

**North Andover Conservation Commission Meeting Minutes
January 9, 2019**

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

Members Absent: Sean F. McDonough and John T. Mabon

Staff Member Present: Jennifer A. Hughes, Conservation Administrator

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

Pledge of Allegiance

Acceptance of Minutes

- A motion to accept the minutes of December 12, 2018 as reviewed and amended is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Small Project

NACC #226, 722 Great Pond Road (Johnson)

- The Administrator states this second floor deck currently does not have posts that touch the ground. The house was built in 1955. The deck joists go straight into the house and are rotted, transporting water inside the house. The proposal is to install a steel beam with helical piles in the ground from the second floor. The project is inside the No-Build Zone.
- Mr. Ronald Johnson the homeowner is present to answer questions.
- The Administrator states the wetland does extend into the backyard. There is a potential vernal pool in the back corner and suggests a few shrubs to protect the area.
- Mr. Johnson states that the picture shown was taken in the fall or winter and that in the summer it naturally fills in.
- The Administrator states there is nothing in the yard that is a violation and suggest wetland markers at the tree line.
- Mr. Manzi states plantings acceptable to the Administrator should be required.
- The Commission decides 3 shrubs should be adequate.
- A motion to accept this as a Small Project B is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote 5-0 Unanimous.
- A motion to approve the small project permit as proposed is made by Mr. Manzi and seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *Small Project Checklist w/Supporting Documents*
- *Aerial Photo, dated January 8, 2019*

NACC #227, 350 Forest Street (Logan)

- The Administrator states this is an After the Fact Filing for a stone wall extension as part an of an Enforcement Order remedy. She states the plans submitted are not entirely accurate and provides aerial photos for the Commission to review. The Administrator states that 50' was added onto an existing wall and it does not appear to be depicted accurately based on aerial photos.
- The Administrator provides the Commission with photos of the wall.
- The Commission discusses the plans used for the small project, the plans are from an old septic system filing.
- Mr. Manzi questions if the drawings are to scale.

- The Administrator states they are not to scale.
- Mr. Lynch confirms that the addition to the wall on the drawings differ from what the pictures show. The wall does not provide physical barrier to the wetland but that it is a sideline barrier. He questions if the distance from the wall to the 50' No-Build Zone is known and if the wall is within the 25' No-Disturb Zone.
- The Administrator states the measurement is unknown and the wall is not in the 25' No-Disturb Zone and the wellhead shown on the delineation plan marks the edge of the wetland.
- The Commission discusses the reason for the construction of the wall and the scale of the plans.
- Mrs. Logan states they called the town when the original wall was built, not for the extension. The wall was built for esthetic purposes and is 3 feet tall.
- Mr. Lynch states the plan needs to be modified and cleaned up for the record. He explains to the applicant what they need to do in order to get the proper placement of the shed on the plans.
- Mr. Logan states they received a variance from the ZBA for the shed
- Mr. Lynch asks why the shed plans weren't used for this project. He suggests the applicant get a copy of the plan.
- Mr. Napoli states the Commission cannot accept the plans for the Small Project, the plans are inaccurate.
- The Administrator states the shed was legally placed. She's not sure if there's a ZBA file for the placement but will look into it for the applicant. There are other items in the field a measurement can be taken off. The plan needs to be accurate for the record.
- Mr. Saal asks if the property has been marked by a surveyor.
- Mrs. Logan states the property was surveyed when the addition was built and the side of the property was surveyed again approximately two years ago.
- Mr. Napoli states if the applicant can't provide the necessary documentation, the applicant will need to apply for a Request for Determination of Applicability.
- A motion to continue until January 23, 2019 is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *Small Project Application w/Supporting Documents*
- *Plot Plan, dated January 8, 2019*

Abbreviated Notice of Resource Area Delineation

242-1741, ANRAD Request, 0 Turnpike Street (Map 9, Parcel 20) (Bay Development, LLC)

- The applicant requested a continuance via email.
- A motion to continue until January 23, 2019 is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *Email from ghochmuth@wsengineers.com requesting a continuance until 1/23/2019*

242-1744, ANRAD Request, 1600 Osgood Street (Goldstein)

