

**North Andover Conservation Commission Meeting Minutes**  
**August 26, 2015**

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

**Member Absent:** Sean F. McDonough.

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

*Pledge of Allegiance*

*Meeting came to Order at: 7:01PM Quorum Present.*

**Approval of Minutes of 7/8/15**

- A motion to accept the meeting minutes of 7/8/15 as drafted and reviewed is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

*Public Meeting: 7:04PM*

*Small Project*

**NACC#154, 177 Salem Street (Ridgewood Cemetery Association)**

- Joseph Pelich of Ridgewood Cemetery Association and Philip P. Henry, P. E. of Civil Design Group, LLC are present.
- Mr. Henry reviews the proposal to rip up asphalt pavement and replace with cobblestones, to install a 3-4' stone wall on the eastern side of the property, to install irrigation and loam and seed, and to install landscape plantings. Following feedback from the Administrator the applicant will install additional erosion control at the wetland. The landscape plan does have some non-natives that will be replaced with natives. The applicant will also add rip-rap or a rain garden at the outfall of the stone wall underdrain. Not a lot of runoff is expected.
- Mr. Lynch states the project is separated from the wetland by roadway. He asks if the project is out to bid or if there is a contract.
- Mr. Pelich states it is already out to bid and work outside the buffer zone has started. Contract documents are not available yet.
- Mr. Lynch asks if there are contract plans. The applicant replies that these plans are it.
- Mr. Manzi asks who will supervise the project.
- Mr. Pelich states him with Mr. Smolak, Mr. Rand and the cemetery superintendent.
- Mr. Napoli states the stone at the outfall was his comment and asks what depth would be installed. Answer is 3-4'.
- Mr. Pelich asks if plantings with river stone could be used.
- The commission agrees. The Administrator states a detail will be required.
- Ms. Feltovic asks if all plantings will be native.
- The applicant states some northeast natives rather than Essex County natives will be used.

- The Administrator states plantings in the 25' No-Disturb Zone must be Essex County natives.
- Mr. Pelich states the grass will be mowed and watered minimally.
- A motion to accept this as small project 4.4.2L is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to approve the project as proposed with requirement for the applicant to provide a design for the rain garden and a native plant list is made by Mr. Lynch, seconded by Mr. Mabon. Pre and post construction inspection also required.
- Vote unanimous.

***Documents:***

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Copy of Town Check*
- *Ridgewood Cemetery Improvements Plan prepared by Civil Design Group, LLC dated June 18, 2015*
- *Photos prepared by the North Andover Conservation Department dated August 19, 2015*

***Public Hearings: 7:20 PM***

***Request for Determination of Applicability***

**64 North Cross Road (Alexander)**

- The applicant Douglas S. & Kristine M. Alexander of 64 North Cross Road are present.
- The Conservation Commission waives the reading of the legal notice. No Abutters present.
- The Administrator reviews the proposal to remove 7 large trees from the BVW and the 25' No-disturb Zone. A waiver request has been submitted. Administrator recommends a site visit.
- Mr. Alexander states he and his family worry for their safety during storms and often go to the basement during storm events. They have had limbs fall before.
- Mr. Lynch reviews the letter submitted from an arborist.
- Mr. Manzi states if the trees were removed the area could be converted to low growth (shrubs) like was done at Lawrence Municipal Airport.
- Mr. Napoli states he is hesitant to cut healthy trees.
- Mr. Manzi states there is a threat to the dwelling and issues with pest infestation. He states the science should drive the project.
- Mr. Lynch states the arborist has a vested interest in removing the trees. It may be best to physically see the trees.
- Mr. Mabon asks for clarification of Riverfront. Mr. Mabon states this is really a safety concern and that overrules. He is concerned about changes in temperature and sunlight on the stream. Mr. Mabon states a site walk is necessary to make a good decision.
- Ms. Feltovic agrees with Mr. Manzi. She believes the trees should be taken out for safety and replaced in kind.
- Mr. Saal concurs with Mr. Manzi. He states the stumps should be left and plantings added.
- A site visit by North Andover Conservation Commission is scheduled for September 1, 2015 at 6:00PM on the site.

