

Conservation Commission Meeting Minutes
July 25, 2012

Members Present: Louis A. Napoli, Chairman, Joseph W. Lynch, Jr., Vice Chairman, Deborah A. Feltovic, Douglas W. Saal.

Members Absent: Albert P. Manzi, Jr., Sean F. McDonough, John T. Mabon.

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

Pledge of Allegiance

Meeting came to Order at: 7:04 PM Quorum Present.

Public Hearings: 7:05 PM

Small Project

NACC#97, 19 Halifax Street (Zahoruiko) (Above Ground Pool)

- The applicants James & Anne Zahoruiko of 19 Halifax Street are present
- Administrator presents the proposal for an above ground pool more than 90-feet from Bordering Vegetated Wetland.
- A motion to grant this as a small project 4.4.2.J made by Mr. Lynch, seconded Ms. Feltovic.
- Vote unanimous.
- A motion to grant this as small project as proposed with erosion with controls and pre-construction and post-construction inspections made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Application Checklist-Small Project*
 - *Procedures of Small Project*
 - *Photos dated 7/25/12*

Request for Determination of Applicability (RDA)

22 Autran Avenue (Cheever)

- The applicant Amy B. Cheever of 22 Autran Avenue is present.
- Mr. Saal reads the legal notice.
- Administrator presents the proposal to remove a portion of the existing paved driveway and loam and seed. The wetland resource area is about 20-feet away.
- Mr. Saal asks about the fence location and relocation.
- A motion to grant a negative #3 determination with special conditions for erosion control and pre and post construction inspections made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

- *Documents:*
 - *WPA Form 1-Request for Determination of Applicability and associated documents*
 - *Plan of Land dated 9/19/03*
 - *Photos dated 6/26/12*

Notice of Intent (NOI)

242-1526, 285 Holt Road (Wheelabrator Technologies, Inc.) (cont. from 7/11/12)

- The applicant Scott Emerson of Wheelabrator Technologies, Inc. and David Jordan of MHF Design Consultants, Inc. are present.
- Mr. Saal reads the legal notice. Project was re-noticed due to extensive time that elapsed between hearings.
- Administrator states the applicant has completed work on the swale repair.
- Mr. Emerson discusses the history of the project. States iron levels have been an issue in their stormwater testing. He reviews Lisa Eggleston's concerns about the project.
- Mr. Jordan states there are other options to the proposal including a catch basin with baffles.
- Mr. Jordan reviews the proposal for three 4,000 gallon tanks. The design is meant to capture the first flush. He explains how the system will work.
- Mr. Lynch asks about water demands and tank capacity for storms.
- Mr. Emerson explains Wheelabrator's existing water demands for cooling water.
- Mr. Napoli asks about the pump capacity. Answer is 50 gal/min.
- The commission discusses Lisa's review and their reasons for accepting this proposal.
- Mr. Lynch states an O&M plan is needed.
- A motion to grant the request for a continuance to August 8, 2012 meeting made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Project Narrative*
 - *Stormwater Management Improvement Project done by MHF Design Consultants, Inc. dated 6/28/12*
 - *Site Plan dated 7/19/12*
 - *Letter from Eggleston Environmental dated 3/12/12*
 - *Letter from Eggleston Environmental dated 7/12/12*

242-1561, 109 Nutmeg Lane (Gorman) (Marchionda & Associates, L. P) (cont. from 7/11/12)

- The applicants Robert & Liz Gorman and Paul Marchionda of Marchionda & Associates, L. P are present.
- Administrator states that the applicant submitted a new plan showing the increased no-disturb area with fence and plantings as well as a backwashing pipe under the patio. The pool equipment remains in the same place.
- Mr. Marchionda reviews the new plan pointing out plan note #3.
- Mr. Saal expresses concern that the backwashing pipe goes against the grade.

- Mr. Napoli expresses concern over backwashing filter citing that the commission has historically required cartridge style filters.
- A motion to grant to close and issue a decision within 21 days made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Marchionda & Associates, L. P. dated 7/17/12*
 - *Revised Plan Relocate Fence & Haybales add backwash pipe & Plantings dated 7/16/12*

**242-1559, 40 Sugarcane Lane (LaGrasse) (Hancock Associates) (cont. from 7/11/12)
(Request to cont. to 8/8/12)**

- No one is present for the applicant.
- Administrator reviews findings of a site visit. The applicant is going to prepare an alternative analysis to see if an agreeable shed location can be found.
- A motion to grant the request for a continuance to August 8, 2012 meeting made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Document:*
 - *E-Mail from Greg Hochmuth of Hancock Associates requesting for a continuance to August 8, 2012 meeting dated 7/24/12.*

242-1560, 82 Saunders Street (Levis) (Andover Consultants, Inc.) (cont. from 7/11/12)

- James S. Fairweather, II of Andover Consultants, Inc is present for the applicant.
- Administrator reviews the new plan showing an increased buffer zone, plantings, fencing and a roof infiltrator.
- A motion to grant to close and issue a decision within 21 days made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from Andover Consultants, Inc. dated 7/16/12*
 - *Site Plan revised dated 7/16/12*

