

**Andover Conservation Commission Meeting Minutes
June 16, 2009**

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Howard Kassler, Commissioner Alix Driscoll, Commissioner Al French, Commissioner Paul Finger, Commissioner Michael Walsh and Commissioner Gail Ralston. Staff Member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

Andover Wetlands Protection

By-Law Review

Present in Interest: Dave Pancoast

Staff Recommendation: Approve

Discussion with Consultant Dave Pancoast regarding his scope of work relative to a review of the Andover Wetlands Protection By-Law. The new review is limited in scope and looks into several issues recommended by the Commission. Dave Pancoast requested that the report date be changed to September 30, 2009.

Chairman Cooper asked for a Motion. Commissioner Finger made a Motion to Approve the scope with the modification of the report date, it was seconded by Commissioner Ralston and unanimously approved.

At 7:50pm the Commission entered into Executive Session with Town Counsel Tom Urbelis to discuss pending litigation. Vice Chairman Kassler made a Motion to Enter into Executive Session and then return to open session, it was seconded by Commissioner Driscoll and unanimously approved by Roll Call.

10 Woodland Road

Present in Interest: Bryan Sweeney

Staff Recommendation: Close Public Hearing and Issue Determination Pos.2b, Neg.3 and Neg.6.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the demolition of an existing sun porch and the construction of a new porch measuring 56 sq. ft. with stairs is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. This is a complete filing under the WPA only and is a "Backyard Project". Waivers have been requested for engineered plans and permanent monumentation. The area of expansion is currently a disturbed area. Staff would like to recommend no sedimentation control, but a limit of work which has been discussed with the Applicant. The project will be inspected by Mr. Douglas.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to approve as Pos.2b, Neg.3 and Neg.6.

10R Shandel Circle

Present in Interest: Steve Eriksen

Staff Recommendation: Continue to a date uncertain.

This is a Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed removal of existing riprap, headwall, outlet structure and construction of an underground detention pond and grading.

Mr. Douglas presented this to the Commission. The detention pond is inhibiting the sale of the property. The Applicant would like to bury the detention pond which will allow them to sell the property and will reduce runoff. A water quality separator will be installed. Commissioner Finger requested a peer review and would like it brought up to current stormwater standards. The Commission also would like the operation and maintenance plan and inspection schedule. DEP does not have comments yet.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to continue to a date uncertain pending DEP comments and peer review, it was seconded by Commissioner Ralston and unanimously approved.

Acorn Drive #8

Present in Interest: Bill MacLeod, Margo Turpening

Staff Recommendation: Close Public Hearing and issue ORAD.

This is a continued Public Hearing on the Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law to determine if the boundaries of resource areas are accurately delineated.

Mr. Douglas presented this to the Commission. This was continued from December 16, 2008 for old flagging to be removed and review to occur without snow conditions. The file is now complete and ready for a decision. The filing is under the WPA and By-Law and no waivers are requested. Several flags were moved a considerable distance upgradient at the request of staff. The delineated wetland is on one lot which has an expired Order of Conditions. The fees are based on that single lot only. The Commission may build into the ORAD any additional fees if necessary.

Chairman Cooper asked for a Motion. Commissioner Finger made a Motion to close the public hearing and issue the ORAD, it was seconded by Commissioner Ralston and unanimously approved.

ACTION ITEMS:

7 Newport Circle

Lot 4

Present in Interest: Bill MacLeod

Staff Recommendation: Approve.

Consideration of significance for a change of footprint to the dwelling with a proposed swimming pool, deck and fence in the buffer zone. This will decrease the

impervious cover with dwelling remaining outside the 75 foot non-build zone.

Commissioner Finger made a Motion to find the change insignificant, it was seconded by Vice Chairman Kassler and unanimously approved.

**15 Stevens Street
Atria Marland Place**

Staff Recommendation: Approve.

Consideration of significance for implementing stabilization and temporary green landscape improvement to the current condition left from the demolition of the former mill building including installation of benches and two raised planters.

