

**Conservation Commission Meeting Minutes
April 23, 2014**

Members Present: Joseph W. Lynch, Jr., Vice Chairman; Albert P. Manzi, Jr., John T. Mabon; Deborah A. Feltovic; Douglas W. Saal.

Members Absent: Louis A. Napoli, Chairman; Sean F. McDonough.

Staff Members Present: Heidi M. Gaffney, Conservation Field Inspector;
Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:00 PM Quorum Present.

Approval of Minutes of 3/26/14

- A motion to accept the meeting minutes of 3/26/14 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote unanimous.

Public Meeting: 7:03 PM

Small Project

NACC#125, 273 Berry Street (Seidel) (Installation of a Shed)

- The applicant Joshua Seidel of 273 Berry Street is present.
- The field inspector states that the applicant wants to install a 6' x 10' shed. The shed is proposed to be more than 50-feet from the wetland.
- A motion to accept this as a small project under 4.4.2.C is made by Mr. Mabon, seconded by Ms. Feltovic.
- A motion to approve the work as proposed with pre and post construction meetings is made by Mr. Mabon, seconded by Mr. Manzi.
- Vote unanimous.
- **Documents:**
- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Conservation As-Built Plan dated 2/11/2014*

Public Hearings: 7:20 PM

Request for Determination of Applicability

Marbleridge Road, (Columbia Gas of Massachusetts) (Merrill Corporation)

- Joshua M. Bows of Merrill Engineers and Land Surveyors is present.
- Mr. Saal read the legal notice.

- Mr. Bows presents the proposed gas line work. He states that the existing line will be replaced with a 2” poly plastic pipe and that they will use the open-trench method, filling and patching the trench at the end of each day.
- Mr. Bows reviews the proposed erosion control measure. He discusses that the contractor has asked about a different form of erosion controls, called a “gutter guard”
- The commission discusses the erosion controls with Mr. Bows.
- Mr. Manzi asks if the project will be a cut and cover operation and if they will pave each day.
- Mr. Bows states that yes, it will be cut and cover and they will pave at the end of each day.
- Mr. Lynch states that the “gutter guard” does not sound like it would be appropriate for this project and that he wants the straw wattles used.
- A motion to issue a negative determination with conditions of pre & post construction meetings and erosion controls is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- **Documents:**
- *Application Checklist-Request for Determination of Applicability*
- *Letter from Merrill Engineers and Land Surveyors dated 4/2/2014*
- *Letter from Merrill Engineers and Land Surveyors dated 4/1/2014*
- *Project Description*
- *Project area photograph dated 3/31/2014*
- *USGS Site Locus Map dated 4/1/2014*
- *FEMA Map dated 7/3/2012*
- *Massachusetts Natural Heritage & Endangered Species Map dated 4/1/2014*
- *Erosion Controls straw wattle details*
- *Wetland Delineation Overlay Plan dated March 2014*
- *Abutter’s Notification by door to door tags dated 4/1/2014*
- *Straw wattle installation guide by North American Green revised dated January 2008*

Abbreviated Notice of Resource Area Delineation

242-1619, 407 Bear Hill Road (Kierce) (O’Neil Associates) (cont. from 4/9/14)

- The applicant requests to continue.
- A motion to grant the request for a continuance to the May 14, 2014 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- **Document:**
- *E/Mail from Michael O’Neil of O’Neil Associates requesting a continuance to May 14, 2014 meeting dated 4/23/14*

Notice of Intent (NOI)

242-1618, 50 Royal Crest Drive (Building 47) (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 4/9/14)

- Kenneth Lania of Cornerstone Land Consultants, Inc. is present.

- 242-1618 and NACC #123 are discussed together (see discussion under NACC #123).
- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- **Documents:**
- *Site Plan Foundation Drainage Building 47, Site Plan revised dated 3/14/2014, Site Plan revised dated 3/26/2014, Site plan revised dated 3/38/2014, Site Plan revised dated 4/10/2014*

NACC#123, 50 Royal Crest Drive (Building 30) (Local Bylaw only) (AIMCO North Andover, LLC) (cont. from 4/9/14)

- Kenneth Lania of Cornerstone Land Consultants, Inc. is present.
- Mr. Lania discusses the revised plans.
- Mr. Lynch and Mr. Mabon discuss the changes.
- Mr. Saal asks for some clarification on the drain connections on the plans.
- Mr. Lania clarifies the drain connections.
- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded Ms. Feltovic.
- Vote unanimous.
- **Documents:**
- *Site Plan Foundation Drainage Building 30 (Local Bylaw only) dated 3/14/2014, Site Plan revised dated 3/26/2014, Site Plan revised 3/28/2014, Site Plan revised dated 4/10/2014*

242-1616, 316 Great Pond Road (Karras) (Sullivan Engineering Group, LLC) (cont. from 4/9/14)

- The applicant Bill Karras of 316 Great Pond Road, and John D. Sullivan of Sullivan Engineering Group, LLC are present.
- Mr. Sullivan discusses the plan revisions.
- Mr. Mabon discusses the pool maintenance plan and states that any pool water drain down needs to be trucked off-site.
- Mr. Manzi agrees that any pool water needing to be drained needs to be trucked off-site.
- Mr. Karras and Mr. Sullivan agree to revise the pool maintenance plan accordingly.
- Mr. Sullivan requests a continuance.
- A motion to grant the request for a continuance to the May 14, 2014 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- **Documents:**
- *Revised plans dated 4/15/14*
- *Photos dated 3/26/2014*

General Business: 7:40 PM

242-1401, COC Request, 495 Forest Street (Lot 2) (Haley) (Pennoni Associates, Inc.)

