmental.
- Mr. Mabon inquires about the remaining land on the parcel and about the historic cemetery on the property and the need to show that on the plan.
- Ms. Feltovic discusses the need to do site cleanup especially trash in the Vernal Pool.
- Mr. Lynch and Mr. Napoli discuss the need to ensure that as each lot comes forward to build under separate NOI's that they are subject to the stormwater regulations. Discussion of segmentation.
- The applicant requests a continuance.
- A motion to grant the request for a continuance to the October 12, 2011 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *Plan titled "Definitive Subdivision Plan", prepared by Goldsmith, Prest and Ringwall, Inc., dated August 2011.*

Discussion

242-1401, 495 Forest Street, (Ben Osgood, Jr.)

- Discussion to be tabled to the October 12, 2011 meeting, due to Mr. Osgood being unable to attend this meeting.

Decisions

242-1524, 240 Charles Street

- The administrator reviews the drafted Order of Conditions.
- The commission discusses the bond and other aspects of the project, including wetland markers.
- A motion to approve the Order of Conditions as drafted is made by Mr. Mabon, seconded by Ms. Feltovic.

242-1492, 1679 Osgood Street

- The administrator reviews the drafted Order of Conditions.
- The commission discusses the OOC as drafted and makes some amendments.
- A motion to approve the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.

242-1528, 1780 Osgood Street

- The administrator reviews the drafted Order of Conditions.
- The commission discusses condition #74 with regard to snow and salt use and stockpiling and makes amendments.
- A motion to approve the Order of Conditions as drafted and amended is made by Ms. Feltovic, seconded by Mr. Saal.

242-1478, 1503 Osgood Street

- The administrator reviews the drafted Amendment to the Order of Conditions.
- The commission discusses the amendment language.
- A motion to close the public hearing regarding the Amendment is made by Mr. Lynch, seconded by Ms. Feltovic.
- A motion to approve the Amended Order of Conditions as drafted is made by Ms. Feltovic, seconded by Mr. Lynch.

A motion to adjourn the meeting at: 9:32 P.M. is made by Ms. Feltovic, seconded by Mr. Lynch.

Vote unanimous.