- Mr. Alexander states the proposed removal is 100% for safety and they will leave the stumps. He states many trees will be left in the forest and the shade will remain. He states the trees were previously pruned and they sway dramatically in storms. Other trees have fallen in the wetland. The arborists stated that further pruning may kill the trees.
- A motion to grant the request for a continuance to September 9, 2015 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Application Checklist Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Copy of Town Check*
- *Project Description*
- *Signatures and Submittal*
- *Letter prepared by Iron Tree Services dated August 1, 2015*
- *Notification to Abutters Form*
- *Certified abutters List prepared by Town of North Andover Assessors office dated August 10, 2015*
- *North Andover Conservation Commission Waiver Request dated August 19, 2015*
- *E/Mail from Douglas Alexander photos prepared by Douglas Alexander dated July 13, 2015*
- *USGS Map prepared by the North Andover Conservation Department dated August 11, 2015*
- *NHESP Map prepared by North Andover Conservation Department dated August 11, 2015*
- *North Andover Wetlands Regulations Riverfront Area Map prepared by Epsilon Associates, Inc. dated June 2, 2003*
- *As-Built Site Plan prepared by Robert Alan Masys P. E. dated December 1990 with hand edits by applicant.*
- *Photos prepared by North Andover Conservation Department dated July 23, 2015 & August 19, 2015*
- *North Andover MIMAP Aerial Map prepared by North Andover Conservation Department dated August 25, 2015*

**40 French Farm Road (Mastrocola) (Nexus II Services)**

- Mark Gotobed of Nexus II Services is present.
- The Conservation Commission waives the reading of the legal notice. No abutters present.
- The Administrator reviews the resource area, a swale dug as a stormwater outfall. It does connect to a wetland. Past projects including the pool at this house were not considered jurisdictional.
- Mr. Lynch states the swale was clearly built to move water however, it was not maintained and became a wetland.
- Mr. Mabon states that the stormwater management structure was pre-1996 and should be considered a wetland but a negative determination is appropriate.
- A motion to issue negative determination #3 & #6 is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Application Checklist-Request for Determination of Applicability*

- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Copy of the Town Check*
- *Signatures and Submitted Requirements*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by North Andover Assessors Office dated August 5, 2015*
- *NHESP Map prepared by North Andover Conservation Department dated August 12, 2015*
- *USGS Map prepared by North Andover Conservation Department dated August 12, 2015*
- *Certified Plot Plan prepared Medford Engineering & Survey dated June 29, 2015*
- *Photos prepared by North Andover Conservation Department dated August 19, 2015*
- *North Andover MIMAP prepared by North Andover Conservation Department dated August 25, 2015*
- *Historic aerial.com Aerial Map prepared by North Andover Conservation Department dated 1971*
- *Historic aerial.com Aerial Map prepared by North Andover Conservation Department dated 1978*
- *Historic aerial.com Aerial Map prepared by North Andover Conservation Department dated 1995*

***Notice of Intents (NOI)***

**242-1655, Boxford Street (Messina Development Company, Inc.) (Christiansen & Sergi, Inc.) (cont. from 8/12/15)**

- The applicant Robert Messina of Messina Development Company, Inc. and Maureen Herald of Norse Environmental Services, Inc. are present.
- The Administrator reviews the Planning Board discussion at their last hearing.
- The commission discusses the trail and open space ownership.
- Mr. Manzi reviews the purpose of the PRD including public open space access. This creates a conundrum with the Blanding's turtle habitat and vernal pools on site. The onus is on the developer to create access.
- The commission agrees it is a good idea to plan for access.
- Mrs. Herald suggests that the commission consult NHESP on habitat issues related to location of trails and access.
- Mr. Napoli states he is not interested in a trail that does not connect to other trails. Would prefer the area stay natural.
- Mr. Manzi states people will access the area either way.
- Mr. Mabon states he previously supported a trail when he thought connections might be made to Duncan Drive and Stonecleave. He believes open space stays in better conditions when trails are used and monitored. There is less dumping. Dog walking trails are also a nice feature in a neighborhood. NHESP should be consulted for a final opinion. If they say they are permissible the commission should offer advice to planning on including trails. He also believes if homeowners own the open space there should be a Conservation Restriction.
- Ms. Feltovic agrees.
- Mr. Manzi states that the PRD regs 8.5 section F states that the land must be accessible to the general public.