- Mr. Manzi has recused himself from the discussion due to a conflict of interest.
- The Administrator states at the prior meeting the Commission requested hatching be added to the plan to show where the delineation is not being confirmed. This has been done and the commission received the revised plan. The applicant is also requesting a fee waiver.
- Mike Howard, Epsilon Associates presents on behalf of the applicant and states the filing is only for confirmation of the wetland line, no work is purposed. He states the filing was continued due to the lack of DEP #, hatching on the plan and relief from the filing fee. The wetlands on this property have been reviewed several times by the Commission over the years and are well defined with easy access. A formal waiver request of the bylaw fee was drafted for the Commission. With strict interpretation of the regulations the fee would have totaled \$17,000.00. He is asking the Commission to accept \$3,012.50 to cover the costs associated with the Commission and its paid professional staff to review and approve the proposed wetland delineation.

- The Commission discusses the bylaws which establish fees and the fees needed to satisfy the administrative burden to review the permit.
- The Administrator states the Field Inspector and she spent approximately 3-4 hours in the field.
- Mr. Howard states he wants to be respectful with his request to the Commission and states after he confirmed with the Administrator he billed for 6-8 hours.
- Mr. Lynch states the Commission doesn't normally relax/waive fees but that this project is not your typical project, it has been reviewed several times prior.
- Mr. Napoli states the fee should be reasonable and suggests a fee of \$5,000.00.
- Mr. Howard states they are happy to accept any relief the Commission is willing to give. If \$5,000.00 makes the Commission comfortable, he's sure his client will be comfortable paying the addition money.
- The Commission discusses the filing fees.
- A motion to grant a waiver of the filing fees requiring the amount of \$5,000.00 under the local bylaw is made by Mr. Lynch, seconded by Mrs. Feltovic.
- Vote 4-0 Unanimous, Recused; Mr. Manzi.
- A motion to confirm the delineation as shown on the plan dated December 12, 2018 for Bordering & Isolated Vegetated Wetland, Mean Annual High Water/Riverfront, Bank and Bordering Land Subject to Flooding is made by Mr. Lynch, seconded by Mrs. Feltovic.
- Vote 4-0 Unanimous, Recused; Mr. Manzi.

Documents

- *Request Fee Waiver, dated January 3, 2019 prepared by Epsilon Associates*
- *Revised ANRAD Plans, dated December 10, 2019 prepared by Langan*

Notice of Intent

242-xxxx, 430 Osgood Street (Town of North Andover)

- The Administrator states the file has not been assigned a DEP #. The Planning Department has a return receipt showing the application was mailed and received by DEP despite the fact they say they it wasn't received. The Administrator reached out to DEP but has yet to hear back and plans to follow up with them. She states the commission cannot issue a permit without the DEP # but they can still review the project.
- Mr. Lynch questions if DEP doesn't have the transmittal form or the application.
- The Administrator states because this is a town project there is no fee transmittal. She emailed DEP asking if the fee form should have been sent with exempt on it. DEP responded back stating the application was never received. The application has since been emailed to DEP and a hard copy will be mailed.
- The Administrator states this is the final piece of the Mills to Hill Trails that will connect the East Mill to Weir Hill. The resource areas on this part of the trail are more sensitive because it's right on the edge between the High School field and Cochichewick Brook. The plan was done by a professional engineering firm, the wetland was delineated and the site has been walked. The path will be stone dust, there is a SWM Plan and an O&M Plan that goes along with it.
- Jean Enright presents on behalf of the North Andover Planning Department and states in a previous meeting the Commission approved other segments for the RCG property, Walker Road and Trustees of the Reservation. This is the last piece to connect all the segments to have a multi-use path for pedestrian and bike access from Stachey's to Weir Hill. The path will be constructed using stone dust. It is designed to be a 3' wide stone dust path from the overpass at the High School to the outside of the football/lacrosse field. It will extend down near the baseball field using the existing High School driveway to Osgood Street connecting to the Trustees land across the street. They are requesting a waiver of the 25' No-Disturb Zone to construct the path. The drawings were done by an engineer for this segment, this is the only segment that was done by an engineer. There is a small section of the trail that will require a stone wall to retain the section of land. The intent is to keep the path to 36" wide, the path is essentially created due to the fact that a lot of lacrosse spectators watch from that side of the field. They would like to ensure there is enough room for spectators as well as room for the path. The project was reviewed and approved by the School

Committee, they are supportive of a trail access across their property. The School Committee has a few conditions one of which is that they will not fund the trail construction or maintenance. They've also requested signage stating "No Dogs Allowed" on the path which is consistent with school property. An Alternatives Analysis was done to get to Weir Hill which consisted of utilizing streets.

