

Conservation Commission Meeting Minutes
April 25, 2012

Members Present: Louis A. Napoli, Chairman, Joseph W. Lynch, Jr.
Deborah A. Feltovic, Sean F. McDonough (arrived 8:09 p. m.), Douglas W. Saal.

Members Absent: John T. Mabon, Vice Chairman, 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: 8:02PM Quorum Present.

Notice of Intent (NOI)

242-1526, 285 Holt Road (Wheelabrator Technologies, Inc.) (Brown & Caldwell) (cont. from 4/11/12) (Request to cont. to 5/23/12)

- The administrator states that the applicant is requesting a continuance to the May 23, 2012 meeting.
- A motion to grant the request for a continuance to the May 23, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Document:*
 - *E-mail from Matthew Hughes requesting a continuance to May 23, 2012 meeting dated 4/23/12.*

242-1544, Rear of 24 Main Street (26 Main Street) (Jeffco, Inc.) (Andover Consultants, Inc.) (cont. from 4/11/12) (Request to cont. to 5/9/12)

- The administrator states that the applicant is requesting a continuance to the May 9, 2012 meeting.
- A motion to grant the request for a continuance to the May 9, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch
- Vote unanimous.
- *Document:*
 - *Letter from Douglas Ahern requesting a continuance to May 9, 2012 meeting dated 4/25/12.*

242-1548, Harold Parker Road (Department of Conservation and Recreation) (Lycott Environmental, Inc.) (Request to cont. to 5/9/12)

- The administrator states that the applicant is requesting a continuance to the May 9, 2012 meeting.
- A motion to grant the request for a continuance to the May 9, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Document:*
 - *E-mail from Joy Lycott requesting a continuance to May 9, 2012 meeting dated 4/25/12.*

242-1549, 2170 Turnpike Street (Patel) (Pennoni Associates, Inc.)

- Benjamin C. Osgood, Jr. and Douglas Stewart of Pennoni Associates, Inc. are present.
- Mr. Saal reads the legal notice.
- The administrator briefly reviews the project and states that she has reviewed the wetland line and confirmed it but noted that the area had vernal pool characteristics.
- Mr. Osgood, Jr. discusses the project and states that there is a vernal pool on the property and that they have filed with Natural Heritage because this is priority habitat. He discusses the existing conditions on the site.
- The administrator states that the applicant needs to request a waiver of the setbacks to a vernal/ephemeral pool and ephemeral pool habitat. Currently the plan shows the setbacks for BVW only.
- Discussion of the past violation on the site (different owner).
- Mr. Lynch discusses that it would require a waiver of 15' of the 75' Ephemeral Pool habitat No-build zone.
- Mr. McDonough asks when the vernal pool was discovered and the administrator states that a potential vernal pool is indicated on MassGIS and was reviewed yesterday in the field.
- Mr. Napoli states that an alternatives analysis is required.
- The commission discusses the existing conditions and the vernal pool with Mr. Osgood, Jr.
- Mr. Osgood, Jr. requests a continuance.
- A motion to grant the request for a continuance to the May 9, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Natural Heritage Proof of Mailing*
 - *Proposed Addition Plan dated 3/30/12*
 - *Photos dated 4/24/12*
 - *Proof of abutter notification*

242-1555, 72 Patton Lane (Uttley) (Hancock Associates)

- The applicant Kristine Uttley and Greg Hochmuth of Hancock Associates are present.
- Ms. Feltovic reads the legal notice.
- The administrator states that this project is also in Natural Heritage Priority Habitat and no comments have been received from NHESP. She states that the wetland line has been reviewed and there have been some changes made which will need to be revised on the plan.
- Mr. Hochmuth discusses the property and that there is an existing easement that restricts the usable portion of the lot. He discusses that the Riverfront Area was delineated using mean annual high water. He states that the site is historically disturbed and there is no other feasible place to put the pool. He reviews that the patio area can be reduced.
- Mr. Hochmuth states that 4:1 mitigation is offered.
- The commission members state that the pool does not meet the setbacks as currently proposed.
- Mr. McDonough mentions a permanent barrier is necessary and Ms. Feltovic agrees.
- Mr. Saal discusses another area on the property that might work better, however it is realized that due to the easement it will not work.
- Ms. Uttley discusses what she would like to do and that she also wants to preserve the wetlands.
- The Conservation Commission discusses that they are not in favor of giving out waivers.
- The applicant requests a continuance.

- A motion to grant the request for a continuance to the May 9, 2012 meeting is made Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *WPA Form-Notice of Intent and associated documents*
 - *Letter from Hancock Associates dated 4/6/12*
 - *Waiver Request Form dated 4/4/12*
 - *Basbanes Wetland Consulting letter dated 3/15/12*
 - *Permit Site Plan dated 4/5/12*
 - *Photos dated 4/24/12*
 - *Proof of abutter notification*

242-1554, 68 Innis Street (Tocio) (Waypoint Surveying Services)