- The commission agrees the authority on trails and open space lies with the Planning Board.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

**Documents:**

- *Letter prepared by Division of Fisheries & Wildlife dated August 11, 2015*
- *Letter prepared by Christiansen & Sergi, Inc. Stormwater Management Report dated August 9, 2015*
- *Letter prepared by Christiansen & Sergi, Inc. Stormwater Management Report dated June 26, 2015, revised August 10, 2015*
- *Definitive PRD Plan prepared by Christiansen & Sergi, Inc. for Wellington Woods date June 12, 2015, revised August 10, 2015*
- *E/ Mail prepared by Eggleston Environmental dated August 11, 2015*
- *E/Mail prepared by Eggleston Environmental dated August 12, 2015*

**242- , 415 Winter Street (Grimaldi) (Benjamin C. Osgood, Jr., P. E.)**

- The Conservation Commission waives the reading of the legal notice. No abutters present.
- Benjamin C. Osgood, Jr. P. E. Presents the proposal to replace a leach field in kind just over 50' from the wetland. The proposal needs a BOH waiver. A retaining wall will be extended. A DEP number is needed as well as NHESP approval.
- The Administrator states there is old debris in the wetland as well as some wood cut by the homeowner.
- Mr. Lynch states the system is not that old and asks why the wall and grading are needed.
- Mr. Osgood states that the sand excavated from the system is clean so there must be a backup/misuse of the system.
- Mr. Lynch states the shed is new and unpermitted. It needs to be moved outside the 50' No-Build Zone.
- Mr. Saal asks if a fence will be required. It needs to be added to the plan.
- A motion to grant the request for a continuance to the September 23, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

**Documents:**

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Signatures and Submittal Requirements*
- *Project Description*
- *USGS Map Topographic Maps prepared by Benjamin C. Osgood, Jr., P. E. dated August 8, 2015*
- *Locus Map prepared by Benjamin C. Osgood, Jr., P. E. dated August 8, 2015*
- *FIRM Flood Insurance Rate Map dated July 3, 2012*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State & Town Check*
- *Copy of Certified Mailing to Natural Heritage dated August 11, 2015*
- *Affidavit of Service prepared by Benjamin C. Osgood, Jr., P. E. dated August 12, 2015*

- *Notification to Abutters Form*
- *Certified Abutters List prepared by North Andover Assessors Office dated August 6, 2015*
- *Plan Showing Proposed Subsurface Sewage Disposal System prepared by Benjamin C. Osgood, Jr., P. E. dated August 12, 2015*
- *Photos prepared by the North Andover Conservation Department dated August 19, 2015*
- *Oliver Mass GIS online Mapping Tool prepared by the North Andover Conservation Department dated August 20, 2015*
- *North Andover MIMAP prepared by the North Andover Conservation Department dated August 20, 2015*

#### **242-1657, 777 Great Pond Road (Ibbitson) (Williams & Sparages)**

- Gregory Hochmuth of Williams & Sparages is present.
- The Conservation Commission waives the reading of the legal notice. No Abutters present.
- The Administrator states the work is an outer riparian project.
- Mr. Hochmuth reviews the work the applicants started without knowing they needed a permit. There is a perennial stream more than 100 feet away in the back yard. Trees have been removed. The homeowners would also like to remove a pool and patio and regrade the yard. The home was built in 1957. The lot is on sewer. There is 100' of undisturbed vegetation with the exception of the neighbor's driveway. There will be approximately 4,500 s.f. of alteration. The stumps will remain for now.
- Mr. Lynch asks why the applicants will wait to do the work
- Mr. Hochmuth states they are proposing to cut 4.5 feet off of the hill which is a lot of earthwork. They do not want have to monitor soils all winter.
- Mr. Manzi asks about the soils.
- Mr. Hochmuth states some of it may be fill.
- The Administrator states the Planning Board has asked the owners to come in for a discussion. A permit may not be required.
- Mr. Napoli asks to know how many yards of material will be removed.
- A motion to grant the request for a continuance to the September 9, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