- Mr. Lynch asks if the DPW will be constructing the path or if it will be hired out.
- Mrs. Enright states that DPW will be overseeing the construction and will bid this section out.
- Mr. Lynch states the Commission will require the OOC for the NOI to be part of the bid documents. He questions if these are the plans that will go out for bid.
- The Administrator states they have an erosion control and sedimentation plan. The plans before the Commission are the plans that will go out for bid.
- The Commission discusses the RT. 125 overhead crosswalk.
- Mr. Saal questions the need for the trail when there's already a trail around the field. He's walked the area and never received any negative comments about its use.
- Mrs. Enright states the area is more of a spectator standing landing. She states the trail was funded by the CPC Committee in 2014 and that it has taken quite some time to get to this stage. She states they recently did a Master Plan and this is very consistent with the goals of the Master Plan including connectivity, walking trails and bike paths.
- The Administrator states it is one thing for a person to pass through the area and another to mark it as an official trail receiving heavier use. The Alternatives Analysis states because the trail would be open to users at all times of day the School Committee would not allow the trail to pass through the school property proper. She states the trail is envisioned as a multi-use trail.
- Mr. Lynch asks if the trail is intended to be open year round.
- Mrs. Enright states the use of stone dust will delineate the trail as the trail to Weir Hill. It is not intended to be a year round trail and will not be plowed in the winter.
- Mr. Lynch states the Commission will condition the path not to be cleared.
- A motion to continue until January 23, 2019 is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *Alternatives Analysis, dated November 29, 2018 prepared by North Andover Planning Department*
- *Notice of Intent Application, dated November 28, 2018 prepared by The Engineering Corp*
- *Site Plans dated November 28, 2018 prepared by The Engineering Corp*

242-1745, 350 Winthrop Street (RDM, Inc.)

- The Administrator states Market Basket replaced the culvert at the other entrance and it has since received a Certificate of Compliance. This proposal deals with the rest of the area including the swale/stream that runs through the parking lot. The DEP comments issued for this project have been printed for the Commission.
- Peter Ellison, TEC, Inc. present on behalf of the applicant. He states they were before the Commission several years ago to replace the southerly culvert and that a COC was received. Due to the comments they received from DEP they will likely change their approach to the project. Mr. Ellison's client is not interested in filing with Army Corps or MEPA to accomplish what is shown on the plan C1 & C2. They are likely to move forward with the Northerly Culvert which is shown on sheet C3.
- The Commission discusses the procedure moving forward with the proposed project.
- The Administrator questions if the proposal would remain the same for the culvert replacement.
- Mr. Ellison states the proposal on sheet C3 would remain the same.
- Mr. Lynch questions how this would negate the involvement of the Army Corps.
- The Administrator states the Army Corps comes strictly from the dredging and reconstruction of the perennial stream. She states for this to be a restoration project DEP would be looking for more environmental benefit from the project.

