

Conservation Commission Meeting Minutes
March 14, 2012

Members Present: Louis A. Napoli, Chairman, John T. Mabon, Vice Chairman, Joseph W. Lynch, Jr., Deborah A. Feltovic, Albert P. Manzi, Jr. (arrived 7:10 p.m.), Sean F. McDonough, 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: 7:03 PM Quorum Present.

General Business

Approval of Minutes-2/9/11, 3/9/11, 2/8/12, 2/22/12

- A motion to approve the minutes as drafted for 2/9/11, 3/9/11, 2/8/12 & 2/22/12 made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

505 Forest Street, Ratification of Enforcement Order

- The administrator reviews the Enforcement Order and states that a planting plan has been received.
- A motion to ratify the Enforcement Order is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

NACC#32, COC Request, Turnpike Street Royal Crest, Buildings 40-42-43 (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.)

- Kenneth M. Lania of Cornerstone Land Consultants, Inc. is present
- Abutter Henry Fink of 1250 Turnpike Street is present.
- Mr. Lania presents the COC request and discusses the history of the project regarding buildings 40, 42 & 43 and the as-built plans.
- The administrator and Mr. Lania discuss the proposed plans versus the as-built plans.
- Mr. Napoli asks about building 40 and when it was completed.
- Mr. Lania states 2 years.
- The commission discusses future work and also the continuing condition under NACC #32 to submit an Abbreviated Notice of Resource Area Delineation (ANRAD) to identify all the resource areas on the site.
- The administrator discusses the odd isolated wetlands on the site.
- Mr. Napoli summarizes the conditions of issuing the COC.
- Abutter Mr. Fink speaks about the site and road flooding.
- A motion to issue the COC as stated and discussed and release the bond is made by Mr. Lynch, seconded by Ms. Feltovic.

- Vote unanimous.
- *Documents:*
 - *Letter from Cornerstone Land Consultants, Inc. dated 2/15/12*
 - *WPA Form 8A-Request for Certificate of Compliance*
 - *As-Built Plan dated 2/15/12*

**242-1511, 80 Dale Street, Modification Request (Massachusetts Electric Company)
(VHB, Inc.)**

- The applicant Joshua Holden of Massachusetts Electric Company and Marc Bergeron of VHB, Inc. are present.
- The administrator reviews the information in the letter from Mr. Bergeron and the history of how the violation occurred.
- Mr. Napoli expresses his disappointment over the violation that occurred.
- Mr. Holden explains that engineering group did not identify that grounding wire needed to be replaced.
- Mr. Bergeron states that he took action as soon as they discovered the additional work was occurring.
- The administrator recommends that the applicant pay the after-the-fact filing fee which is double the usual modification fee.
- Mr. Lynch states that the commission was very specific about the limits of work and that engineering was represented at the original hearings.
- Mr. Manzi states additional erosion controls should be haybales and silt fence. He questions if the existing grounding wire is faulty and asks who is doing the work.
- Mr. Holden states that it is Massachusetts Electric Company workers.
- Mr. Manzi asks for an alternatives analysis.
- The administrator explains how the modification came about and comments on the excellent monitoring on the project.
- Mr. Holden explains how the grounding wire works and where it is connected.
- The commission discusses restoration.
- Mr. Saal asks if it is critical to replace the grounding wire immediately.
- Mr. Holden states it is not critical. Current ground is functioning and requests a continuance to the next meeting.
- A motion to grant the request for a continuance to the March 28, 2012 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Vanasse Hangen Brustlin, Inc. dated 3/12/12*
 - *Photos taken 3/12/12*
 - *Site Plan 3/9/11*

Small Project

NACC#91, 400 Dale Street (Sewer Connection)

- The applicant Daniel Giard, and Patrick Danahy owner of the house, are present.
- The field inspector states that this is for the installation of a sewer pipe from Dale Street along the driveway and connecting to the house. The closest point is approximately 35' from the resource area.
- The Conservation Commission had a discussion about haybales to be installed to protect the resource areas on the site while connection to sewer stub.
- Administrator states this is a requirement thru the Health Department because land is within the Watershed Protection District.
- A motion to grant as a small project 4.4.2D made by Mr. McDonough, Mr. Manzi.
- Vote unanimous
- *Documents:*
 - *Application Checklist-Small Project*
 - *Small Project Procedures*
 - *Copy of Town Check*
 - *Letter from Daniel A. Giard dated 3/12/12*
 - *Photos taken 3/6/12*

No Recess

Public Hearings: 8:00PM

Request for Determination of Applicability

Harold Parker State Forest (Harold Parkers S. F./DCR)