#### ***Documents:***

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Copy of State and Town Check*
- *Signatures and Submittal Requirements*
- *NOI Wetland Fee Transmittal Form*
- *Letter prepared by Williams & Sparages Project Narrative dated August 2015*
- *Locus Map prepared by Williams & Sparages dated August 2015*
- *Affidavit of Service prepared by Williams & Sparages August 12, 2015*
- *Certified Abutters List prepared by North Andover Assessors Office dated July 20, 2015*
- *Plan to Accompany Notice of Intent prepared by Williams & Sparages dated August 12, 2015*
- *Photos prepared by the North Andover Conservation Department dated August 19, 2015*

### **242-1658, 77 Bear Hill Road (McGillivray) (Williams & Sparages)**

- Gregory Hochmuth of Williams & Sparages and John Campbell of Sports Courts are present.
- The Conservation Commission waives the reading of the legal notice. One abutter present did not object.
- Mr. Hochmuth presents the project to construct a sport court and other structures outside the No-Build Zone with no new work in the 25' No-Disturb Zone. And existing retaining wall and patio will be replaced. The patio will also be expanded. There will be additional grading. There will be no expansion of the wall and fence when they are reconstructed.
- Mr. Lynch notes there will be an increase in impervious area creating extra runoff. He asks if drip infiltration is possible.
- Mr. Hochmuth states there is none proposed and there are poor soils.
- Mr. Manzi states something should be done to slow down the water.
- Mr. Hochmuth suggests a crushed stone trench around the court.
- The commission agrees with the addition of this BMP.
- Mr. Napoli states the shed in the No-Disturb Zone should be removed.
- Mr. Mabon asks about the construction of the sport court.
- Mr. Campbell states it will be a concrete slab with interlocking tile on top. It is impervious.
- The commission discusses the existing stormwater structures on site. No maintenance over the years.
- Marie Renee Arakelian of 111 Bear Hill Road asks if the court will be public. Answer is no.
- The Administrator asks if a waiver is needed for the wall and patio replacement.
- Mr. Manzi states waiver not required because structures were there legally and are being replaced in kind.
- A motion to close and issue a decision within 21 days with the plan to include an infiltration trench is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

#### ***Documents:***

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Copy of State and Town Checks*
- *Signatures and Submittal Requirements*
- *NOI Wetland Fee Transmittal Form*
- *Project Narrative prepared by Williams & Sparages dated August 2015*
- *Locus Map prepared by Williams & Sparages dated August 2015*
- *North Andover Conservation Commission Waiver Request Form prepared by Williams & Sparages dated August 11, 2015*
- *Affidavit of Service prepared by Williams & Sparages dated August 11, 2015*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Office dated July 20, 2015*
- *Plan to Accompany s Notice of Intent prepared by Williams & Sparages dated August 12, 2015*
- *Photos prepared by the North Andover Conservation Department dated August 20, 2015*