- The Administrator states before the proposal is withdrawn or changed she would like the opportunity to have a conversation with DEP. She feels there are benefits to some of the proposal. Her concerns with the other end of the project are due to the fact the current culvert dumps over the bank into the Shawsheen River. There are some issues to be worked out but she feels the project is worthy of discussing.
- Mr. Lynch comments about the parking lot land area that was once part of the resource area. He believes lots of restoration opportunity exists and that it would be a missed opportunity to clean things up. He questions if a prior meeting with MassDOT happened due to this upcoming project.
- The Administrator states they tried to work together to have the projects happen at the same time but it didn't work out.
- Mr. Ellison states the proposed project is somewhat intertwined with MassDOT. The new MassDOT catch basins will tie into existing pipes that will discharge into the stream. The plan was to clean the stream out. The pipes are clogged with sediment and the large pipe that comes across is barely visible. The elevation of the bottom of the stream is at the top of the pipe, and 36" of the pipe is buried in sediment.
- The Commission discusses the clogged catch basins on Rt. 114 and the need for them to be cleaned.
- Mr. Lynch confirms the proposal would be to pick up where the other project left off at the southern driveway. The channel along a waterway would be cleaned out adding a slope to move it through while collecting water from the MassDOT Highway. Once the water is collected the deep sumps on the highway will keep the sediments in place preventing them from migrating into the proposed project. The new no stockpiling area in the plaza will prevent sediments from the parking lot. It will allow the new water to remain clean except for the maintenance of litter. At the other driveway on the northerly culvert they propose to replace the culvert to stream standards and reestablish a channel.
- The Administrator questions the existing grade where the bank and river meet as well as how it appears in the proposal.
- Mr. Ellison states they would like them to have a smoother transition.
- The Administrator states her concerns once it goes over the bank it's still a pretty steep drop which raises concerns with bank erosion.
- Mr. Ellison states there are a few reasons for the approach with the culvert. The culvert is very close to the gas station property line so that replacing the culvert in place could cause impact to the property. It's a shorter culvert which is less costly and easier to construct. The existing culvert can remain in place to carry the flow during construction and be transferred over at the end.
- Mr. Lynch states this area is where they stockpile snow on heavy winters and the practice would need to be modified.
- Mr. Ellison states one of the considerations is to avoid the snow stockpile area.
- The Administrator states per the plans the area is quite large giving them other areas to stockpile snow and that signage can be used to prevent stockpiling in the swale. She suggests overlaying the plans on an aerial photo.
- The Commission discusses the stockpile area.
- A motion to continue until January 23, 2019 is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *NOI Application, dated November 29, 2018 prepared by The Engineering Corp*
- *Stream Restoration Proposed Grading Plan, dated November 29, 2018*
- *DEP Technical Comments*

242-1746, 495 Main Street (Town of North Andover)

- Craig Miller and Jacob Murray, Waterfield Design Group present on behalf of the applicant.
- The Administrator presents the Commission with presentation plans of the recreation complex and photos from the wetland area.
- Mr. Miller presents a summary of the project

- Mr. Murray states the wetland line was flagged by Norse Environmental several years ago. The site has been walked recently with the Administrator and the flags were reconfirmed. The existing pavement is on the 25' No-Disturb Zone and this line will be held with the new layout. The parking will be expanded away from the wetlands and the Buffer Zone. The area will be reconfigured and repaved with drainage improvements. The amount of pavement will be the same within the 100' Buffer Zone, 50' No-Build Zone and 25' No-Disturb Zone. To treat the water they will meet all the North Andover and DEP standards for water quality and quantity. This will be done through deep catch basins, proprietary separators and infiltration chambers. The plans show the entire drainage network with the catch basins (orange squares), manholes (yellow, circles) and proprietary separators (purple, dots). As the water is collected it will be treated before it goes to the infiltration chamber (cyan, rectangles). The quantity and volume will be reduced through infiltrating and the quality will be improved taking out the fines and the total suspended solids to 80%. There are other drainage networks through the site. There is a long one near the 100' Buffer Zone which will be collected by a series of pipes and transmitted to the infiltration chamber. It will be a paved area that has been reconfigured so the island inside the parking lot meets what's best for traffic by North Andover standards.
- The Administrator states that in two weeks the project will go before the Planning Board for site plan review and believes the drainage will be reviewed.
- Mr. Lynch states it's a good project but the entire area is a perched water table.
- The Administrator states they will start the process and the Commission will be involved with what comes out of the review.
- Mr. Lynch states the Commission's jurisdiction is limited to the wetland buffer zone, and the high ground water is what makes the wetland exist. He questions how the volume of water can get in the ground without affecting the abutting properties and abutting wetlands.
- Mr. Miller states they have done the research with extensive soil testing on the site before locating the underground drainage structures. It is a challenging site based on the engineering. They are confident they can make it work for North Andover.
- Mr. Lynch questions the under drains of the fields and the infiltration in the same area.
- Mr. Murray explains the existing grass field absorbs some of the water and some runs off but most runs into the grass. When going with synthetic, the synthetic turf drains the field. The water either sits in the soil or gets discharged, this is the purpose of the under drains. The chambers underneath take the water away from the turf, collecting it in the infiltration system allowing them to store the water and infiltrate over time.
- Mr. Miller states the infiltration chambers are large because of the bad soil.
- Mr. Lynch states drainage in the parking lot was a big concern when the Middle School was expanded. He feels they are adding additional infiltration to account for this issue.
- Mr. Miller states when the holes for the infiltration chamber are dug they will have a lot of fill. This will allow them to raise the profile of the fields. As the profile is raised it will give them more separation between the groundwater and the proposed drainage system.
- Mr. Lynch asks if the project is with DEP for review.
- The Administrator states they have received a file number but given the limited jurisdiction DEP may not have any comments. Her only comment is the first time the wetlands were reviewed they noticed a path used by the school kids. The second time it appeared as if a truck had driven into the wetlands from Woodbridge Road and dumped yard debris. She suggests that something should be done to prevent vehicular access to the area. The project has not gone before the Planning Board and they have a lot more jurisdiction over the site from a site plan review standpoint. The Stormwater Review will be coming and she expects they will hear from abutters.
- Mr. Lynch questions if the project will be funded with CPC money.
- The Administrator states it is and was voted on last spring at the town meeting.
- Mr. Napoli questions if the project will go out for third party review and if Planning and Conservation will use the same person.
- The Administrator states it will go out for third party review. Horsley Witten is one of the towns new peer reviewers and thinks they will get the project.