- Stephen David of Harold Parker State Forest is present.
- Mr. Saal reads the legal ad.
- The administrator reviews the project stating that the proposal is to replace a wooden bridge in-kind.
- Mr. David states this work would be done in June during the summer time when the Student Conservation Association (SCA) would be available to do the work. He states that all work will be done by hand.
- The commission discusses the proposed work.
- A motion to issue a negative determination #3 with conditions of erosion controls, pre-construction meeting, and post-construction meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Request for Determination of Applicability*
 - *WPA Form 1-Request for Determination of Applicability and associated documents*
 - *Map of Harold Parkers Forest*
 - *Letter from Stephen David Stearns Pond Bridge Building Materials*
 - *Drawing of Stearns Pond Bridge Approach*
 - *Drawing Stearns Pond Bridge Side View*

- *Drawing Stearns Bridge Top View New Deck*
- *Drawing Stearns Pond Bridge Abutment existing*
- *Drawing Stearns Pond placement of new beams side view*
- *Picture of Stearns Pond Bridge*
- *Photos dated 2/16/12 & 3/6/12*

305 Boston Street (Kings Oak Properties, LLC) (Christiansen & Sergi, Inc.)

- The applicants Albert DeMaio, and Tony Franciosa, and Abutter Frank Bartus are present.
- Mr. Saal reads the legal notice.
- The administrator briefly discusses the project.
- Mr. Franciosa reviews the proposed project and states that the proposal is to demolish the existing house and abandon the existing cesspool and then grade, loam and seed.
- The administrator discusses that the new house that will be proposed in the future will need to be permitted separately if it is to be constructed within the jurisdiction of the NACC.
- Mr. Napoli states that markers need to be placed at the 25' No-disturb zone.
- A motion to issue a negative determination #3 with conditions of the above stated wetland markers and pre-construction and post-construction meetings is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Request for Determination of Applicability*
 - *WPA Form 1-Request for Determination of Applicability and associated documents*
 - *Letter from Christiansen & Sergi, Inc Project Description dated 2/17/12*
 - *Letter from Christiansen & Sergi, Inc. Construction Sequence dated 2/17/12*
 - *Letter from Basbanes Wetland Consulting wetland delineation dated 2/16/12*
 - *Revised plan submitted at meeting dated 2/17/12*
 - *Photos dated 3/13/12*

Sharpners Pond Road & Dale Street (New England Power Company) (VHB)

- The applicant Joshua Holden of Massachusetts Electric Company, Timothy Sullivan of VHB, George Olson Lawyer for Massachusetts Electric Company, and Abutter's George Leonhard of 1000 Dale Street and Lee and Bonnie Wilkinson of 41 Bruin Hill Road are present.
- Ms. Feltovic reads the legal notice.
- Mr. Holden discusses the proposal.
- Mr. Sullivan presents the project and discusses the work to be done.
- Mr. Holden states that the swamp mat permit has been received from the ACOE.
- The administrator discusses the process of permitting exempt projects such as utility maintenance.
- Mr. Sullivan reviews the work within the jurisdiction of the NACC.
- Bonnie Wilkinson, an abutter, asks about the pole replacement and asks if the new lines will be increasing capacity.

- Mr. Holden states that capacity will be increasing.
- The commission discusses that this may not be a maintenance project if the goal is to increase capacity.
- Discussion ensues.
- Attorney Olson discusses the merits of the maintenance project.
- Mr. Manzi states that maintenance implies that there is a need for maintenance, this is a need to increase capacity.
- Discussion continues.
- Abutter George Leonard discusses his concerns.
- Discussion regarding access ensues.
- Mr. Lynch states that the commission should confer with town counsel regarding jurisdiction.
- Mr. Manzi states that he would like to vote tonight and not continue and defer to town counsel.
- The commission states that they would like to get counsels opinion.
- Mr. Holden requests a continuance.
- A motion to grant the request for a continuance to the March 28, 2012 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Request for Determination of Applicability*
 - *WPA Form1-Request for Determination of Applicability and associated documents*
 - *Letter from VHB dated 3/2/12*
 - *Letter from VHB dated 3/5/12*
 - *National Grid Environmental Documentation*
 - *Project Plan dated 3/2/12*

Abbreviated Notice of Resource Area Delineation

242-1547, 358 Dale Street (Smolak) (ESS)

- Greg Saab of ESS and Steve Smolak property owner are present.
- Mr. McDonough reads the legal notice.
- The administrator reviews the project.
- Mr. Smolak presents the proposed project.
- A motion to issue the ORAD is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Abbreviated Notice of Resource Area Delineation*
 - *WPA Form 4A-Abbreviated Notice of Resource Area Delineation and associated documents*
 - *Letter from Basbanes Wetland Consulting dated 1/11/12*
 - *Photo taken 2011 of snapping turtles on property by an Abutter*
 - *Existing Conditions Plan dated 2/16/12*
 - *Photo dated 3/8/12*

