

**Conservation Commission Meeting Minutes**  
**May 23, 2012**

**Members Present:** Louis A. Napoli, Chairman, John T. Mabon, Vice Chairman, Joseph W. Lynch, Jr., (arrived 7:05 p.m.) Deborah A. Feltovic, Albert P. Manzi, Jr. (arrived 7:37p.m.), Sean F. McDonough (arrived 7:10 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: 7:03 PM Quorum Present.***

***Public Hearings: 7:03 PM***

**Approval of Minutes of 1/11/12**

- A motion to accept the meeting minutes of 1/11/12 as drafted and reviewed made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Request for Determination of Applicability***

**53 Concord Street (Tusa) (cont. from 5/9/12) (Request to cont. to 6/6/12)**

- The administrator states that the applicant requests a continuance to the June 6, 2012 meeting to allow more time to get the delineation done.
- A motion to grant the request for a continuance to the June 6, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*
  - *E-Mail from Paul Tusa requesting a continuance to June 6, 2012 meeting dated 5/23/12.*

**Raleigh Tavern Lane (North Andover Division of Public Works) (Weston & Sampson)**

- Tara E. McManus of Weston & Sampson Engineers, Inc. and abutter Walter J. Soule is present.
- The administrator briefly reviews the proposed project.
- Ms. McManus presents the scope of the project and states that approximately 2000 linear feet of water line along Raleigh Tavern Lane will be replaced. She states that there have been ongoing problems with the existing water line.
- Mr. Lynch states that any stockpile area needs to be outside of the 50-foot No-Build zone.
- Mr. Napoli asks how deep the excavation will be and if dewatering will be needed.
- Ms. McManus states that dewatering protocols are in place.
- A motion to grant a negative determination #3 is made by Mr. Mabon, seconded by Mr. Lynch.

- Vote 6 to 1 (Mr. McDonough abstained)
- *Documents:*
  - *Application Checklist-Request for Determination of Applicability*
  - *WPA Form 1-Request for Determination of Applicability and associated documents*
  - *Letter from Weston & Sampson dated 5/11/12*
  - *Letter from Weston & Sampson dated 5/11/12*
  - *Raleigh Tavern Lane East Plan dated 5/9/12*
  - *Raleigh Tavern Lane West Plan dated 5/9/12*
  - *Raleigh Tavern Lane Details Plan dated 5/9/12*

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

**242-1526, 285 Holt Road (Wheelabrator Technologies, Inc.) (Brown and Caldwell)  
(cont. from 4/24/12) (Request to cont. to 7/11/12)**

- The administrator states that the applicant assures a vendor has been retained to do the design but that it is not ready yet and they are requesting a continuance.
- A motion to grant the request for a continuance to the July 11, 2012 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*
  - *E-Mail from Matthew Hughes of Wheelabrator Technologies, Inc. requesting for a continuance to July 11, 2012 meeting.*

**242-1549, 2170 Turnpike Street (Patel) (Pennoni Associates, Inc.) (cont. from 5/9/12)**

- Ben Osgood, Jr., of Pennoni Associates is present.
- The administrator briefly reviews the project and states that the alternatives analysis has been submitted, NHESP is ok with the project and mitigation can be proposed.
- Mr. Osgood states that the house was built in 1972 and pre-dates Wetland Protection Act.
- Mr. Mabon asks if a No-Disturb barrier can be put up.
- Mr. Osgood replies yes.
- Mr. McDonough states that the slope needs to be cleaned up and fence installed at the No-Disturb with wetland markers and a planting plan needs to be submitted.
- Mr. Osgood requests a continuance.
- A motion to grant the request for a continuance to the June 6, 2012 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Photos dated 4/25/12*
  - *Letter from Pennoni Associates, Inc. with alternative analysis and waiver request dated 5/16/12*
  - *Proposed Addition Plan dated 5/16/12*
  - *Mr. Osgood of Pennoni Associates, Inc. a verbal request for a continuance to June 6, 2012 meeting.*

