

Conservation Commission Meeting Minutes
February 22, 2012

Members Present: Louis A. Napoli, Chairman, John T. Mabon, Vice Chairman, Joseph W. Lynch, Jr., Deborah A. Feltovic, Albert P. Manzi, Jr., Douglas W. Saal.

Member Absent: Sean F. McDonough.

Staff Members Present: Heidi M. Gaffney, Conservation Field Inspector, Donna M. Wedge, Conservation Secretary.

Staff Member Absent: Jennifer A. Hughes, Conservation Administrator.

Pledge of Allegiance

Meeting came to Order at: 7:30 P. M. Quorum Present.

General Business

242-266, PCOC Request, 65 Champion Road (Lot 15) (Title Resource Group)

- The field inspector states that this lot is not jurisdictional, the Order of Conditions was for drainage on lots 9 & 10 only and that several other PCOC's have been issued on other lots.
- A motion to grant the PCOC is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form-8A Request for Partial Certificate of Compliance*
 - *Copy of Order of Conditions 242-266*
 - *Quit Claim Deed*
 - *Definitive Subdivision Plan No 9887 of Land dated 4/12/85, and revised plan 5/13/85*

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

- The applicant Joanne Comerford of the North Andover Housing Authority was present.
- Field Inspector states the project was built in compliance with the Order of Conditions, drainage outlet has been rip-rapped, erosion controls removed, and site is stabilized.
- A motion to grant to issue the COC and release the bond made Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
 - *WPA Form-8A Request for Certificate of Compliance*
 - *Letter from Allen & Major Associates, Inc. dated 12/11/11*
 - *As-Built Plan dated 2/21/12 added resources*

Violation

505 Forest Street (Rayner)

- The field inspector states that she conducted a site visit for the pool removal RDA that is also on the agenda tonight and discovered that nine trees had been recently cut in the buffer zone, some

were at or near the 25-foot No-Disturbance zone. The homeowner stated that the trees were cut in November.

- Mr. Manzi states that this is a violation and that an Enforcement Order should be issued requiring the planting of 18 native trees and shrubs. He states that the majority should be red maple (*Acer rubrum*) trees but that some plantings could be high bush blueberry (*Vaccinium corymbosum*). Monitoring should be for three seasons with at least 75% survival rate at the end of three seasons. The trees should be a minimum height of 5-feet tall.
- A motion to issue an Enforcement Order requiring the planting of 18 native trees and shrubs as discussed and monitoring for three years with reports sent to the Conservation Department is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.
- *Documents:*
 - *Photos dated 2/16/12*

***A motion to grant to recess for 10 minutes made by Mr. Lynch, seconded by Mr. Mabon.
Vote unanimous.***

Public Hearings: 8:00 PM

Request for Determination of Applicability

505 Forest Street (Rayner)

- The applicant John F. Rayner of 505 Forest Street and William Kelley of Pavers Excavation are present.
- The field inspector states that the proposal is to remove and fill in an existing in-ground pool. She states that NHESP originally said this would be exempt activity with the provision that he did not do any additional clearing to gain access to the pool, however after speaking with NHESP about the tree cutting that was done, they still consider the removal of the pool exempt as long as the tree cutting is handled under an enforcement order as discussed above.
- The commission discusses whether the filing should be a Notice of Intent.
- Mr. Kelley states that the work would be done within a week and that all fill will be clean fill.
- The commission asks where the septic tank is located.
- Mr. Kelly states that it is under a portion of the cement pool deck and that he is aware of it and has discussed it with the health department.
- Mr. Manzi states that the erosion controls need to be trenched silt fence and double staked haybales to properly protect the resource area.
- The commission discusses stabilization of the soil after the work is done and states that it will need to be hydroseeded with a tackifier, if the work is to be done outside of the growing season.
- A motion to issue a negative determination number 3 with conditions as discussed is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
 - *WPA Form-1-Request for Determination of Applicability and associated documents*
 - *Legal Notice*
 - *Copy of Plan of Land with work area and erosion control locations hand sketched dated 2/9/12*
 - *Photos dated 2/16/12*

