

**Andover Conservation Commission Meeting Minutes
October 6, 2009**

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

Conservation Commission Members in Attendance

Vice Chairman Howard Kassler, Commissioner Alix Driscoll, Commissioner Gail Ralston, Commissioner Al French and Commissioner Michael Walsh. Staff members present Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

11 Dean Circle

Present in Interest: Judi Bloom Robinovir

Staff Recommendation: Approve as Pos.2a confirming boundary of bordering vegetated wetland as depicted by Flags 1A thru 10A inclusive, Neg.3 and Neg.6.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the boundaries of resource areas are accurately delineated and if the construction of a replacement septic system and associated site work is subject to the Massachusetts Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. This is a complete filing under the WPA only. No waivers have been requested. The site is located in the Fishbrook Watershed Protection Overlay District. The project does not meet the Board of Health setbacks, but they have an approved plan and will supply a letter stating they have an upgrade approval from the Board of Health. Non-disturb bounds must be placed prior to commencement of work.

Vice Chairman Kassler asked for a Motion. Commission French made a Motion to Approve as Pos. 2a, Neg. 3 and Neg. 6; it was seconded by Commissioner Driscoll and unanimously approved.

49 Porter Road

Present in Interest: Rich Lundgren

Staff Recommendation: Approve as Pos.6, 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 single stall garage and the construction of a 2 stall garage is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. This is a complete filing under the WPA only. No waivers have been requested. The project consists of a large garage attached to the house. This does not trigger by-law because it is attached and is not free standing.

Vice Chairman Kassler asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos. 6, Neg. 3 and Neg. 6; it was seconded by Commissioner Driscoll and unanimously approved.

29 Iron Gate Drive

Present in Interest: Chris Fortune

Staff Recommendation: Continue to a date uncertain.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a replacement septic system with associated site work is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. The filing is not complete at this time. The plan requires a full wetland delineation as site visit does not comport to Town Maps. The plan also needs to depict entire lot as lot may abut land under the custody and control of the Conservation Commission. The filing is under the WPA only and waivers have been requested based on agreed upon delineation. The Board of Health has requested a re-design, which has been submitted. There is historic disturbance on the site, a fenced in BVW with stream and possible mowing of a BVW.

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

22 Spring Grove Road

Staff Recommendation: Approve as Pos. 2a, Neg. 3 and Neg. 6 and recognition that there is a wetland "Give Back" of land to be left to regrow as a wetland.

This is a continued Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a two car garage is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is complete and under the WPA only. No waivers have been requested as the proposed work fully complies with

our regulation setbacks. The Applicant has reconfigured the garage to comply with the 15 foot setback and reduced the size of the garage as not to trigger the by-law. The Applicant has also agreed to a "Give Back" of land to be left to regrow as a wetland as remediation.

Vice Chairman Kassler asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos. 2a confirming flags 1A thru 10A inclusive, Neg. 3 and Neg. 6; it was seconded by Commissioner Driscoll and unanimously approved.

3 Black Horse Lane

Present in Interest: A. Brussard, Jeffrey Brem, Lucia Baldassari, Jack Sullivan, Anthony Centrella

Staff Recommendation: Approve.

This is a continued Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an inground pool, patio, retaining wall and associated site grading.

Mr. Douglas presented this to the Commission. This is a complete filing, the project has been peer reviewed and a site walk was conducted. This was continued from August 18, 2009 for purposes of changing the plan to reflect the retaining wall to be 30 feet from the BVW and obtain an opinion from ESS regarding water coming onto an abutter's property. ESS Group did the peer review and the proponent has incorporated the changes into the revised plan. There is a 30 foot side yard setback, a permeable patio surface, retaining wall 34 feet from BVW and a mulch bed along the lot line with pine plantings. There will be a 4" perforated pipe to discharge water either towards the detention basin or the drywell. The existing gutters will discharge into the drywell.

Arthur Broussard questioned the Commission regarding the pool being 10 feet from the lot line and did that meet the setback requirements. Also 1400 gallons of water are pumped from his yard per day during the wet season, how will this impact his water problem. The peer review done by ESS Group believes the Applicant has taken appropriate measures to ensure less water runs off onto Mr. Broussard's property.

Jeffrey Brem addressed the Commission on behalf of Mr. Broussard. Upon reviewing the revised plan he is concerned with the grading up to the retaining wall along the slope by the driveway; what kind of fencing will be installed; the recharge from the drywell will be piped into the detention basin due to the closeness of the retaining wall; he would like the drainage calculations and is concerned the footing for the retaining wall will be on Mr. Broussard's land. He also requested a copy of ESS Group's peer review report.