- Mr. Napoli states his main concern is the edge of the woods where the wetlands are. He questions if the project will go beyond the existing pavement and if there will be more parking.
- Mr. Miller states they are going to reconfigure the parking lot, staying within the existing footprint.
- Steve Legal, 26 Hemlock questions how much higher the profile of the field will be.
- Mr. Murray states in the area near Hemlock the profile will be lifted about 1'. There will be swales with collection points to prevent runoff onto abutter's property. The water will then go back into the infiltrators.
- Kim Reardon, 62 Parker Street states the woods are flooded after a big rainstorm or when the snow melts. She asks if the parking lot is not extended into the woods, will it be extended in the opposite direction. If so does this means they will be cutting into the hill which will add more pavement. She expresses her concerns with more pavement and less grass to absorb the water. She inquires on the blue and pink ribbons tied to the trees in the woods.
- Mr. Miller states the infiltration chambers shown on the plans will capture every single drop of water generated by the new pavement, none of it will leave the site.
- Mr. Murray states the pink ribbons in the woods are wetland flags to identify the edge of the wetland. The blue ribbons are old wetland flags. They are required by code to update the wetland flags if the older ones are outside of 12 or 24 months.
- The Administrator states the wetland was flagged in 2017 during the planning phase.
- Mr. Legal questions how it's possible the water doesn't leave the site and if there's a similar system in place in town.
- Mr. Miller states they have developed a system of manholes, pipes and catch basins to catch the parking lot drainage bringing it to an internal underground chamber with gravity. The water will go back into the ground and will require no pumping.
- Mr. Lynch states the proposal can't change or alter the drainage pattern that makes it worse. The project won't solve an abutter's problems but it can't make it worse. The project drainage will be reviewed by a third party and some changes could be made. A large project happened at Merrimack College to improve the football stadium, parking areas and dorms. The applicants were held to the same standard to protect abutters in the Town of Andover.
- Mr. Legal states he's heard the upper field at the High School near the Fire Station is soggy.
- The Administrator states the Commission permitted both of the High School fields which rely on underground drainage and that she hasn't heard of any issues with them.
- Mr. Lynch states the when the systems are done right and maintained they work. The O&M Plan is important to the project as well as the Towns understanding of the O&M Plan.
- Mr. Miller states the bulk of the drainage on the site is the fields. The parking lot drainage is susceptible to bad maintenance, sedimentation and clogging and is roughly 1/3 of the drainage.
- Mr. Legal questions how this amount is measured and if the turf will have ground up tires in it, he's heard ground up tires can be a carcinogen.
- Mr. Manzi states the pre and post run off have to equal and is measured by math.
- Mr. Miller states the turf may have ground up tires in it.
- Mr. Lynch hasn't heard anything about the ground tires being a carcinogen. He heard the professional and college teams in the warmer climates have ripped up the turf and replaced them with white ground up rubber because of the heat.
- Mr. Miller states the turf material hasn't been chosen yet and they still have time to choose either black or white rubber.
- Steve Faucher, 50 Parker Street expresses his concerns with the traffic and the parking this will create on Parker Street. He states that even with "Do Not Enter" signage people still enter the parking lot the wrong way. He expresses his dislike of the project stating the funds could be used elsewhere in the town for improvements.
- Mr. Lynch states the Conservation Commission does not have the jurisdiction regarding these issues and they need to be addressed at the Planning Board Meeting.