General Business: 8:00PM

242-1404, COC Request, 210 Holt Road (TBI, Inc.) (cont. from 7/11/12)

- Administrator the applicant is working on a revised as-built plan showing the wetland line.
- A motion to grant the request for a continuance to August 8, 2012 meeting made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Document:*
 - *E-Mail from William Thomson of TBI, Inc. the request for a continuance to August 8, 2012 meeting dated 7/25/12.*

242-1404, COC Request, 1525 Forest Street (Beekley) (Hancock Associates)

- John Dick of Hancock Associates is present.
- Administrator presents the proposed in-ground pool has been installed. The as built shows the pool is built as proposed and all work remains outside the 50-foot No-Build zone. The patio has been enlarged.
- Mr. Dick states the extra work done on the site is outside the 50-foot No Build zone and that there is a net gain in pervious area outside the buffer zone. The site is stable and looks very nice and clean.
- A motion to grant to issue the COC and release the bond mad by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from revised from Hancock Associates dated 7/27/12*
 - *WPA Form 8A-Request for Certificate of Compliance dated 7/11/12*
 - *Appendix A-Affidavit dated 7/1/12*
 - *Hancock Associates Photos dated May 2012*
 - *As-Built Plan dated 6/7/12*
 - *Photos dated 7/19/12*

242-1483, COC Request, 544 Sharpners Pond Road (Horn) (The Neve-Morin Group, Inc.)

- Administrator states that the garage and paving are in compliance with the Order of Conditions. There is a small retaining wall and concrete pad that were constructed.
- Mr. Lynch asks about the use of the building.
- Administrator stated there was no sign of misuse.
- A motion to grant to issue the COC and release the bond made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
 - *Letter from The Neve-Morin Group, Inc. dated 7/10/12*
 - *WPA Form 8A-Request for Certificate of Compliance*
 - *Copy of Check*
 - *Plan of Land dated 7/6/12*

242-1019, COC Request, 1175 Turnpike Street (BC Realty Trust Company) (Meridian Associates)

- Administrator presents this is an older filing. The proposal was to remove fuel tanks, pumps, concrete pad, and asphalt and install curbing and stormwater management. The site is not pretty, but the Order appears to have been complied with. Aerial Photos over the last decade show no encroachments. Left a message with Meridian Engineering regarding catch basin cleaning and the volume of the detention area but have not heard back yet.
- A motion to grant the request for a continuance to August 8, 2012 meeting made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

- *Documents:*
 - *Letter from Meridian Associates, Inc. dated 7/10/12*
 - *WPA Form 8A-Request for Certificate of Compliance*
 - *North Andover Conservation Commission Order of Conditions Compliance Certification Form*
 - *Plan to Accompany a Request for a Certificate of Compliance dated 7/10/12*
 - *Photos dated 7/24/12*
 - *Mass GIS dated 7/24/12*
 - *Aerial Photos dated 7/24/12*

242-16, PCOC Request, 32 Deer Meadow Road (Lot 32A-A) (Rei)

- Administrator presents this PCOC will remove the lot from the roadway order after a lot line change. There was an original release for the lot but the bank did not find it acceptable as it does not reference the lot as currently configured.
- A motion to grant the PCOC for 32 Deer Meadow Road (Lot 32A-A) made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Document:*
 - *WPA Form 8A-Request for Partial Certificate of Compliance*

242-1478, Request for Partial Bond Release, 1503 Osgood Street (Hera Development Corporation)

- Rachel K. Maman, Consulting Broker of Hera Development Corporation is present.
- Administrator states that Hera Development Corporation is requesting that half of the existing bond be released and applied the \$20K bond required for slope stabilization (amended order). A release would not actually take place but the applicant would only need to post an additional \$12,500.
- Mr. Lynch discusses that the work has been complete for some time now and that thus far the slope is stable and functioning. Mr. Lynch is in favor of moving the project forward.
- Mr. Napoli states he is comfortable with this action if the department receives an updated construction sequence and if a new preconstruction conference is held.
- Mr. Saal states that not being able to post the bond makes this project iffy.
- Ms. Maman states the gas station is losing money.
- Mr. Lynch states that if this proposal was not simply shifting money from one bond to the other he would be concerned.
- Ms. Maman states the builder is not going “south” and that he intends to build the site.
- The commission discusses options.
- Mr. Napoli states this is a small price to pay to move this project forward.
- Mr. Saal states we need to see a timetable before moving forward.
- A motion to grant a partial bond release the amount of \$7,500 for the purpose of transferring the money to reduce the amount of the slope stabilization bond required by the amended order is made by Mr. Lynch. He also requires an updated construction sequence and project timetable before applying for the building permit. This must be

done within 60 days and does not set precedent for future bond releases. This motion is seconded by Ms. Feltovic.

- Vote unanimous.
- *Documents:*
 - *Letter from Hera Development Corporation dated 7/24/12*

Decisions

242-1561, 109 Nutmeg Lane

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

242-1560, 82 Saunders Street

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

***A motion to adjourn the meeting at: 8:30PM made by Mr. Lynch, seconded by Ms. Feltovic
Vote unanimous.***