

North Andover Conservation Commission Meeting Minutes
March 9, 2016

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

Members 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: 7:00 PM Quorum Present.

Approval of Minutes of 2/24/16

- A motion to accept the meeting minutes of 2/24/16 as drafted and reviewed is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

242-1428, Lot 4N-A Turnpike Street (Merrimac Condos) (One Hundred Fourteen Trust)

- The applicant Peter Hingorani of One Hundred Fourteen Trust, Timothy Barlow, Builder and Patrick Garner of Garner Company, Inc. are present.
- The Administrator displays photos taken by the applicant of current site conditions.
- Mr. Napoli recaps his site visits and conversations with Mr. Barlow since December.
- Mr. Garner states that 5,000 cu yd of material have been removed from the site and approximately 6,000 cu yd remain. This does not include the boulders. He states all of this material is needed for phase 4 as there is 6' of fill required in some places with an average of 4-4.5'. He states the boulders will be used for a boulder wall at the front of the site.
- The Administrator states the boulder wall should be approved by the ZBA as a brick wall was shown on the approved plans.
- Mr. Barlow states he will do this.
- Mr. Manzi asks if material was being brought for storage here.
- Mr. Barlow states all of the fill was needed.
- The Administrator states that Mr. Barlow had mentioned that the contractor was bringing material to the site from other sites for processing.
- Mr. Manzi asks how much of what is there will be used.
- Mr. Barlow states might be +/- a bit but should be 100%.
- Mr. Manzi asks where the fill came from and wants to know if it is all clean fill.
- Mr. Barlow states it came from adjacent sites mostly on Berry Street. He assures Mr. Manzi it is all clean fill.
- There is discussion of the area that needed to be restored because it was accidentally excavated.
- Mr. Lynch states it appears this is the last big construction push and that the project should move forward in a controlled fashion.
- There is a discussion of the phasing plan and compliance.

- Mr. Napoli asks that the stockpiles be leveled then construction can proceed.
- Mr. Barlow states there is no way to level the site and do the required work.
- Mr. Lynch states the applicant is running out of space.
- Mr. Barlow states he would like to pour the foundations in order from “p” to “1”.
- Mr. Garner points out the 5 foundations on the plan.
- Mr. Lynch states it would not make sense to handle the material more than once.
- Mr. Barlow states they are working their way out of the site and all of the unsuitable material will leave.
- Mr. Lynch asks what the time frame for finishing the foundations.
- Mr. Barlow states 3-4 months.
- Mr. Lynch states the importance of maintaining the erosion controls.
- Mr. Garner states the material on site is very course and does not rill. He would normally recommend seeding the stockpile but it is not necessary.
- The Commission discusses how many foundations should be signed off on at one time.
- Mr. Barlow states he will be filing for them one at a time.
- Mr. Napoli asks how the boulders will be broken up and that the applicant request a change order from the ZBA for the wall.
- Mr. Lynch asks if this is a retaining wall.
- Mr. Barlow states it is a sound/privacy barrier 8’ high. He states the site contractor would want the stone if could not be used. He states there would be no rock crushing on site.
- The commission agrees the applicant may move forward with phase 4.

Documents:

- *Photos prepared by the North Andover Conservation Department dated February 10, 2016*
- *Phasing & Erosion Control Plan prepared by Patrick C. Garner Company, Inc. dated January 25, 2010, last revised August 21, 2013*
- *Photos prepared by Timothy Barlow taken 3/9/16*

Small Project

NACC#168, 21 Amberville Road (Carroll)

- The Administrator presents the proposal to replace a deck in kind and plant native landscape plants. She states all work is outside the 25’ No-Disturb Zone. She states the applicant has proposed plantings that are not native but this could be conditioned and a revised list submitted.
- Mr. Lynch notes that the deck is proposed on grade with no footings and may degrade quickly.
- Mr. Saal states the lot is very level and erosion control is likely not needed..
- A motion to accept the filing as small project 4.4.2 B & G is made by Mr. Manzi, seconded by Mr. Lynch.
- A motion to grant the small project as proposed with conditions for pre& post construction inspections and with a requirement that all plantings be native species is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*

- *Small Project Procedures*
- *Copy of Town Check*
- *Project Description dated March 2, 2016*
- *Letter prepared by Thom McMullen of Landscape Architect A. S. L. A. dated March 2, 2016*
- *Plant Key prepared by Thom McMullen of Landscape Architect A. S. L. A. dated March 2, 2016*
- *As-Built Site Plan dated June 12, 2003 with edits*
- *Photos prepared by the North Andover Conservation Department dated March 8, 2016*

Notice of Intent (NOI)

242-1672, 492 Sutton Street (Lawrence Municipal Airport) (Stantec Consulting Services, Inc.) (cont. from 2/24/16)

- The Chairman Mr. Napoli abutter recused (abutter). Mr. Manzi (Vice Chair), serves as acting Chairman.
- The applicant Michael Miller Manager of the Lawrence Municipal Airport and David Rich of Stantec Consulting Services, Inc. are present.
- The Administrator states the Order of Conditions has been drafted and reviewed by the NACC's third party consultant.
- Mr. Manzi asks if there are abutters who wish to comment. None present.
- A motion to close and issue a decision within 21 days is made by Mr. Saal, seconded by Mr. Manzi.
- Vote unanimous.

