

**Conservation Commission Meeting Minutes**  
**March 28, 2012**

**Members Present:** Louis A. Napoli, Chairman, John T. Mabon, Vice Chairman, Joseph W. Lynch, Jr., Deborah A. Feltovic, Sean F. McDonough (arrived 7:40 p.m.), Douglas W. Saal.

**Member Absent:** Albert P. Manzi, Jr.

**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: 7:05PM Quorum Present.***

***General Business***

**Approval of Minutes of 8/10/11**

- A motion to accept the meeting minutes of 8/10/2011 as drafted and reviewed is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

**Boston Hill Open Space Management Plan**

- The administrator presents the new management plan as drafted by Brightview for acceptance by the commission.
- Natural Heritage reviewed and accepted the plan.
- Commission reviews the plan and discusses the preparation of a baseline monitoring report.
- Discussion of responsible party for maintenance and responsibility for baseline report.
- Mr. Mabon asks that the Trustees of Reservations to review the management plan prior to approval by the Commission.
- Table this till the next meeting.
- *Documents:*
  - *Trail Management Plan dated 3/27/12*
  - *NHESP No 06-21032*

**242-1511, Modification Request, 80 Dale Street (Massachusetts Electric Company)  
(cont. from 3/14/12) (Request to cont. to 4/11/12)**

- The administrator states that the applicant has requested a continuance to the April 11, 2012 meeting.
- A motion to grant the request for a continuance to April 11, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*
  - *E/Mail from Joshua Holden of Massachusetts Electric Company requesting a continuance to April 11, 2012 meeting dated 3/27/12*

### *Small Projects*

#### **NACC#92, 420 Great Pond Road (Water Treatment Plant) (Drain Replacement)**

- The applicant Glen Alt of North Andover Water Treatment Plant is present.
- The administrator details the work to be done including replacing a damaged drain pipe in kind with erosion controls.
- Mr. Alt explains how the work will be done.
- Mr. Lynch asks if the replacement will be identical and how far away the work is from the lake.
- Mr. Alt says yes and work is approximately 70' away.
- A motion to grant this as a small project 4.4.2.J with work to be conducted as proposed made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Application Checklist-Small Project and associated documents*
  - *Letter from Glen Alt dated 3/15/12*
  - *Plan of Land dated 3/15/12*
  - *Photos dated:3/15/12*

#### **NACC# #93, 660 Great Pond Road (Rolling Ridge Conference Center) (Gardening)**

- No one was present for the applicant.
- The administrator describes the farm project for the commission.
- Mr. Lynch states he does not think this fits a small project "G". Work is less than 150-feet from drinking water.
- The administrator recommends a fence or barrier be installed to protect the resource areas.
- The commission questions who will run the farm and how? Commission wants to speak with the farmer to learn more about him and his farming experience.
- Mr. Mabon discusses tilling the field across the grade to prevent erosion.
- The commission has questions about what fertilizers and pest control will be used.
- The administrator asks if an NOI will be required.
- Commission is unsure without meeting farmer and learning more about the project.
- Mr. Saal says an approximate wetland line should not be given.
- A motion to grant the request for a continuance to the April 11, 2012 meeting made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
  - *Application Checklist-Small Project and associated documents*
  - *Letter from Larry Peacock dated 3/21/12*
  - *Plan of Conservation Restriction dated 7/6/10*
  - *Attachment B. Lease fee schedule-Planned Harvest Schedule*
  - *Attachment C. Stewardship Standards*
  - *Conservation Restriction dated June 2011*

*Public Hearings: 8:00PM*

*Request for Determination of Applicability*

**Sharpners Pond Road & Dale Street (New England Power Company) (VHB) (cont. from 3/14/12)**

- The applicant Joshua Holden of Massachusetts Electric Company, Timothy Sullivan of VHB, George Olson Lawyer for Massachusetts Electric Company, Susan Scarcella of Massachusetts Electric Company, and Jess Farrell of Massachusetts Electric Company are present
- Abutter's Present: Lee & Bonnie Wilkinson of 41 Bruin Hill Road, David & Donna Lind of 575 Forest Street, Jane Broderick of 550 Winter Street, Paul & Bonnie Disalvo of 400 Winter Street.
- Mr. Holden states Mass Electric will meet with abutters as needed.
- Mr. Olson summarizes the utility exemption
- Discussion of size of conductor 1" to 1 ½".
- Ms. Farrell, transmission engineer explains need for thicker wire. Minimize splices
- Mr. Olson and Ms. Farrell explain the need for higher poles. Clearance and optimizing tension on line are reasons stated.
- Mr. Napoli asks for an explanation of the different pole replacement areas.
- Mr. Sullivan explains that structure #208 will go from 55' tall to 70' tall.
- Ms. Farrell explains pole will be mounted in piece of culvert pipe with crushed stone.
- Mr. Sullivan states sheets 5 and 6 show pole increasing from 65' to 70'.
- Mr. Sullivan explains poles 170 and 171 are within 25' of the resource area.
- All new steel structures will be outside of jurisdiction.
- The commission discusses if letter from Town Counsel is public document or not. Mr. Olson says he has not seen so would not expect it to be public.
- Mr. Napoli asks about replication.
- Mr. Holden says VHB will be doing weekly inspections.
- Mr. Olson discusses inspections and says they will be shared with the commission.
- Mr. Olson states exemption is only valid if BMPs are followed so commission is allowed to inspect BMPs.
- Mr. Holden states training for staff will be required.
- Abutter Mrs. Wilkinson asks about notification and what is the proper venue for asking questions about the project that are not resource area related?
- Mr. Saal questions who was required to be notified
- Mrs. Wilkinson asks how this is not an increase if all the impacts are related to the change to a bigger wire?
- Mr. Lynch states this was the commission's original thinking as well.
- Discussion of maintenance and DEP Policy cited in 91-1.
- Discussion of helicopters seen on ROW hovering over structures.
- Susan Scarcella is introduced as public liaison. She discusses access analysis and abutter notification.
- Discussion of notification procedures and requirements.