Notice of Intent (NOI)

242-1545, 30 Keyes Way (Garcia) (Christiansen & Sergi, Inc.) (cont. from 2/22/12)

- The administrator states that the drain detail has been submitted as requested by the Conservation Commission.
- 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.
- *Document:*
 - *Plan from Christiansen Sergi, Inc. of Perimeter Infiltration Trench Detail dated 2/24/12*

242-1480, 14 Lorraine Avenue (Breenmore Realty Trust) (The Neve-Morin Group, Inc.) (cont. form 2/22/12)

- The administrator states that the applicant is requesting a continuance to March 28, 2012.
- A motion to grant the request for a continuance to the March 28, 2012 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- *Document:*
 - *E-Mail from John Morin of The Neve-Morin Group, Inc. requesting a continuance to March 28, 2012 meeting dated 3/9/12*

242-1539, 102 Peters Street (Dundee Properties, LLC) (Andover Consultants, Inc.) (cont. from 2/22/12)

- James S. Fairweather II, P. E. of Andover Consultants, Inc., and Jeffrey Sheehy of Dundee Properties, LLC are present.
- Mr. Fairweather reviews the proposed project and discusses the stormwater aspects.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.
- *Documents:*
 - *Letter from Eggleston Environmental dated 3/12/12*
 - *Letter from Andover Consultants, Inc comments from Eggleston Environmental review through the Planning Board dated 2/28/12*
 - *Conceptual Landscape Plan from Huntress Associates, Inc. dated 2/24/12*
 - *Proposed Site Plan dated 2/27/12*

242-1544, Rear of 24 Main Street (26 Main Street) (Jeffco, Inc.) (Andover Consultants, Inc.) (cont. from 2/22/12)

- James S. Fairweather, II, P. E. of Andover Consultants, Inc. is present.
- Mr. Manzi recuses himself from the meeting.
- The administrator states that no new materials have been received prior to this meeting.
- Mr. Fairweather states that the new information was not submitted and requests a continuance.

- A motion to grant the request for a continuance to the March 28, 2012 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*
 - *Mr. Fairweather of Andover Consultants, Inc. verbally request for a continuance to March 28, 2012.*

Mr. Manzi returns to the meeting.

242-1526, 285 Holt Road (Wheelabrator Technologies, Inc.) (Brown & Caldwell) (cont. from 2/22/12)

- The administrator states that Matthew Hughes of Wheelabrator requests a continuance to the March 28, 2012 meeting. There is a plan to have a meeting in the office with Eggleston Environmental and Matthew Hughes and the Engineer.
- A motion to grant the request for a continuance to the March 28, 2012 meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Document:*
 - *E-Mail from Matthew Hughes of Wheelabrator Technologies, Inc., request for a continuance to the March 28, 2012 meeting*

242-1546, 730 Winter Street (Diamond Realty Trust) (Atlantic Engineering & Survey Consultants, Inc.)

- Robert Lynch of Atlantic Engineering & Survey Consultants, Inc. is present.
- Mr. McDonough reads the legal notice.
- The administrator states that the delineation was reviewed and is accurate.
- Mr. Lynch reviews the proposed septic project.
- The commission discusses the septic location with Mr. Lynch.
- 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:*
 - *Application Checklist-Notice of Intent*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Letter from Atlantic Engineering & Survey Consultants, Inc. dated 2/15/12*
 - *Photos taken 2/29/12*
 - *Permit Plan dated 2/28/12*

Decision

242-1545, 30 Keys Way

- The administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted.

- A motion to grant to accept and issue the Order of Conditions as drafted is made by Mr. Manzi, seconded by Mr. Lynch
- Vote unanimous.

Discussions

Delineation Fees

- The administrator states that there have been inconsistencies with filings and reviews the fees.
- The commission discusses establishing a fee so that delineations that are large pay a review fee and state that the other fees should be reviewed as well.

MHW (Cochichewick Brook at DPW)

- The administrator states the North Andover Auto Body Shop has designed an addition to their building that they think is outside the Riverfront Boundary and discusses the particulars of the delineation of the riverfront and how it relates to a culvert outlet.
- The commission discusses the area.

Abutter Notification

- The administrator states that Harold Parker would like to conduct lake management on Stearns's Pond. The closest abutter to the Pond is 1400 feet away but there are many abutter's to the Harold Parker State Forest parcel. The applicant proposes to submit a legal advertisement to the paper and is not required to notify abutter's under the Wetland Protection Act.
- The commission discusses that a press release in the Citizen Paper and the Eagle Tribune as well as being placed on the Community Cable Access Channel is adequate.

A motion to adjourn the meeting at: 10:00 PM is made by Ms. Feltovic, seconded by Mr. Lynch.

Vote unanimous.