

Conservation Commission Meeting Minutes
January 11, 2012

Members Present: Louis A. Napoli, Chairman, John T. Mabon, Vice Chairman, Joseph W. Lynch, Jr., Deborah A. Feltovic, Albert P. Manzi, Jr., Sean F. McDonough (arrived at 7:55 p. m.), 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: 7:50PM Quorum Present.

General Business

A motion to approve the 12/21/11 meeting minutes is made by Ms. Feltovic, seconded by Mr. Lynch.

Vote unanimous.

Discussion of Tree and Stump Removal: Andover Street Field

- Benjamin C. Osgood, Sr. of Center Realty Trust is present.
- Mr. Osgood states that he is the trustee of Center Realty Trust and that Center Realty Trust owns the property that the tree is located on. Mr. Osgood briefly discusses the historic society and the history of the property. He states that the stump is very large and that it should be removed and that letting it fall back into place in the stream will impede the flow of the water. He states that he is willing to do clean-up and restoration after the removal.
- Mr. Manzi asks if he has checked to see if the stump will stay and not fall back into the stream.
- Mr. Osgood states that yes it will fall back into the stream and it is a hazard.
- Mr. Lynch states that he would like to see a proper filing submitted.
- Mr. Breen a Trustee of the Youth Center states that he is concerned about the safety of the kids that regularly play in the area.
- Mr. Mabon states that it is clear that the stump needs to be removed and asks how close the machinery will need to get.
- Mr. Osgood states the machine will need to get within about 10 feet of the stump.
- The Conservation Commission discusses issuing a friendly Enforcement Order to allow the work to be completed.
- A motion to issue a friendly Enforcement Order conditioning that the work needs to be done during frozen ground conditions and to be completed by March 1, 2012 is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter to Center Realty Trust dated December 8, 2011 from Jennifer Hughes*
 - *Plan of Land showing tree stump area needs to be stumped dated 1/4/2010*

Public Hearings: 8:10 PM

Notice of Intent (NOI)

242-1480, 14 Lorraine Avenue (Breenmore Realty Trust) (The Neve-Morin Group, Inc.)

- The applicants Peter & Kerry Breen of Breenmore Realty Trust and John Morin of The Neve –Morin Group, Inc. are present.
- Abutters Michelle Saracusa of 210 Andover Street and Sebastian Patane & Joyce Patane of 39 Hewitt Avenue are present.
- Mr. Morin reviews the revised plan and states that they are not going to try to do the wetland crossing anymore and are proposing to re-build where the current house is located. He states that the proposal would raise the elevation of the basement of the new house 2 feet higher than the existing basement to get it out of the water table. He states that there is a 95 square foot increase in the roof area compared to the existing house.
- Mr. Lynch asks how the replication work would be done to minimize the disturbance.
- Mr. McDonough asks about the distances from the wetland.
- Mr. Saal asks how the replication area will be accessed.
- Mr. Morin states that they work excavation work for the restoration will be done under frozen ground conditions and that they would use planks for the machine to drive over to minimize the disturbance.
- Mr. Saal states that more thought should be given to the proposal.
- Mr. Breen discusses the machine access.
- The administrator states that a full restoration plan will be needed.
- Mr. Morin states that he will do a full restoration plan.
- Mr. McDonough states that the southerly side is closest and is 18-feet from the resource areas and that the applicant would need a waiver request.
- The Conservation Commission has a discussion of the options as proposed.
- Mr. Lynch states that he is trying to look at the proposal as a net gain to the resource area and he feels that it is.
- Abutter Michelle Saracusa of 210 Andover Street states the Conservation Commission seems to like option –A with the least disturbance of the wetland resource areas. She feels that the house should only be re-built exactly as it is.
- Mr. McDonough and Mr. Morin discuss Option C and the distances from the wetland.
- The administrator discusses that a usable yard is important as well as a permanent barrier to prevent future encroachment into the resource area.
- Mr. Saal states that he prefers Option A, there is less total disturbance.
- Ms. Saracusa states that Option C is no disturbance.
- Discussion ensues with Mr. Saal about the different lots included in this parcel.
- Mr. Lynch summarizes the proposal that is before the commission and states that Option A has the least amount of impacts.
- The administrator states that if Option A is allowed the culverts would need to be big enough to convey the water without backing up.
- Mr. Mabon discusses each of the options.
- The commission discusses each of the options.

- A discussion about enclosing the area under the deck to allow for storage due to there being no garage and no shed.
- The applicant requests a continuance.
- A motion to grant the request for a continuance to the February 8, 2012 meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from The Neve-Morin Group, Inc. with scope of work the applicant would like to Build on this Land*
 - *Plan of Land Showing Proposed Site Development-Option E prepared for Breenmore Realty Trust dated 12/14/2011*

242-1539, 102 Peters Street (Dundee Properties, LLC) (Andover Consultants, Inc.)

- The Applicant Jeffrey Sheehy of Dundee Properties, LLC, and James S. Fairweather II, P. E. of Andover Consultants, Inc are present.
- Mr. Manzi reads the legal notice.
- Mr. Fairweather presents the project and states that the project will have water and sewer hookups. He states that he used the online web soil survey and also did test pits.
- Mr. Lynch asks about the stormwater calculations.
- The administrator states that Eggleston Environmental is reviewing project through the Planning Board filing.
- The Conservation Commission discusses that a planting plan needs to be done.
- Mr. Fairweather states that plantings will be done at the rear of the property within the buffer zone.
- Mr. Fairweather asks for a continuance.
- A motion to grant the request for a continuance to the January 25, 2012 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.
- *Documents:*
 - *Letter from Andover Consultants, Inc. signed by James S. Fairweather II, P. E. dated 12/28/11*
 - *Letter from Eleanor M. Fishbein of 5 Carmel Road, Andover, MA 01810*
 - *WPA Form 3-Notice of Intent dated 12/29/11 and associated documents*
 - *Plan submitted at meeting by James S. Fairweather dated 1/9/12*
 - *Landscape Plan added plants to Conceptual Landscape Plan dated 1/10/12*
 - *Proposed Site Plan dated 12/28/11*
 - *Abutter receipts received.*

242-1542, 332 Raleigh Tavern Lane (Anderson) (Merrimack Engineering Services, Inc.)