- The applicants John Jr. & Susan Tocio are present.
- Peter Zanni the contractor is present.
- Ms. Feltovic reads the legal notice.
- The field inspector briefly discusses that the applicant proposes to construct a 14' x 19' addition on posts where the existing deck is, the addition will extend 1.5 feet closer to the wetland than current deck, and to construct a new 6' x 12' deck over the existing patio. There is an existing in-ground pool between the proposed work and the wetland.
- Mr. Tocio presents his project. A fire place is also proposed on one end of the structure.
- Mr. Lynch discusses the history of the wetland in this area and the nature of the deck.
- Mr. McDonough asks if the work can meet the 50-foot No-Build zone.
- Mr. Lynch asks if the addition can be cantilevered and keep the posts out of the 50'.
- The contractor states that they cannot cantilever the addition that far, but that they can use the existing footing locations.
- Mr. Napoli asks if crush stone will be used underneath the addition and deck. It will.
- Mr. Saal makes a motion to issue the waiver, Mr. Lynch seconds for discussion.
- Mr. Lynch and Mr. McDonough state they are not in favor of issuing a waiver.
- Mr. Lynch discusses meeting the setbacks and not issuing waivers.
- Mr. Napoli wants to see an alternatives analysis as to why it can't meet the setback.
- A discussion ensues about leaving the structure as proposed but leaving the footings in the existing locations and cantilevering the overhang as well as removing the shed that is currently in the 50' in exchange for the one new footing that will be in the 50'.
- Mr. Lynch recommends moving the shed out of the No-Build Zone as mitigation for the new deck in the 50'.
- The applicant requests a continuance to revise the plan.
- A motion to grant the request for a continuance to the May 9, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Waiver Request Form dated 4/12/12*
 - *Proposed Plot Plan dated 3/14/12*
 - *Photos dated 4/25/12*
 - *Proof of abutter notification*

242-1551, 680 Foster Street (Clarke) (ESS)

- Greg Saab of ESS is present.
- Ms. Feltovic reads legal notice.
- The administrator states that there is an issue with delineation and the wetland consultant did not have time to meet prior to the meeting.
- Mr. Saab reviews the plan and states that the septic leaching field is outside of the 100' Buffer Zone and reviews the work that is within the buffer zone. He states that the house will be connected to town water and the existing well will be filled and capped.
- The administrator discusses the wetland line review.
- Mr. Lynch asks if a barrier will be placed around the system. The answer is yes. Mr. Lynch states that erosion control is needed around the water line as well as around the septic system.
- The commission discusses timeline for the work and the process with the Board of Health.
- An abutter, Juliana Durkee, asks several questions.
- Mr. Saab requests a continuance.
- A motion to grant the request for a continuance to the May 9, 2012 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.
- *Documents:*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Letter from Basbanes Consulting dated 3/16/12*
 - *Proposed Subsurface Sewer Disposal System Plan dated 3/27/12*
 - *photos dated 4/25/12*
 - *Proof of abutter notification*

242-1552, 358 Dale Street (Smolak) (ESS)

- Greg Saab of ESS is present.
- Abutter's Patrick Donnelly and Nancy White are present.
- Mr. Saal reads the legal notice.
- The administrator briefly discusses the project and states that the project was reviewed by Lisa Eggleston for the Planning Board.
- Mr. Saab reviews the plan and states that the house is 101' from the BVW.
- Mr. Lynch discusses the path that is shown on the plan.
- The administrator states that it is a wooded path.
- The commission discusses the Planning Board review and the Natural Heritage restrictions on the lot. The project is in Priority Habitat.
- Abutter Nancy White of 400 Dale Street asks about marking trees so that the new owner will be certain where the limit of work is and won't clear trees.
- The commission discusses a planting plan.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *WPA Form 3-Notice of Intent and associated documents*
 - *Owner Authorization Letter dated 2/13/12*
 - *Basbanes Wetland Consulting letter dated 1/11/12*
 - *Site Plan dated 2/16/12, revised 3/27/12*
 - *Photos dated 4/25/12*
 - *Proof of abutter notification*

NACC#94, 50 Royal Crest Estates (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.)

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242-1550, 50 Royal Crest Estates (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.)

(All three discussed together)

- Kenneth M. Lania of Cornerstone Land Consultants, Inc. is present.
- Abutter's Rusanne Wise, Stephen & Francine Jones and Mary Lou Schaalman are present.
- Mr. Saal reads legal notice for NACC #94, NACC #95 and DEP File #242-1550.
- The administrator briefly reviews the proposed work and the wetland resources.
- Mr. Lania presents the project and discusses that the proposal is to waterproof the basements of 10 of the buildings. He reviews the history of the foundation drains and states that the proposal will replace the existing foundation drains. He discusses leaving connections for the roof drains for the future which would be a separate filing. He states that the proposal will not change the existing hydrology and will not add additional water flow to the existing drainage system.
- Mr. Lania presents photos.
- Mr. Lynch states that the commission needs to see substantiated numbers for the drainage.
- The commission asks the applicant to send the packets to Eggleston Environmental for review of the drainage on the site.
- The commission discusses the non-functioning drainage system.
- Mr. Lania states that they are looking to resolve the water issue for the basements without sending more water off-site. He states the project will keep the hydrology the same
- The abutter's discuss the high ground water in the area and their concerns about flooding.
- Mr. Saal states that the drainage system needs to be fixed before the foundation work should take place or the system will fail eventually.
- Mr. Lania agrees to have a 3rd party review of the drainage work. Mr. Lania will define the scope of the work with Lisa Eggleston and will set up an escrow account.
- Mr. Lania requests a continuance to the May 9, 2012 meeting.
- A motion to grant the request for a continuance to the May 9, 2012 meeting is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents :*
 - *WPA Form 3-North Andover Wetlands Protection Bylaw and associated documents (NACC #'s 94 & 95)*
 - *WPA Form 3-Notice of Intent and associated documents (MA DEP #242-1550)*
 - *Letter from Cornerstone Land Consultants, Inc. dated 4/13/12*
 - *FEMA Firm Map*
 - *Foundation Drainage Plan dated 3/15/12*
 - *Photos dated 4/25/12*
 - *Photos handed out by Mr. Lania*
 - *Proof of abutter notification*

A motion to adjourn the meeting at: 10:30 PM made by Ms. Feltovic, seconded by Mr. Lynch.

Vote unanimous.