

**Andover Conservation Commission Meeting Minutes
August 4, 2009**

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

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Al French, Commissioner Michael Walsh and Commissioner Gail Ralston. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

At 8:07pm on a Motion by Commissioner Driscoll, seconded by Commissioner Ralston the Conservation Commission entered into Executive Session to discuss land acquisition and then to return to public session.

SCHEDULED ITEMS:

3 Blueberry Circle

Staff Recommendation: Approve as Pos.2b, Neg. 3 and Neg.6.

This is a Public Meeting on the Request for Determination of Applicability filed to determine of the proposed abandonment of an existing septic system and tie into town sewer is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and under the WPA only. No waivers are normally requested for sewer tie-ins, but the special conditions call for a professionally engineered plan prior to commencement of work. The site did not comport to plan. The Applicant used the Town GIS map for the BVW boundary which is not correct; Wetland boundary needs to be flagged and confirmed by an agent; Unauthorized fill appears to be in a BVW and possibly located on land under

the control and custody of the Conservation Commission; and Possible encroachment of lawn into a BVW. The Sewer contract plan depicts wetland 30 to 40 feet from rear of the house, but the site visit indicated variable distances ranging from 60 to 70 feet.

Staff recommends that prior to commencement of work, the Applicant is to retain a professional land surveyor to prepare a plan depicting the BVW to be confirmed by an agent, depict location of unauthorized fill and extension of lawn area, depict sewer tie in and location of septic tank to be abandoned. Upon acceptance of this plan by an agent, the applicant shall remove all unauthorized fill and cease encroachment, allowing these areas to naturalize. Applicant shall also install bounds specified in the conditions at the rear property line with markers that state "Town of Andover Conservation Land". Non-disturb markers are also required at variable distances from the BVW to be determined on site by an agent. Failure to comply with these conditions shall result in an Enforcement Order with fines.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Deny for lack of information, it was seconded by Commissioner French and unanimously approved.

**25, 31 & 36 Sunset Rock Road
Celestial Circle "Drainage"
25 & 31 Sunset Rock Road
Celestial Circle Lot 4
25 & 31 Sunset Rock Road
Celestial Circle Lot 6
25 & 31 Sunset Rock Road
Celestial Circle Lot 7**

Present in Interest: Steve Eriksen, Paul Floyd, Ray Cormier, Mary Ann Perry, J. Rutherford, Caroline Perry, Dara and Vic Lanio, Lynne and Brian Hunter, Andrew Caffrey and Robert Grabble.

Staff Recommendation: Continue to a date uncertain.

This is a Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed installation of drainage facilities and associated grading for Celestial Circle subdivision at 25, 31 & 36

Sunset Rock Road. Also, a Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling, retaining wall, grading and associated utilities and access way to the drainage facility for Lots 4, 6 and 7 Celestial Circle.

Mr. Douglas presented all of the sites to the Commission. Agenda Items 2,3, 4 and 5 were opened simultaneously by Chairman Cooper. The filing is complete and under both the WPA and the By-Law. No waivers are requested or required. Wetland boundary was flagged and confirmed by the Director and ESS Group botanist, Tom Liddy; the submitted plan is the most recent development plan; ESS Group has begun a review of the project. The additional items of concern are house rooftop infiltration, discharge of water and sedimentation, forebay across Sunset Rock Road, the blighted condition of 23 Sunset Rock Road, site drainage, stormwater by-law and the assignment of open space and the FEE Access to it.

All original Aisling Estates Notices of Intent were withdrawn on a Motion by Commissioner Ralston, seconded by Commissioner Driscoll and unanimously approved prior to presentation on these items by Steve Eriksen.

Chairman Cooper informed the abutter present in interest that the peer review was not going to be discussed as it was in the preliminary stages of review. He also noted that those present in interest could obtain copies of the peer review and any other information from the conservation office.

Steve Ericksen gave a brief presentation of the overall project which now includes more homes than the original Aisling Estates filing which was withdrawn. He stated that the project will meet all requirements under the WPA and by-Law. He notified the abutters that not all the homes will require a filing of a Notice of Intent as some are located outside the 100 foot buffer zone. A separate filing has been made for the roadway and drainage so house lots are not encumbered under the same.