Notice of Intent (NOI)

242-1480, 14 Lorraine Avenue (Breenmore Realty Trust) (The Neve-Morin Group, Inc.) (cont. from 2/8/12) (Request to cont. to 3/14/12)

- The field inspector states that the applicant is requesting a continuance to the March 14, 2012 meeting.
- A motion to grant the request for a continuance to the March 14, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *E-Mail from The Neve-Morin Group, Inc. dated 2/22/12 requesting for a continuance to the March 14, 2012 meeting.*

242-1539, 102 Peters Street (Dundee Properties, LLC) (Andover Consultants, Inc.) (cont. from 2/8/12) (Request to cont. to 3/14/12)

- The field inspector states that the applicant is requesting a continuance to the March 14, 2012 meeting.
- A motion to grant the request for a continuance to the March 14, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Document:*
 - *E-Mail from Andover Consultants, Inc. dated 2/22/12 requesting for a continuance to the March 14, 2012 meeting.*

242-1545, 30 Keys Way (Garcia) (Christiansen & Sergi, Inc.)

- Philip Christiansen of Christiansen & Sergi, and Abutter Raymond & Elizabeth Letourneau of 700 Salem Street are present.
- Mr. Manzi reads the legal notice.
- Mr. Christiansen presents that the project is for the construction of an inground pool, decking and fencing and states that a temporary construction entrance will also be needed.
- Mr. Lynch asks about the area for soil stockpiling and states that it wouldn't be accessible once the hole has been dug.
- Mr. Christiansen states that the soil stockpile location is for the top soil, and that the materials excavated from the pool hole will be trucked off-site.
- Mr. Manzi states that the filter should be conditioned to be a cartridge style only with no back washing into resource areas.
- Ms. Feltovic asks about the markers at the 25' No-disturb.
- The field inspector states that the markers should be placed on posts, due to the overgrowth of the bittersweet and honeysuckle which would prevent the markers from being visible if they were placed on the trees.
- Mr. Saal states there is a lot of bittersweet and huckleberry and asks if the applicant thinking of cleaning up the area.
- The field inspector states that although restoring the area would be wonderful that doing so in just this one area would be futile.
- Mr. Christiansen states that the applicant will probably leave the area alone.
- Mr. & Mrs. Letourneau state that their back yard is very wet and that they are concerned about more water coming to their yard.
- The commission discusses the project location in relation to the Letourneau's property.

- Mr. Lynch asks Mr. Christiansen if the applicant can be asked to install a stone trench around the deck to stop any water runoff to the abutters property.
- Mr. Christiansen agrees to the stone trench.
- Mr. Lynch makes a motion to close.
- Mr. Lynch withdraws his motion to close because of three week gap between meetings.
- Mr. Christiansen requests a continuance to the March 14, 2012 meeting.
- A motion to grant the request for a continuance to the March 14, 2012 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
 - *Application Checklist- Notice of Intent*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Site Plan titled "Site Plan for Proposed Swimming Pool at 30 Keyes Way" ,prepared by Christiansen & Sergi, Inc., dated 2/6/12*
 - *Streamstats Upgrade Site Report dated 2/15/12*
 - *Photos taken 2/14/12 of 30 Keyes Way*

242-1526, 285 Holt Road (Wheelabrator Technologies, Inc.) (Brown and Caldwell)

- The field Inspector states that the applicant is requesting a continuance to the March 14, 2012 meeting.
- A motion to grant the request for a continuance to the March 14, 2012 meeting made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote Unanimous.
- *Document:*
 - *E-Mail from Brown and Caldwell J R Frey, P. E. CPESCO dated 2/17/12 requesting a continuance to the March 14, 2012 meeting*

***A motion to grant to adjourn the meeting at: 8:45PM made by Mr. Lynch, seconded by Ms. Feltovic.
Vote Unanimous.***