242-1674, 121 Millpond Townhomes (Property Management of Andover, Inc.) (Civil Design Consultants, Inc.) (cont. from 2/24/16)

- The applicant William Anderson of Millpond Homeowners Association is present.
- The Administrator reviews the planting plan and the phasing of the plantings with the commission. She states the submitted written proposal did not include a requirement for native plantings or permanent monumentation and states that the planting area next to the pond would only be 5' rather than the 10' the commission requested. She states these things can be conditioned in the Order.
- Mr. Anderson is in agreement with the conditions the Administrator reviewed.
- Mr. Mabon states the plan contains discrepancies but if conditioned will be a good project.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Document:

- *Planting Proposal for Millpond Wet Areas – submitted via email on February 29, 2016*

242-1676, Lot 1 Hillside Road (Winslow Drive Realty Group, LLC (Rimmer Environmental Consulting, LLC) (cont. from 2/24/16) (Request to cont. to 3/23/16)

- Administrator states no additional information received.
- A motion to grant the request for a continuance to the March 23, 2016 meeting is made by Ms. Feltovic, seconded by Mr. Saal.

- Vote unanimous.

Document:

- *E/Mail prepared by Rimmer Environmental Consulting, LLC request for a continuance to the March 23, 2016 meeting dated March 8, 2016*

242-1675, Lot 2 Hillside Road (Winslow Drive Realty Group, LLC) (Rimmer Environmental Consulting, LLC) (cont. from 2/24/16) (Request to cont. to 3/23/16)

- Administrator states no additional information received.
- A motion to grant the request for a continuance to the March 23, 2016 meeting is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote unanimous.

Document:

- *E/Mail prepared by Rimmer Environmental Consulting, LLC request for a continuance to the March 23, 2016 meeting dated March 8, 2016*

242-1671, 2302 Turnpike Street (Earthworks, Inc.) (Williams & Sparages) (cont. from 2/24/16)

- The applicant Dan Gill of Earthworks, Inc. and Chris Sparages of Williams & Sparages are present.
- The Administrator recaps the peer review process that has been ongoing since the last meeting.
- Mr. Sparages reviews the changes to the stormwater management system as a result of peer review. He states he has completed a verification of the soils on site and has confirmed that the structures are above the seasonal high groundwater.
- Mr. Lynch notes that the LID measures that are part of the stormwater system are not onsite.
- Mr. Sparages states the LID component is not part of meeting the stormwater standards. It treats roadway runoff and is within the right of way but will be maintained by the applicant. He also notes that the retaining walls that were previously on the downhill side of the stormwater basin have been moved to the uphill side of the basin.
- The Administrator asks if the level spreader will be in the 50' No-Build Zone and if the slope will extend into the 25' No-Disturb Zone.
- Mr. Sparages states the erosion control, now proposed to be silt sock with sit fence will be upgradient of the 25'. He states there is a detail of the berm of the basin on sheet 11 of 19. He states roof runoff will not be infiltrated under the parking area which will result in more clean water. He distributes a new color plan to the commission.
- Mr. Lynch asks if a mounding analysis is needed with an infiltrator behind the retaining wall.
- Mr. Sparages states with a good distance to groundwater and an overflow to the level spreader, a mounding analysis is not needed.
- Mr. Lynch asks about the sub-base.
- Mr. Gill states it will be structural.
- Mr. Lynch notes that mulch is proposed in the rain garden.
- Mr. Sparages states that in lower part of the rain garden he will plan grass. But that in the upper part some mulch may be used.
- The Administrator states that a final list of native plants can be agreed upon prior to construction.

- The Administrator recommends keeping the hearing open until the Planning Board closes.
- A motion to grant the request for a continuance to the April 13, 2016 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by Williams & Sparages response to Stormwater Review by Eggleston Environmental dated March 3, 2016*
- *Earthworks Site Development Location Plan prepared by Williams & Sparages dated March 8, 2016*

242-1629, Modification Request, 4W High Street (RCG West Mill NA, LLC) (Horsley Witten Group)