**242 -1557, 55-70 & 80-83 Millpond (Millpond Homeowners Association c/o Bill Anderson) (Pennoni Associates, Inc.)**

- Ben Osgood, Jr. of Pennoni Associates, Inc, and abutter Ernest L. Jones of 371 Pleasant Street are present.
- Mr. Saal reads the legal notice.
- The administrator states that this proposal is to re-grade and resurface the existing common driveways. The narrative references a prior delineation by others which is likely the recent one done by Verizon. She states that re-paving in Riverfront is exempt.
- Mr. Osgood states that the existing driveways will be re-graded and a sub-drain will be installed for the up-hill side and then they will re-pave.
- Mr. Lynch asks if any additional water will be going down Osgood St.
- Mr. Osgood states that there will be no additional water directed down Osgood St, the water actually flows away from the entrance near Osgood St.
- Mr. Lynch asks that they use check dams to prevent any erosion from going down the roadway and into the stream.
- Mr. Mabon states that the existing catch basins should be maintained.
- Mr. Napoli asks if the water will flow in any new directions after the work is done.
- Mr. Osgood states no.
- Abutter Ernest L. Jones states that the Millpond landscapers are dumping the grass and leaves on abutters properties in the area near the vernal pool area across the street.
- The commission states that this will be looked into.
- 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:*
  - *Application Checklist-Notice of Intent*
  - *WPA Form 3-Notice of Intent and associated documents*
  - *Drainage Improvements Plan dated 5/3/12*
  - *Photos dated 5/23/12*

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

- James Fairweather of Andover Consultants, Inc. is present.
- The administrator discusses the e-mail received from Eggleston Environmental and states that the letter indicates that the stormwater management as proposed is adequate to handle the additional impervious area. Additional parking has also been added to the plan to accommodate a fire lane.
- 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:*
  - *Letter from Andover Consultants Inc. dated 5/10/12*
  - *Site Plan "Pondview" dated 5/10/12*

**NACC#94, NACC #95 & 242-1550, 50 Royal Crest Estates (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 5/9/12)**

- The Applicant Dan Milinazzo of AIMCO North Andover, LLC and Kenneth Lania of Cornerstone Land Consultants, Inc. are present.
- The administrator reviews the letter received from Eggleston Environmental and summarizes the letter. She discusses the issue of having the full delineation completed as required by the previous filing.
- Mr. Lynch states that he is concerned about the landscaping debris getting into the catch basins and clogging the drainage system.
- Mr. Lania discusses how to prevent the landscaping debris from clogging the catch basins.
- The commission discusses the need for the wetland delineation of the entire site.
- Mr. Saal discusses the maintenance of the drainage system.
- Mr. Manzi states that the letter from Eggleston Environmental is very clear and there needs to be a management plan.
- The commission continues to discuss the drainage and the need for a long term maintenance plan.
- The administrator states that the delineation needs to be done by September 1<sup>st</sup>.
- Mr. Manzi discusses bonding to ensure compliance.
- A motion to close the public hearing and issue a decision within 21 days made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote Unanimous.
- *Documents:*
  - *E/Mail from Kenneth Lania of Cornerstone Land Consultants Inc., dated 5/22/12*

***General Business***

**242-1510, COC Request, 707 Turnpike Street (Countryside Real Estate) (Christiansen & Sergi, Inc.) (cont. from 5/9/12)**

- Phil Christiansen of Christiansen & Sergi, Inc. is present.
- The administrator reviews the COC request.
- Mr. Christiansen discusses the sod being placed instead of the native seed mix.
- Mr. Lynch states that the sod is adequate.
- Mr. Napoli states that the top bars are not in for the chain link fence, it doesn't look completed.
- Mr. Christiansen requests a continuance to fix the fence and remove the erosion controls.
- A motion to grant the request for a continuance to the June 6, 2012 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
  - *Letter from Countryside Real Estate dated 4/23/12*
  - *WPA Form 8A-Request for Certificate of Compliance*
  - *Letter from Christiansen & Sergi, Inc. dated 4/23/12*
  - *Conservation As-Built Plan dated 4/24/12*
  - *Photos dated 5/23/12*