Commissioner French made a Motion to find the change insignificant, it was seconded by Commissioner Driscoll and unanimously approved.

**Andover Country Club
Section V**

Staff Recommendation: Approve.

Issuance of a full Certificate of Compliance for Andover Country Club Section V.

Planning may hold up the street acceptance for the Conservation Restriction but everything under the Order of Conditions has been complied with.

Commissioner Finger made a Motion to send a letter from the Conservation Commission to the Planning Board noting the Applicant owes the Town a Conservation Restriction which was part of the subdivision agreement and to our knowledge it is not in place at this time and the developer should not be receiving tax abatements. The Motion was seconded by Vice Chairman Kassler and unanimously approved.

Commissioner Finger made a Motion to send a separate letter to the Assessor's office regarding the tax abatement, it was seconded by Vice Chairman Kassler and unanimously approved.

Vice Chairman Kassler made a Motion to issue the Certificate of Compliance, it was seconded by Commissioner Finger and unanimously approved.

Mass Highway

Route 125

Present in Interest: Steve Eriksen

Staff Recommendation: Approve.

Request for cessation of inspection reports.

Commissioner Finger made a Motion to Approve, it was seconded by Vice Chairman Kassler and unanimously approved.

CONSENT AGENDA:

56 Brundrett Avenue

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Commissioner Ralston made a Motion to Approve, it was seconded by Vice Chairman Kassler and unanimously approved.

350 Lowell Street

Raytheon Company

Commissioner Finger recused himself from the room.

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Vice Chairman Kassler made a Motion to Approve, it was seconded by Commissioner French and unanimously approved.

49 Blanchard Road

Issuance of a Certificate of Compliance.

Commissioner Ralston made a Motion to Approve, it was seconded by Vice Chairman Kassler and unanimously approved.

6 Pettengill Road

Request for a Certificate of Compliance.

Commissioner Ralston made a Motion to Approve, it was seconded by Commissioner French and unanimously approved.

DISCUSSION ITEMS:

Assignment of Overseers

Chairman Cooper sent an email suggestion for a procedure to get Conservation Commission material to interested parties in a timely manner. Commissioner Ralston would like to add the names to the email list to keep them involved and receiving information until such time as they could become more involved. She also agreed to draft a "packet of information" to be mailed for review by the Commission. The packet will include a questionnaire about the interests and specialties the person may be able to offer the Commission.

Commissioner French would like to make initial contact with anyone interested in becoming an overseer and will follow-up on recommendations by other Commissioners. He then interviews people he believes would be best suited for the position and then brings the appointment before the Commission. There were questions regarding the procedure and what if there are more people interested in being overseers and we need people to fill those roles.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

Community Gardens

Vice Chairman Kassler advised the Commission that an advisory group has now been formed with 4 areas to be worked on. They would like to establish a garden on Town land to accommodate individual lots for different committees and groups in Town.

Partnering with the Commission on Disabilities

Commissioner French and Vice Chairman Kassler are working with the Commission on Disabilities to work towards passive recreational use of the trails by people with disabilities. They are also working with the Community Garden Group.

**Andover High School
Shawsheen Road**

Emergency Certification for the installation of two drain pipes. Commissioner Finger informed the Commission that the existing drainage pipes are undersized by at least half which is causing the flooding into the field house in severe rainstorms.

Vice Chairman Kassler made a Motion to Approve, it was seconded by Commissioner French and approved by a vote of 6 in favor and Commissioner Finger abstained.

**13-17 Boutwell Road
The Temple**

Commissioner Finger had a meeting last week with Ann Marton and members of the Temple at the site. They have complied with the Enforcement Order and would like to lift the Enforcement Order and not issue fines at this time.

Commissioner Finger made a Motion to lift the Enforcement Order and not issue fines at this time, it was seconded by Commissioner Ralston and unanimously approved.

The next meeting will be held at 7:45pm on July 7, 2009.

The meeting was adjourned by Motion of Commissioner Finger, seconded by Commissioner Ralston and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**