- Matthew Richardson, 30 Spruce Street states he has water flowing through his basement and questions if they have looked at the broader area of what the flow is. He asks if the recreation complex will affect the flow of things that are naturally flowing.
- Mr. Miller states they are not looking at ground water.
- Mr. Saal raises his concerns with the fresh water table in the area and that more water cannot be added to the system.
- A motion to continue until January 23, 2019 is made by Mr. Lynch, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *Certified Abutters List*
- *Presentation Plans, dated January 9, 2019 prepared by Waterfield Design Group*
- *Notice of Intent Checklist*
- *Notice of Intent Narrative, dated December 2018 prepared by Waterfield Design Group*
- *Notice of Intent Permitting Plans, dated December 20, 2018 prepared by Waterfield Design Group*
- *SWM Plan, dated December 2018 prepared by Waterfield Design Group*
- *SWPPP and EC Plan, dated November 2018 prepared by Waterfield Design Group*

242-1747, 42 Vest Way (Wieners)

- Fred Hancox, Hancox Kitchens & Construction presents on behalf of applicant. Bill Manuell of Wetlands & Land Management, Inc. is unable to attend tonight's meeting due to a scheduling conflict.
- The Administrator states this is a Waiver Project in the No-Disturb and No-Build Zone. The house was permitted by the Commission in 1985 and was built this close to the wetland. It has a PCOC from the subdivision. There are appurtenant structures off the back of the house and the building files have been checked, nothing has been found stating it's not in compliance.
- Mr. Hancox states they are looking to demolish an existing sunroom, deck and patio to construct an addition and directing the roof runoff into an infiltration system.
- The Administrator asks if they will be removing the additional 8 feet of asphalt that extends beyond the existing garage. The removal of this could be beneficial to the Commission.
- Mr. Hancox states the driveway portion leading to the deck will be removed as it won't serve a purpose. The driveway pavement may need to remain for garage turnaround purposes.
- Mr. Lynch asks for clarification of the proposed plans and states he believes the additional asphalt probably serves as a means of a hammerhead.
- Mr. Hancox states after the removal of the existing sunroom, deck and patio a new living space will be constructed in place of the former features.
- Mr. Lynch questions where the 50' No-Build Zone is on the plan.
- The Administrator states it runs directly through the middle of the house.
- Mr. Lynch states the removal of as much of the asphalt as possible would be an improvement.
- The Administrator states a thorough Alternatives Analysis was done showing other possibilities that were considered. She asks if the distance was considered from the cultec chambers to the septic system.
- Mr. Hancox states he believes the distance was taken into consideration.
- The Administrator states she has spoken with the homeowner about the lack of a Buffer Zone and creating a Buffer Zone Enhancement Plan. She suggests a 10' shrub Buffer Zone along with posts and markers to protect the resource area. From past conversation the homeowner seems to be in agreement with this.
- Mr. Hancox questions if a fence would be needed.
- The Administrator states that wooden posts with wetland markers are sufficient.
- The Commission discusses the Project Waiver Request.
- A motion to continue until January 23, 2019 is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote 5-0 Unanimous.