- The field inspector discusses the as-built plans and reviews the history of the project. She states that the proposed pool was not built.
- A motion to issue the COC is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- **Documents:**
- *Letter from Pennoni Associates, Inc. dated 4/9/2014*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Conditions Plan dated 4/9/2014*
- *Photos dated 4/23/2014*

242-1114, COC Request, Dale Street/Bradford Street (Meetinghouse Commons, LLC) (MHF Design Consultants, Inc.) (cont. from 4/9/14)

- The applicant Thomas D. Zahoruiko of Meetinghouse Commons, LLC is present.
- Mr. Zahoruiko states that the plans have been revised and are now at the same scale as the proposed plans and states that new review letters have been submitted from MHF Design Consultants, Inc.
- Mr. Lynch reviews the discussion from the 4/9/14 meeting regarding the Request for the Certificate of Compliance.
- Mr. Mabon asks if there is any proof of maintenance of the stormwater system.
- Mr. Zahouriko states that he has invoices proving the maintenance has been done.
- A motion to issue the COC is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- **Documents:**
- *Letter from MHF Design Consultants, Inc. dated 4/22/2014*
- *Grading, Drainage & Erosion Control plan dated 4/9/2014*
- *As-Built Plans dated 4/21/2014*
- *Letter from Meetinghouse Commons Operation/Maintenance Plan dated 4/23/2014*

242-1499, COC Request, Dale Street/Bradford Street (Meetinghouse Commons, LLC) (MHF Design Consultants, Inc.) (cont. from 4/9/14)

- The applicant Thomas D. Zahoruiko of Meetinghouse Commons, LLC is present.
- This was discussed in conjunction with 242-1114 (see discussion under 242-1114).
- A motion to issue the COC is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- **Documents:**
- *Letter from MHF Design Consultants, Inc. dated 4/22/2014*
- *Grading, Drainage & Erosion Control Plan 4/9/2014*
- *As-Built Plans dated 4/21/2014*
- *Letter from Meetinghouse Commons, LLC O & M plan dated 4/23/2014*

242-1523, Request for Partial Bond Release, 273 Berry Street (Fitzgerald) (Christiansen & Sergi, Inc.)

- Jerry Gerrier of 22 E. Egena Road, Middleton, MA is present on behalf of the applicant John Fitzgerald.

- The field inspector states that the Order requires two year monitoring on the plantings and that the applicant has submitted the As-built plans and is requesting a bond reduction.
- Mr. Manzi what is the cost be to replace the plantings if they die out.
- Mr. Gerrier states that the cost for the 21 plants was \$287.50.
- A motion to issue the partial bond release in the amount of 1,500 is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- **Document:**
- *As-built plans revision date of 2/11/14*
- *E/Mail Letter from John C. FitzGerald requesting a partial bond release of \$1,500 dated 3/13/2014*

Enforcement Order

428 Johnson Street (Perocchi)

- The field inspector briefly discusses the Enforcement Order.
- Mr. Manzi states that he noticed the fill in the wetlands and notified the Conservation Administrator. The Administrator made contact with the homeowner and asked that the homeowners husband contact her. He did not and the Enforcement Order was subsequently issued.
- The commission discusses the violation and how to proceed.
- A motion to ratify the Enforcement Order is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.
- **Documents:**
- *Letter from the Conservation Administrator dated 4/14/2014*
- *WPA Form 9-Enforcement Order dated 4/14/2014*

Bylaw Regulations, Fees, and Checklist Revisions (cont. from 4/9/14)

- The field inspector states that it is recommend that this continue to the May 28, 2014 meeting.
- No motion needed.

Decisions

242-1617, 479 Lacy Street

- The field inspector reviews the draft Order of Conditions.
- The Commission amends the Order of Conditions.
- A motion to adopt the Order of Conditions as amended is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

242-1618, 50 Royal Crest Drive

- The field inspector reviews the draft Order of Conditions.
- The Commission amends the Order of Conditions.

- A motion to adopt the Order of Conditions as amended is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

NACC#123, 50 Royal Crest Drive

- The field inspector reviews the draft Order of Conditions.
- The Commission amends the Order of Conditions.
- A motion to adopt the Order of Conditions as amended is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

A motion to adjourn the meeting at: 8:30 PM is made by Mr. Manzi, seconded by Ms. Feltovic.

Vote unanimous.