- The Applicant David Anderson and William Dufresne of Merrimack Engineering Services, Inc. are present.
- Mr. Manzi reads the legal notice.

- Mr. Dufresne discusses the project and the ledge that was encountered at the front of the house while conducting the test pits. He states that all work is located more than 50 feet from the wetland and the system is 70 feet from the wetland. He states that 3 or 4 trees will need to be cut. The existing system is over ledge and there are no suitable soils in that area.
- Mr. Lynch states that he would like to see something in writing for the file stating why the system cannot be located outside of the buffer zone.
- Mr. Mabon asks about access.
- The administrator states that silt fence will also need to be used.
- Mr. Saal states that a detail of the boulder wall is needed and access should be shown on the plan.
- Mr. Dufresne requests a continuance.
- A motion to grant the request for a continuance to the January 25, 2012 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *E-Mail from William Dufresne dated 1/6/12 to Jennifer Hughes*
 - *WPA Form 3- Notice of Intent and associated documents*
 - *Plan titled "Upgrade Plan of Subsurface Sewage Disposal System", prepared by Merrimack Engineering Services, dated 12/21/11.*
 - *Abutter receipts received.*

242-1540, 491 Salem Street (Proulx) (Merrimack Engineering Services, Inc.)

- The applicant Paul & Elaine Proulx and William Dufresne of Merrimack Engineering Services, Inc. are present.
- Mr. Manzi reads the legal notice.
- Mr. Dufresne discusses the project.
- Mr. Lynch asks if there is a sewer line available to the home.
- Mr. Proulx states that the sewer line never came by the house and that there is no stub in front of the house.
- Mr. Mabon asks if there are any options available to get the system further from the wetlands.
- Mr. Dufresne states that there are no other options.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form-3 Notice of Intent and associated documents*
 - *Plan titled "Upgrade Plan of Subsurface Sewage Disposal System", prepared by Merrimack Engineering Services, dated 12/13/11, updated 1/10/12.*
 - *Abutter receipts received.*

242- 1543, 26 Dartmouth Street (Sullivan) (Merrimack Engineering Services, Inc.)

- The applicant Douglas Ahern of Jeffco, Inc., and William Dufresne of Merrimack Engineering Services, Inc. are present.
- Abutter Bryan Long of 134 Cotuit Street is present.
- Albert Manzi recues himself due to a conflict of interest.
- Mr. Lynch reads the legal notice.
- Mr. Dufresne presents the project.
- The administrator states that this filing is for a condex and should be a WPA Cat-2 activity and the filing fee is wrong.
- The Conservation Commission discusses that this is a WPA Cat-2 activity and the applicant needs to pay additional filing fee amount.
- Mr. Ahern states that he has ZBA approval.
- Abutter Bryan Long states that he is concerned about more water coming onto his property.
- The administrator states that there is no requirement to do stormwater for this project.
- Mr. Dufresne discusses the infiltrators.
- The administrator states the increased impervious is 1,313 s. f.
- Mr. Lynch states that the infiltrators are a BMP and is not perfect.
- Disuession ensues between the commission and the abutter about the infiltrators.
- The administrator states that revised plan is dated 1/11/12 submitted at the meeting.
- The applicant requests a continuance.
- A motion to grant the request for a continuance to the January 25, 2012 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- Mr. Manzi returns to the meeting.
- *Documents:*
 - *WPA Form 3-Notice of Intent and associated documents.*
 - *Revised plan dated 1/11/12.*
 - *Abutter receipts received.*

242-1541, 940 Johnson Street (Taylor) (Merrimack Engineering Services, Inc.)

- The applicant Michael Taylor, and William Dufresne of Merrimack Engineering Services, Inc. are present.
- Mr. Manzi reads the legal notice.
- Mr. Dufresne presents the project.
- Mr. Saal asks about the tree removal.
- Mr. Dufresne states that the trees to be removed are outside of the buffer zone.
- The administrator states that the septic system is 75-feet away from the resource areas.
- The administrator states that a revised plan dated 1/10/12 has been submitted at the meeting.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form 3-Notice of Intent and associated documents*

- *Plan titled “Upgrade Plan of Subsurface Sewage Disposal System”, prepared by Merrimack Engineering Services, Inc., dated 12/13/11, revision date of 1/10/12*
- *Revised plan dated 1/10/12 submitted at meeting*

Discussion

242-1478, Reduction in monitoring for 1503 Osgood Street:

- The administrator states reviews the latest e-mail from Wetland Preservation Inc., and the last monitoring report received and states that Benjamin Osgood, Jr. of Pennoni Associates, Inc. is taking over as the environmental monitor for 1503 Osgood Street.
- The commission reads the request from the applicant to reduce the monitoring.
- A motion to deny the reduction in monitoring for 242-1478 is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

A motion to grant to adjourn the meeting at: 10:15 PM made by Mr. Manzi, seconded by Ms. Feltovic.

Vote unanimous.