

**Conservation Commission Meeting Minutes  
October 10, 2012**

**Members Present:** Louis A. Napoli, Chairman, Joseph W. Lynch, Jr., Vice Chairman, Deborah A. Feltovic (arrived 7:10 p. m.), John T. Mabon, Albert P. Manzi, Jr., Douglas W. Saal.

**Member Absent:** Sean F. McDonough.

**Staff Members Present:** Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge, Conservation Secretary.

*Pledge of Allegiance*

*Meeting came to Order at: 7:02 PM Quorum Present.*

**Approval of Minutes of 8/8/12**

- A motion to accept the meeting minutes of 8/8/12 as drafted and reviewed made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

*Public Meeting: 7:03 PM*

**NACC # 101, 200 Vest Way (Replacing Existing Deck) (Lewis)**

- Bob Buthmann the builder is present.
- Administrator presents the project and describes the resource area. There is brush dumping in the resource area.
- Mr. Mabon asks about the setback
- A motion to grant to accept filing as a 4.4.2. B made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.
- A motion to approve the project as proposed with conditions for post construction inspection, removal of brush from wetland, and wetland markers made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Letter from Robert Buthmann dated 9/27/12*
- *Plan of Land dated 10/3/12*
- *Photos dated 1/9/12*
- *Aerial Photo dated 10/9/12*

**NACC# 102, 53 Old Cart Way (Installation of a Shed) (Baggs)**

- The applicant Hollie Baggs is present.

- Administrator presents the proposal to place 10' x 12' shed within existing cleared area in buffer zone to a vernal pool. Tree removal is also proposed
- Mr. Mabon asks if any waivers are necessary (no)
- Mr. Lynch asks if the trees will be cut flush with the ground (yes)
- A motion to grant this project as 4.4.2.J made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to approve the project as proposed with conditions requiring pre and post construction meetings and wetland markers at the tree line made by Mr. Manzi, seconded by Mr. Mabon. Mr. Lynch amends to include tree removal.
- Vote unanimous.
- *Documents:*
- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Letter from Timothy and Hollie Baggs dated 10/3/12*
- *Photos three trees to be cut down dated 10/9/12*
- *Aerial Photo NHESP Certified Vernal Pool dated 9/20/12*
- *Septic As-Built Plan dated July 17, 2001*

***Public Hearings: 7:15 PM***

**Stevens Street Extension (Columbia Gas of Massachusetts) (Shaw Environmental & Infrastructure, Inc.)**

- Patrick Levesque of Columbia Gas of Massachusetts
- Mr. Saal read the legal notice.
- Administrator presents the project to extend the gas line to 5 new houses on Stevens Street
- Mr. Levesque states the work would take approximately one month to complete. The erosion controls would be installed along the roadway where there are areas jurisdictional to the Conservation Commission.
- The work will be done by Infrasource.
- Mr. Manzi asks if the work will be in the roadway (yes).
- Discussion of culverts
- Ms. Feltovic asks about the timing of the project
- Mr. Levesque states Columbia Gas is currently working on Philips Court. Work will take 26-30 days total.
- A motion to grant to issue a negative determination #3 made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
- *Application Checklist- Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Figure 1 Site location Map dated 9/17/12*

- *Figure 2 Aerial Photo dated 9/17/12*
- *Site Plan dated 9/17/12*
- *Appendix 1*
- *Columbia Gas of Massachusetts-Natural Gas Service Line Installation Stevens Street @ Great Pond Road dated August 2012*
- *Picture 1: Stevens Street looking north. Active Construction to the West dated August 2012.*
- *Picture 2: Stevens Street looking South with existing erosion controls dated August 2012.*
- *Picture 3: Wetland A dated August 2012.*
- *Picture 4: Existing Erosion & Sedimentation Control dated August 2012.*
- *Appendix 2*
- *Construction Method*
- *General Project Requirements*
- *Standard Construction Procedures*
- *1.3 Wetland & Resource Buffer Zone Construction Procedures*
- *2. Environmental Assessment*
- *2.1 Assessment of construction Impacts*
- *2.2 Effects on Surface and Groundwater Supplies*
- *2.3 Effects on Flood Control*
- *2.4 Effects on Stormwater Damage Prevention*
- *2.5 Effects on Prevention of Pollution*
- *2.6 Effects on Protection of Fisheries and Wildlife*
- *2.7 Effects on Wetland Restoration and Revegetation*
- *2.7 Effects on Riverfront Areas*
- *2.8 Effects of Operation and Maintenance*
- *Appendix 3*
- *Certified Abutter's List*
- *Abutter's Notification Form*