**24 2-1656, 95 Old Cart Way (Murtha III) (Markey Land Development Consulting) (cont. from 8/12/15)**

- The applicant Thomas Murtha of 95 Old Cart Way is present.
- The Administrator states a COC request has not been submitted nor has an alternatives analysis.
- Mr. Lynch states the old permitted work needs to be closed out before the new work can begin.
- Mr. Manzi summarizes the requests from the last meeting.
- Mr. Murtha states his contractor submitted a letter stating the stairway was rotting and the only alternative is to build off of the back of the deck.
- Mr. Manzi states constructing the old stairs out of composite material in the existing location is another option.
- Mr. Lynch states some of the project could not be constructed as part of the alternatives analysis.
- Mr. Murtha states he does not need the lower deck.
- Mr. Lynch states the stairway could come off of the deck at an angle.
- Mr. Manzi states all construction should be outside the 50' No-Build Zone.
- The commission discusses the cutting of trees in the resource area and the buffer zone. Proof of micro burst submitted.
- Mr. Lynch states there are clear alternatives.
- Mr. Manzi asks the applicant how long he needs.
- Mr. Napoli states the commission can disagree with an alternatives analysis.
- Mr. Lynch states in 20 plus years he has never approved a proposal like this one.
- Mr. Saal states he has stairs constructed entirely of composite material.
- The commission states third party review of the wetland line is a possibility.
- Mr. Murtha states his work does not violate the WPA and waivers can be issued.
- Mr. Manzi states a waiver will be considered when the commission has received a comprehensive alternatives analysis.
- Mr. Murtha states he did not read the prior order because he believed his contractor would pull the necessary permits.
- Mr. Manzi states his best advice is to submit an alternatives analysis and remove the Jacuzzi deck as it is not necessary.
- A motion to grant the request for a continuance to the September 9, 2015 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Letter prepared by Brian Leathe to Thomas Murtha III dated August 18, 2015*
- *Letter prepared by Dennis P. Turmel of Mr. Handyman dated July 9, 2015*
- *Notice of Intent Site Plan prepared by Markey Land Development Consulting dated August 20, 2015*
- *Photos prepared by Thomas Murtha III of 95 Old Cart Way dated August 2015*
- *Photos prepared by the North Andover Conservation Department dated July 16, 2015*

**242-1634, 50 Royal Crest Drive (Pond Redesign) (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 7/22/15) (Request to cont. to 9/23/15)**

- Administrator states the applicant requests a continuance to the September 23, 2015 meeting.
- A motion to grant the request for a continuance to the September 23, 2015 is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

**Document:**

- *E/Mail prepared by Cornerstone Land Consultants, Inc. requesting a continuance to the September 23, 2015 meeting dated August 7, 2015*

**242-1635, 50 Royal Crest Drive (off site Inlet) (AIMCO North Andover, LLC)**

**(Cornerstone Land Consultants, Inc.) (cont. from 7/22/15) (Request to cont. to 9/23/15)**

- Administrator states the applicant requests a continuance to the September 23, 2015 meeting.
- A motion grant the request for a continuance to the September 23, 2015 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

**Document:**

- *E/Mail prepared by Cornerstone Land Consultants, Inc. requesting a continuance to the September 23, 2015 dated August 7, 2015*

**General Business: 9:15 PM**

**242-1601, PCOC Request, 19-21 Cotuit Street (Lot 2) (Seaport Homes, LLC) (TTI Environmental, Inc.) (cont. from 8/12/15)**

- Administrator states the applicant is requesting a continuance to the September 23, 2015 meeting
- A motion to grant the request for a continuance to September the 23, 2015 is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

**Document:**

- *E/Mail prepared by TTI Environmental, Inc. requesting a continuance to the September 23, 2015 meeting dated August 26, 2015*

**NACC#126. 107 Campion Road (Saragas) (Andover Consultants, Inc.)**

- Administrator states the applicant requests a continuance to the September 9, 2015
- A motion to grant the request for a continuance to the September 9, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

**Document:**

- *E/Mail prepared by Andover Consultants, Inc. requesting a continuance to the September 9, 2015 dated August 26, 2015*

**242-1620, 179 Osgood Street (North Andover Historical Society) (TTI Environmental, Inc.)**

- Administrator states the applicant requesting a continuance to September 9, 2015 meeting.
- A motion to grant the request for a continuance to September 9, 2015 is made by Mr. Saal, seconded by Ms. Feltovic.
- Vote unanimous.

- **Document:**
- *E/Mail prepared by TTI Environmental, Inc. requesting a continuance to September 9, 2015 meeting dated August 26, 2015*

***Decision***

**242-1655, 602 Boxford Street**

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

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

***Vote unanimous.***