Vice Chairman Kassler asked for a Motion. Commissioner Driscoll made a motion to Continue to November 3, 2009 at 7:45 pm, it was seconded by Commissioner Ralston and unanimously approved.

Bailey Road – Lot C

Present in Interest: Ann Marton, Jeff Bridge and Steve Stapinski

Staff Recommendation: Close public hearing and issue Order of Conditions.

This is a continued 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.

Agent Cleary presented this to the Commission. This was continued from July 7, 2009 for purposes of performing a peer review including field review of wetland boundary, engineering (drainage calculations), review of NOI and opinion of split rail fence and plantings as a barrier to the wetland. The property is located in the Haggett's Pond Overlay Watershed District and the house has a 75 foot setback. Mr. Butt's application before the ZBA was withdrawn without prejudice on September 3, 2009.

Ann Marton visited the site on August 28th and found the wetland flags to be appropriately placed. It was decided that the junipers along the edge of driveway are not necessary and the trench drain will be able to take the sheet flow from the driveway. The post and rail fence will remain and non-disturb bounds to be placed when the foundation plan is done.

Vice Chairman Kassler asked for a Motion. Commissioner Ralston made a Motion to Close the Public Hearing and issue the Order of Conditions as drafted; it was seconded by Commissioner French and unanimously approved.

4 Willoughby Lane

Staff Recommendation: Approve request for withdrawal without prejudice.

Continued 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 Carriage House, inground pool, patio, grading and associated utilities.

Applicant withdrew without prejudice.

Vice Chairman Kassler asked for a Motion. Commissioner Ralston made a Motion to approve the withdrawal without prejudice; it was seconded by Commissioner Driscoll and unanimously approved.

Interstate 93 Tri-Town

Interchange Project

Present in Interest: Sean Hale and Robert Bennett

Staff Recommendation: Make a finding of fact that the series of flags has been reviewed and accepted as accurate.

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act to determine if the boundaries of resource areas are accurately delineated at Town of Andover Map/Lot#'s 185/1, 185/1A, 184/1, 163/8, 203/3, 203/8, 181/69, 180/21, 203/11, 182/18, 182/17, 182/1, 183/8, 183/6, 183/9, 183/14, 183/10A, 183/10B, 163/4, 163/5, 162/4, R3/401, R3/44, 44A, 163/1, 163/3A, 163/7C, 163/7B, 163/7, 185/2 and 183/9A.

Mr. Douglas presented this to the Commission. The flagging was done last fall from September to November along a portion of the Tri-Town Interstate 93 Interchange from the northernmost extent of the Survey Area south to Dascomb Road. This includes:

- Flag Series AI1-AI10 & AI1a-AI10a
- Flag Series AH1-AH6 (Federal/Non-State Wetland)
- Flag Series AC1-AC7 (Federal/Non-State Wetland)
- Flag Series AB1-AB46
- Flag Series ZZ1-ZZ23
- Flag Series AG1-AG6 & AG1a-AG5a
- Flag Series AM1-AM18 & AM1a-AM21a
- Flag Series AL1-AL5
- Flag Series AK1-AK7
- Flag Series AJ1-AJ15

Commissioner Driscoll asked if they were using the most current FEMA Maps that were just issued.

Vice Chairman Kassler asked for a Motion. Commissioner French made a Motion to accept as fact the delineation and continue to November 3, 2009, it was seconded by Commissioner Driscoll and unanimously approved.

65 Haggetts Pond Road

Hearing not opened as Application was deficient (lacking abutter notification).

Vice Chairman Kassler asked for a Motion. Commissioner Driscoll made a Motion to not open the hearing and found the Application to be procedurally deficient; it was seconded by Commissioner French and unanimously approved.

ACTION ITEMS:

21 Off Webster Street

Present in Interest: Jeff Bridge and Steve Stapinski

Staff Recommendation: Approve peer review letter including recommendations stated in letter. Vote to instruct Jeff Bridge and violator to proceed with Special Condition #5 (Removal of Unauthorized Fill and Restoration including Sequencing Plan); Special Condition #6 (installation of non-disturbance markers on A and B flagging Series with Plan to be revised and submitted to illustrate this); Special Condition #7 (Recording of EO prior to commencement of work); Special Condition #8 (Proposed work needs to be completed by November 15th, may need to reseed in Spring); Special Condition #11 (Continued monitoring and compliance with EO by Jeff Bridge).