**242-1261, PCOC Request, 14 Chickering Road (Burke) (Pennoni Associates, Inc.)**

- The applicant John Burke of Law Offices of John J. Burke, LLC is present.
- The field inspector presents no work was done or proposed on this lot as part of the Order of Conditions.
- Mr. Burke states that this house should not have been recorded under the Order of Conditions because no work was proposed on it but for some reason it was recorded.
- A motion to issue the PCOC for 14 Chickering Road only is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.
- *Documents:*
  - *Letter from Pennoni Associates, Inc. dated 5/16/12*
  - *Letter from Law Offices of John J. Burke, LLC dated 5/16/12*
  - *WPA Form 8A-Request for Certificate of Compliance for Lot 1 only.*
  - *North Andover MIMAP dated 5/23/12*

**242-1514, COC Request, 120 Milk Street (Tara Leigh Development, LLC)**

- The administrator states that the applicant submitted a COC request last year but the site was not fully stabilized.
- The site is now stabilized, we had a mild winter and the sod survived.
- A motion to issue the COC is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Letter from MHF Design Consultants, Inc. dated 11/23/11*
  - *Letter from Tara Leigh Development, LLC dated 11/22/11*
  - *WPA Form 8A-Request for Certificate of Compliance*
  - *Appendix A-Affidavit signed by new owner Brianne Cobb dated 7/26/11*
  - *As-Built Plan dated 11/21/11*
  - *Photos dated 5/23/12*

**242-1511, Modification Request, 80 Dale Street (New England Power Company) (VHB, Inc.)**

- The applicant Joshua Holden of Massachusetts Electric Company, Eamon Kerrigan of Massachusetts Electric Company and Marc Bergeron of VHB, Inc are present.
- The administrator reviews the history of the modification request.
- Mr. Bergeron discusses the specifics of the modification request.
- Ms. Feltovic asks if restoration will be done.
- The administrator states that yes it will be done.
- A motion to grant the modification is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote 6 to 1 (Mr. Manzi recused)
- *Documents:*
  - *Letter from VHB dated 5/11/12*
  - *Ground Grid Analysis Report for Dale Street #55 Substation dated 9/28/10*
  - *Site Plan dated 4/30/12*

**242-1495, Modification Request, 80 Laconia Circle (Jenkins) (The Neve-Morin Group, Inc.)**

- John Morin of the Neve-Morin Group, Inc. and Scott Poncoke of MSSG Pools are present.
- The field inspector discusses briefly and states that the applicant has redesigned the pool and shifted it closer to the front of the house. They are also requesting to add additional paver patio area of approximately 260 s.f., the pool and patio remain outside of the 50-foot No-Build zone.
- Mr. Poncoke discusses the changes in the pool location.
- A motion to grant the modification is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote 6 to 1 (Mr. Manzi abstained)
- *Documents:*
  - *E-Mail from John Morin of the Neve-Morin Group, Inc., requesting a modification dated 5/16/12.*
  - *Additional Proposed patio 260 s. f.*
  - *Sketched Plan dated 5/16/12*

***Decisions***

**242-1548, Harold Packer Road**

- The administrator reviews the draft Order of Conditions.
- The Commission reviews and discusses the OOC.
- A motion to issue the Order of Conditions as drafted and amended is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

**242-1553, 295 Rea Street**

- The administrator reviews the drafted Order of Conditions.
- The Commission reviews and discusses the OOC.
- A motion to issue the Order of Conditions as drafted is made by Mr. Mabon, seconded by Mr. McDonough.
- Vote unanimous.

**242-1555, 72 Patton Lane**

- The administrator reviews the draft Order of Conditions.
- The Commission reviews and discusses the OOC.
- A motion to issue the Order of Conditions as drafted is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

**242-1544, Rear of 24 Main Street**

- Mr. Manzi recuses himself.
- The administrator reviews the drafted Order of Conditions.
- The Commission reviews and discusses the OOC.
- A motion to issue the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

*A motion to adjourn the meeting at: 9:30 PM made by Mr. McDonough, seconded by Ms. Feltovic.*

*Vote unanimous.*