Documents

- *CC Site Plan, dated December 4, 2018 prepared by Vineyard Engineering & Environmental Services Inc.*
- *SWM Report, dated December 4, 2018 prepared by Vineyard Engineering & Environmental Services Inc.*
- *Notice of Intent Application, dated December 2018 prepared by Wetlands & Land Management, Inc.*
- *Original Plan*
- *Revised CC Site Plan with Shorter Addition, dated January 8, 2019 prepared by Vineyard Engineering & Environmental Services Inc.*

Request for Determination of Applicability

46 Foster Street (Margolycz)

- Mr. Manzi has recused himself from the discussion due to a conflict of interest.
- The Administrator states the proposal is to fill in an existing pool on the property.
- Greg Hochmuth, Williams & Sparages presents on behalf of the applicant with the site contractor Tim Breen.
- The proposal is for the removal of the swimming pool along with a small patio that surrounds the pool and some stairs. The property has sloping terrain with wetland resource areas directly below. An access road will be constructed around the left side of the house, down towards the pool. There will be no stockpile, the material will be loaded directly into the truck and removed from the site. A stone construction entrance has been suggested to clean the truck tires before getting back out to Foster Street. The wetlands at the bottom of the hill follows the rear of a stockade fence, a 12" diameter mulch sock with silt fence has been proposed along the inside of the fence. Once removed the area will be regraded and stabilized.
- Mr. Lynch questions if there is a wetland to the left of the mulch sock and if they will be bringing material in for fill.
- Mr. Hochmuth state there is no wetland to the left of the mulch sock, Mosquito Brook is approximately 700 feet away. He states there is flood plain which they will not be filling and that some material will be brought in. There is an existing field stone wall 8-10' off the house that is starting to fall in spots. The plan is when the construction access road is in place to keep the slope in place going over the wall so the wall wouldn't continue to fall.
- Mr. Lynch questions the limit of regrading.
- Mr. Breen states they will bring in under 100 yards of fill material. The mounded area around the pool will not be flattened out. It will be moved around to make a more uniform slope.
- Mr. Napoli suggests a stockpile be added to the plans to keep the project moving. He also requests the construction entrance be added to the plans.
- Mr. Hochmuth states he will add the stockpile and construction entrance and submit a revised plan.
- Mr. Lynch requests a line be placed on the plan showing the distance from the wetland line to the erosion controls.
- Mr. Hochmuth will add dimension to the plan per the Commission's request.
- Mr. Saal questions if there's any tree work purposed for the construction access.
- Mr. Breen states no tree work purposed. There is approximately 12 feet of clearance on the left side of the house.
- Mr. Hochmuth states they are hoping to do the work this winter under frozen ground conditions.
- The Commission discusses ground conditions for construction.
- A motion is made to issue a Negative Determination #3 as proposed with conditions for pre and post construction inspections, a plan showing construction access and a construction schedule with work to be done under frozen conditions is made by Mrs. Feltovic, seconded by Mr. Saal.
- Vote 4-0 Unanimous, Recused; Mr. Manzi.

Documents

- *WPA Form 1 - Request for Determination of Applicability*
- *LOCUS Map #46 Foster Street*
- *Project Narrative, prepared by Williams and Sparages*

- *Request for Determination of Applicability Sketch Plan, Prepared by Williams and Sparages*
- *Affidavit of Service, dated December 6, 2018*
- *Notification to Abutters*
- *Abutter List, dated November 7, 2018*

General Business

242-1382, COC Request, 1820 Turnpike Street (GFM General Contracting)

- The Administrator states the Alternatives Analysis requested by the Commission has been provided. The tank was placed in its current location due to the infrastructure around the building. The tank is off the edge of the pavement which still places it in the 50' No-Build Zone. They currently have a chain link fence around the tank. They are proposing to continue along the length of the wetland area with wetland markers. Documentation of the mitigation area and full compliance with the O&M are still needed. The list of plants that was received are not the list of plants that are on site and more research may be needed.
- Mr. Lynch states he's visited the site and can understand the constraints of the tank placement. He confirms the tank was not part of the original application.
- Brian Vaughan, Smolak & Vaughan LLP presents on behalf of the applicant and states the applicant thought they planted the plantings that were required.
- The Administrator states there were multiple iterations of the plan and she needs to confirm the plantings onsite are correct. The tank was not part of the original plans and would require an EO to permit the work.
- The Administrator states since the Alternatives Analysis has been completed the Commission can order the installation of the fence along the No-Disturb Zone and wetland markers.
- A motion to issue an Enforcement Order as proposed is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.
- A motion to continue until February 13, 2019 is made by Mrs. Feltovic, seconded by Mr. Manzi.
- Vote 5-0 Unanimous.