Vote to Approve Peer Review, revised plan and recommendations by Jeff Bridge relative to an Enforcement Order issued.

The review and the violator's action was limited to Special Condition #4 of Enforcement Order only.

The BVW line has been established and modified per Jeff's report and the approved plan dated September 1, 2009. The revised plan depicts the changes requested by Jeff which include 1) expanded area of fill noted by Jeff to be removed with other areas of fill; 2) area of clean-up includes 2,992 square feet of BVW and buffer zone enhancement; 3) no mitigation is necessary as all areas are being restored; and 4) installation of non-disturb bounds 25 feet from the A series flagging and on the B series flagging (edge of lawn/BVW line) for developmental lot.

Jeff's recommendations are as follows:

1. Permanent stabilization of existing gravel driveway and submittal of detail cross-section of wetland restoration;
2. Installation of silt fence to depict limit of work including trash removal;
3. Removal of all debris;
4. Continued environmental and construction oversight by Jeff Bridge.

The owner may proceed with the design of the septic system but all issues relative to the EO must be addressed prior to placing the RDA back on the table.

Commissioner Driscoll made a Motion to Approve the peer review letter and recommendations as stated by Mr. Bridge and staff; it was seconded by Commissioner Ralston and unanimously approved.

Foster's Pond Hydroraking
Present in Interest: Steve Cotton

Staff Recommendation: Approve.

Consideration of significance for Foster's Pond Hydroraking 2009.

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

15 Locke Street

Present in Interest: Mike Ristuccia

Staff Recommendation: No action.

Enforcement Order regarding Order of Conditions, work done is more than what was approved. The Commission approved an addition on the front of the house, a porch, walkway and driveway renovations for the prior owner. Mr. Ristuccia informed the Commission that 75% of the original house is still standing and he does not intend to demolish the entire house. The garage was taken down due to a code violation; however the garage was the entire front of the house. The addition will be put on the back and is part of the approval. The slab in the front will be removed to correct the flooring and then make the space a living room. He will be using the same foot print plus a small addition in the back. No more excavation will done than what was approved.

CONSENT AGENDA

Minutes

Approval of minutes for meeting of September 1, 2009 and September 15, 2009.

53 Dascomb Road

Issuance of a Certificate of Compliance.

9 Olympia Way

Issuance of a Notification of Satisfactory Completion of Work Certificate

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

DISCUSSION ITEMS

Bald Hill Reservation

Present in Interest: Lucy McKain

Discussion regarding vegetative control proposed by local goat farmer for use of goats for grass management of Conservation Land (Virginia Hammond Reservation). The Commission would like to restore the land back to pasture. Ms. McKain will use between a half acre and an acre of land, establish a moveable fence to hold the goats and observe the goats. The goats will graze the field down to 4 inches of grass and then rotate the paddock by moving the fencing. The goats will be observed daily to see how long it will take them to gaze the grass down to 4 inches. Commissioner French

questioned how the goats would be transported to Bald Hill. They will be led preferably through the woods to the reservation. Commissioner Ralston was concerned with the goats being left alone for long periods of time at the Reservation. There are predators in that area. Ms. McKain has insurance on the goats in case something happens to them. There should be signage on the fencing and she should let the Conservation Commission know what days the goats will be set out to graze. Commissioner Driscoll thought it would be a good idea to have school children come on field trips to view the goats and what they are doing. Commissioner Walsh questioned if this was an approved use under the By-Law.

Commissioner Ralston made a Motion to Approve a pilot program at no cost to the Commission for the remainder of this season; it was seconded by Commissioner Driscoll and unanimously approved.

Fall “MACC” Conference

MACC 2009 Fall Conference will be October 24, 2009 at MassBay Community College in Wellesley or November 7, 2009 at Clarion Hotel in Northhampton on Enforcement Strategies.

Form-Based Zoning Code

Schedule of Listening Sessions for “Form Based Code of I-93 Interchange. Meetings are scheduled for 10/22; 11/7 meeting for zoning for tri-town (Andover, Wilmington & Tewksbury).

Town Yard Redevelopment Project

Information regarding the Town Yard Redevelopment Project.

81 Jenkins Road

Approve Emergency Beaver Dam Breach at Mortimer Drive.

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

The next meeting will be held at 7:45pm on October 20, 2009.

The meeting was adjourned at 9:50pm by Motion of Commissioner Driscoll, seconded by Commissioner Ralston and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**