**190 Appleton Street, (Walker) (John Abagis & Associates)**

- The applicant Brian Lawler is present.
- Ms. Feltovic reads legal notice.
- Administrator presents the proposed project including a patio and stone wall within 100' of a stormwater/resource area.
- Ms. Hughes explains the prior resource area was impounded to form a stormwater management area many years ago.
- The commission is familiar with the area.
- Mr. Lawler shows the commission photos from his prior filing.
- Mr. Lynch asks if the berm will be altered.
- Mr. Lawler states the patio and stone wall would only be dug a foot into in the berm one foot and that even this area is very flat.
- Mr. Mabon asks why the patio cannot be moved out of the No-Build Zone.
- Mr. Lawler discusses site constraints to the yard due to the berm.

- Ms. Hughes notes that the yard is not hydrologically connected to the resource area due to the berm.
- A motion to grant the request for waiver for work within the earthen berm made by Mr. Manzi, seconded by Ms. Feltovic.
- The commission discusses the applicant's right to use the easement and alteration of the berm.
- Mr. Saal states the commission does not grant permission to occupy the easement.
- Mr. Lynch states there should be no alteration or removal of the berm.
- A motion to grant to issue a negative #3 determination with special conditions for pre and post construction inspection (patio to be staked) by Mr. Manzi, seconded by M. Feltovic.
- Vote unanimous.
- *Documents:*
- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Request Requirements*
- *Certified Abutter's List dated 9/26/12*
- *Abutter's Notification Form*
- *Locus Map*
- *Soil Map*
- *Map Legend*
- *Map Unit Legend*
- *National Flood Insurance Program Firm Map*
- *North Andover Wetlands Regulations Riverfront Area Map*
- *Mass GIS Map*
- *Certified Plot Plan dated July 12, 2010*

### ***Notice of Intent (NOI)***

#### **242-1570, 53 Bridges Lane (Walsh) (Sullivan Engineering Group, LLC)**

- John Sullivan of Sullivan Engineering is present.
- Mr. Mabon reads the legal notice.
- Administrator presents the proposal to construct an addition and remove trees within the buffer zone to BVW. She also notes that the full extent of the wetland line is not shown on the plan.
- Mr. Sullivan discusses the proposal with the commission. He states the trees will be removed and stumped. There will be no grading changes.
- Mr. Lynch states he would find a plan note regarding the wetland line acceptable.
- Mr. Napoli would like to see the full line on the as-built plan
- Mr. Sullivan says that is acceptable since it will not hold up the work.
- A motion to grant to close and issue a decision within 21 days made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *NOI Wetland Fee Transmittal Form*
- *Notice of Intent Narrative*
- *Copy of State and Town Checks*
- *Certified Abutter's List dated 9/18/12*
- *Notification to Abutter's Form*
- *USGS Stream Stats Ungaged Site Report*
- *USGS Basin Characteristics Report*
- *Locus Map*
- *Copy of Firm Map Flood Plain Insurance*
- *Plot Plan of Land dated September 17, 2012*

***General Business: 7:50 PM***

**242-1553, 295 Rea Street (Norbedo) (Sullivan Engineering Group, LLC)**

- Administrator states that the applicant requests a continuance to November 14, 2012 meeting.
- A motion to grant the request for a continuance to November 14, 2012 meeting made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

**242-1478, Ratification of Enforcement Order, 1503 Osgood Street (Hera Development Corporation)**

- Administrator presents the Enforcement Order and letter prepared for 1503 Osgood Street and requests that the Conservation Commission approve and sign.
- A motion to grant to issue the Enforcement Order made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

***A motion to grant to adjourn the meeting at: 8:00PM made by Mr. Lynch, seconded by Ms. Feltovic.***

***Vote unanimous.***