Commissioner French questioned how the trail and proposed Open Space would be conveyed. The Commission does not

want to have conveyance of Open Space through the Homeowner's Association. Commissioner Driscoll voiced her concerns about the condition of the site, specifically that certain portions are an eye sore and not being "kept up" to standards of the neighborhood. There were also questions and comments raised by abutters in interest and Attorney Andrew Caffrey who represented abutter Robert Gable.

Mr. Gable spoke to the issue that a portion of the wetland line depicted on the plan was not correct (a line locked in by DEP). Mr. Eriksen agreed that the BVW line on Sunset Rock Road needed to be changed. Attorney Caffrey inquired if the regulations allow for the exporting of water across the street to another wetland and stream which flow continually.

Ms. Langlois now has a wet basement since the Form A lot was constructed on Sunset Rock Road. She asked the Commission to look at the "whole picture" and the cumulative effect of drainage off the proposed site to other abutters.

Ms. Johnson reiterated the same point that homeowners in the area are experiencing more water issues on their properties and that drainage issues need to be looked at very carefully.

Another abutter, Paul Floyd stated that the abutters have hired their own consultant to review drainage issues. The Chairman encouraged all abutters to place their concerns in writing.

The Commission stated it did not want to see the project come in "piecemeal", it was noted by Ray Cormier, proponent of the project, that a filing needed to be made for Lot 8. A site visit was discussed by the Commission. It was determined that ESS should be present at the site visit. The site visit will take place on September 13, 2009 at 8:30am.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to a date uncertain the Public Hearings for Agenda Items #'s 2, 3, 4, and 5, it was seconded by Commissioner Driscoll and unanimously approved.

350 Lowell Street

Raytheon

Present in Interest: Paul Finger, Bill Cummings

Staff Recommendation: Continue to date uncertain until Peer Review is completed.

This is a Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of 2 additions, site and stormwater improvements.

Mr. Douglas presented this to the Commission. The filing is complete for a sewer tie-in, however there are complications on the site. The filing is under both the WPA and By-Law. The work may be closer than the regular setback. The delineation review should be completed by Wednesday. Paul Finger representing the Applicant gave a brief overview. The Applicant opted to begin the peer review process early. The proposed project includes 2 additions. At the town's request, drainage issues will be addressed. These are drainage issues that traverse the site from I-93. Drainage swales and culverts are the resource areas on site. Improving drainage to Osgood Street will improve conditions two fold - provide decrease in runoff and increase the water quality. The Applicant is looking for waivers from setbacks on the conveyance (creation of drainage swale to mitigate drainage for I-93 for the Town) to be proposed as a Limited Project. The Commission was supportive of this and that improving drainage would take precedence over the necessary elimination of trees. Retention pond has been improved to act as a detention pond when necessary by the addition of a weir. ESS is currently undertaking the peer review.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to a date uncertain, it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

25 Pomeroy Road

Present in Interest: Dick and Dot Tyler

Staff recommendation: Approve.

Request for a Certificate of Compliance, including Enforcement Order.

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

25 Pomeroy Road

Staff Recommendation: Approve.

Request for a Certificate of Compliance.

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

CONSENT AGENDA:

**Town of Andover DPW
Kirkland Drive**

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Fun Flight Circle

Issuance of a Notification of Satisfactory Completion of Work Certificate.

15 Regency Ridge (Lot 79)

Issuance of a Partial Certificate of Compliance.

**Fosters Pond Area
Andover Sewage Works Improvements -
Contract 1**

Issuance of a Certificate of Compliance.

Commissioner Ralston made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

**Route 495 @ Beacon Street
MassHighway**

Ratification of Emergency Certification of breach of beaver dam.

Commissioner French made a Motion to Ratify, it was seconded by Commissioner Driscoll and unanimously approved.

350 Lowell Street

Approve issuance of a Notice of Satisfactory Completion of Work Certificate for 350 Lowell Street. Passed Inspection.

Commissioner French made a Motion to approve issuance of Certificates for DA2007-008 and DA 2007-011; it was seconded by Commissioner Driscoll and unanimously approved.

The next meeting will be held at 7:45pm on August 18, 2009.

The meeting was adjourned at 9:40pm on a Motion of Commissioner Ralston, seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by:

Lynn Viselli,
Recording Secretary