- The applicant David Steinbergh of RCG West Mill NA, LLC and Seth Zeren of RCG West Mill NA, LLC are present.
- The Administrator states that Eggleston Environmental has already reviewed the proposed changes and finds them to be insubstantial.
- Mr. Steinbergh states they are learning more about the site and feel that a less complicated stormwater system could be implemented without compromising functionality. The changes proposed are more about configuration. He states Eggleston Environmental wrote that there would be no negative impact as a result of the changes.
- Mr. Mabon states that the Horsley Witten Group letter is adequate and he states he is fine with Lisa's recommendation that this be a minor modification.
- The Administrator asks about the decking that was removed.
- A motion to issue the minor modification is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter prepared by David Steinbergh of RCG, LLC requesting a minor modification dated February 24, 2016.*
- *Letter prepared by Jonathan A. Ford, P.E. of Horsley Witten Group, Inc., Re: West Mill Redevelopment, 4 High Street, North Andover – Design Update DEP File # NE-242-1629, dated February 4, 2016.*
- *Email prepared by Lisa D. Eggleston, P.E., of Eggleston Environmental, Re: Revisions to West Mill Center Lot Plan North Andover, dated February 22, 2016.*
- *Plans titled: West Mill Redevelopment Construction Plans, Prepared by Horsley Witten Group, Inc., Sheets C 1-13, revised 12/15/15.*

242-1169, COC Request, 2357 Turnpike Street (The Meadows) (Valley Realty Development) (GZA Environmental, Inc.)(cont. from 2/24/16) (Request to cont. to 3/23/16)

- A motion to grant the request for a continuance to the March 23, 2016 meeting is made by Ms. Feltovic, seconded Mr. Lynch.
- Vote unanimous.

Document:

- *E/Mail prepared by Susan Mesiti of Real Estate Results, Inc. request for a continuance to the March 23, 2016 meeting dated March 8, 2016*

242-1447, COC Request, 2357 Turnpike Street (The Meadows) (Valley Realty Development) (GZA Environmental, Inc.)(cont. from 2/24/16) (Request to cont. to 3/23/16)

- A motion to grant the request for a continuance to the March 23, 2016 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

Document:

- *E/Mail prepared by Susan Mesiti of Real Estate Results, Inc. request for a continuance to the March 23, 2016 dated March 8, 2016*

242-1559, Extension Request, 40 Sugarcane Lane (LaGrasse Family Realty Trust) (cont. from 2/24/16)

- The applicant Joseph LaGrasse of 40 Sugarcane Lane is present.
- Mr. Lynch states the commission should dispense with the enforcement matter first.
- The commission addresses the Enforcement Order (see below).
- A motion to issue the one year extension is made by Mr. Manzi, seconded by Ms. Feltovic.
- Mr. Saal calls for discussion.
- Vote unanimous.
- ***Document:***
- *E/Mail prepared by Joseph LaGrasse request an extension for one year dated February 9, 2016*

Enforcement Order

40 Sugarcane Lane

- The applicant Joseph LaGrasse of 40 Sugarcane Lane states that he has done everything required by the Enforcement Order.
- Mr. Manzi states Mr. LaGrasse did not follow the sequence outlined by the Order of Conditions.
- Mr. LaGrasse states that he would have planted the required plantings last fall but the plants left at the end of the season were not good stock.
- Mr. Lynch states since the offenses did not result in any wetland impact he would discuss a reduction in the fine.
- The Commission discusses a reduction to the \$500 fine.
- Mr. Lynch suggests that Mr. LaGrasse pay the fine for a single violation which is \$100.
- Mr. Manzi agrees and states he believes the applicant understood the Commission's message and expects cooperation going forward.
- A motion to reduce the fine down to \$100 dollars is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to release the Enforcement Order is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- The Commission resumes the meeting on the request for an extension (see above).

Documents:

- *The applicant Joseph LaGrasse paid the fine of \$100.00 at the meeting*

- *Plot Plan in North Andover, MA 40 Sugarcane Lane, Prepared by Hancock Survey Associates, Inc., dated 12/22/15*

Bylaw Regulations Revisions

- The Administrator reviews the process of sending the draft regulation to town counsel for review. Town counsel stated they had no issue with revision.
- A motion to accept the drafted stormwater section 7 in the regulations and make it effective March 23, 2016 is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Document:

- *Draft of Section 7 of the North Andover Wetland Protection Regulations*

Decision

242-1672, 492 Sutton Street

- Mr. Napoli recuses himself (abutter).
- Administrator reviews the draft Order of Conditions.
- The Commission discusses changes to the Order.
- The Commission accepts Order of Conditions as amended.
- A motion to accept the Order of Conditions as amended is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

Review EAB tree removal and traps (DCR)

- The Administrator requests the Commission approve the felling of one dead ash tree and installation of traps to detect Emerald Ash Borer (EAB) on the property. The request was made by DCR.
- The Commission would like DCR to share their findings.
- A motion to approve the request to fell a tree and install traps at Mazurenko Farm for EAB is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *E/Mail prepared by Michael Luibil of Department of Conservation and Recreation dated March 4, 2016*
- *Friends of North Andover Trails Locus Map showing location of tree to be removed dated March 4, 2016*

Sign Estoppel Certificate for Brightview

- The Administrator explains that Brightview is refinancing debt and needs certification that the Conservation Restriction is in compliance.
- A motion to authorize the Chairman to sign the Estoppel Certificate on behalf of the Commission is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

Document:

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