Documents

- *Alternatives Analysis Memo, dated January 7, 2019 prepared by Smolak & Vaughan LLP*
- *As-Built Plan, dated September 13, 2018 prepared by Eastern Land Survey Assoc., Inc.*
- *Invoice #39669, dated December 8, 2018 prepared by Daigle Enterprises*

242-1632, COC Request, Interstate 495 (MassDOT)

- The applicant requested a continuance via email.
- A motion to continue until January 23, 2019 is made by Mrs. Feltovic, seconded by Mr. Lynch.
- Vote 5-0 Unanimous.

Documents

- *Email from amy.lynch2@state.ma.us requesting a continuance until 1/23/2019*

242-0639, COC Request, Osgood Street at Holt Road (MassDOT)

- The applicant requested a continuance via email.
- A motion to continue until January 23, 2019 is made by Mrs. Feltovic, seconded by Mr. Lynch.
- Vote 5-0 Unanimous.

Documents

- *Email from amy.lynch2@state.ma.us requesting a continuance until 1/23/2019*

Friends of the North Andover Trail, Cyr Center Boardwalk - Request for Support Letter

- The discussion has been tabled to the end of the meeting.
- The Administrator states this section of trail at the Cyr Center crosses a wetland on a stone wall and is not safe. The idea would be to reroute the trail onto a safer boardwalk. The Commission is not approving a project, they are supporting FONAT in their application to the CPC.

- Mr. Napoli steps out of the meeting.
- A motion to issue a letter of support is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 4-0 Unanimous. Mr. Napoli not present.

Enforcement Order/Violation

740 Turnpike Street (Mr. Sudzy)

- The Administrator states the owner needed to come into compliance with the O&M Plan.
- Ken Brunini, Owner of Mr. Sudzy states he has documentation and photos that a service company recently serviced the catch basins, replace catch basins filters, sewer ceptors and removed 3 yards of sediment. A meeting took place with the Earthworks regarding the snow removal process and documentation provided by the DPW regarding backflow maintenance.
- The Administrator states that proprietary filters have also been replaced.
- Mr. Brunini has spoken with Merrimack Engineers who informed him of the requirements to have the catch basin filters changed. A contractor was hired to change the filters and clean out the storm ceptor.
- The Administrator states documentation needs to be provided to the Commission on an annual basis.
- A motion to release the Enforcement Order is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *As-Built Plan, dated August 7, 2003 prepared by Merrimack Engineering Services*
- *O&M Plan, dated May 5, 1999*
- *Violation Letter, dated November 7, 2018*

595 Massachusetts Avenue (MassDOT)

- The Administrator states there was a freeze in the basement, a contractor was called in and the water was pumped directly into an intermittent stream.
- Mr. Manzi confirms the home is to be torn down.
- The Administrator confirms the home is to be torn down and if an emergency cert was needed one could have been requested. A dewatering condition is part of the OOC and the water should have been dewatered to a basin on the property.
- Mr. Lynch questions what was in the basement when the leak occurred.
- The Administrator states the question was asked and a response wasn't provided. They have been in contact with MassDOT who hired a contractor to perform the work. No reports have been received and nothing is currently visible on the site.
- The Commission discusses the original project proposal and the water shut off procedure.
- A motion to issue an Enforcement Order as proposed is made by Mr. Lynch, seconded by Mrs. Feltovic.
- Vote 5-0 Unanimous.

Documents

- *WPA Form 9 - Enforcement Order*

43 Scott Circle

- The applicant requested a continuance via email.
- A motion to continue until January 23, 2019 is made by Mrs. Feltovic, seconded by Mr. Manzi.
- Vote 5-0 Unanimous.

Documents

- *Email from jacksull53@comcast.net requesting a continuance until 1/23/2019*

Adjournment

- Mr. Napoli was not present for the adjournment.
- A motion to adjourn at 9:39 pm is made by Mr. Manzi, seconded by Mrs. Feltovic.
- Vote 4-0 Unanimous.