- Mr. Lynch requests the commission be polled to go into executive session to discuss letter from Town Counsel.
- The commission is individually polled and all vote to go into executive session.
- At 9 p.m. the Commission returns to the public hearing and is polled individually to come out of executive session. All vote affirmative.
- A motion to issue a negative determination #5 for reconductoring work and #2 and #3 for pole replacement work with special conditions for submittal of a construction schedule and monitoring reports, allowance for pre and post construction inspections, and interim project inspections made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *E/Mail from Joshua Holden of Massachusetts Electric Company,*
  - *E/Mail from Susan F. Scarcella of Massachusetts Electric Company dated 3/28/12 to Abutters Mr. & Mrs. Wilkinson of 41 Bruin Hill Road*
  - *Letter from Thomas J. Urbelis dated 3/20/12 (reviewed in executive session)*
  - *Email from Ged Olson to Thomas J. Urbelis March 21, 2012*

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

**242-1480, 14 Lorraine Ave (Breenmore Realty Trust) (The Neve-Morin Group, Inc.)  
(cont. from 3/14/12)**

- The applicants Peter & Kerry Breen of 770 Boxford Street, and John Morin of The Neve-Morin Group, Inc., are present.
- Mr. Breen questions DEP policy on backyard fill
- Mr. Morin states the backyard fill was to try to create a buffer and was part of a larger alternatives analysis. Project is currently lawn to the wetland edge.
- Mr. Morin states the project is a 90 s.f. increase in impervious over existing conditions (deck not included).
- Waiver request submitted for work proposed in the 50-foot No-Build zone and the 25-foot No-Disturbance zone.
- Administrator states this proposal complies with the comments received from DEP.
- Mr. Lynch states waivers are usually not allowed but getting some improvement and support this project for going to extremes to try to make this work.
- Discussion of erosion control to be used. Mr. Breen says he will use silt fence too.
- Mr. Morin says the restoration report includes the buffer plantings.
- Mr. McDonough discusses the deck with storage under.
- Mr. Breen says area under deck will be enclosed for storage with stone under. No roof.
- Abutter Ms. Saracusa of 210 Andover Street asks why 25' no disturbance zone and wall not required all around.
- The administrator explains the waiver/alternatives process.
- Mr. Lynch states the commission is getting setbacks in some areas.
- Ms. Saracusa states this lot is more critical to wetland than #15.
- Mr. McDonough asks why there is not more buffer at south end.
- Mr. Breen states there was a larger lawn there previously.
- Mr. Lynch states this flat area they could use Filtrexx erosion controls.

- A motion to grant the requested waiver request made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to close and issue a decision within 21 days made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Waiver Request form submitted from The Neve-Morin Group, Inc., dated 3/27/12*
  - *A letter from The Neve-Morin Group, Inc., dated 3/21/12*
  - *Revised Plan of Land dated 3/21/12*

**242-1544, Rear of 24 Main Street (26 Main Street) (Jeffco, Inc.) (Andover Consultants, Inc.) (cont. from 3/14/12)**

- James S. Fairweather II, P. E. of Andover Consultants, Inc. presents his response to the Eggleston environmental letter and the new plan.
- Administrator states changes have been made to the plan based on Eggleston Environmental comments.
- Mr. Fairweather states the drywell is not required due to a reduction in s.f. of impervious area.
- There is a discussion of stormwater fact sheets for the stormceptor. TARP standards are discussed.
- Snow stockpiling is discussed.
- Discussion of need for landscape plan.
- Mr. Napoli states a bank clean up is necessary.
- Mr. Saal asks that the brick fireplace be removed during cleanup.
- Mr. Fairweather needs time to revise the plans and requests to continue.
- A motion to grant the request for a continuance to the April 11, 2012 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Letter from Andover Consultants, Inc. dated 3/19/12*
  - *Soil Test Pit Log dated 1/3/12*
  - *Stormwater Report dated 1/19/12*
  - *Conceptual Landscape Plan dated 3/12/12*
  - *O & M Sketch Plan dated 3/12/12*
  - *Existing Conditions Plan dated 3/12/12*

**242-1526, 285 Holt Road (Wheelabrator Technologies, Inc.) (Brown and Caldwell) (cont. from 3/14/12) (Request to cont. to 4/11/12)**

- Administrator states that the applicant is requesting a continuance to the April 11, 2012 meeting.
- A motion to grant the request for a continuance to the April 11, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*

- *E/Mail dated 3/27/12 from Matt Hughes of Wheelabrator Technologies, Inc. for requesting continuance to 4/11/12 meeting*

***Decisions***

**242-1539, 102 Peters Street**

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.
- A motion to grant to accept the Order of Conditions as drafted and amended made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

**242-1546, 730 Winter Street**

- The administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.
- A motion to grant to accept the Order of Conditions as drafted and amended made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***A motion to adjourn the meeting at: 9:50 PM made by Mr. McDonough, seconded by Ms. Feltovic***

***Vote unanimous.***