

**Andover Conservation Commission Meeting Minutes
October 20, 2009**

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

Conservation Commission Members in Attendance:

Chairman Donald Cooper (left the meeting at 10:08pm), Vice Chairman Howard Kassler, Commissioner Alix Driscoll, Commissioner Al French, and Commissioner Gail Ralston. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

17 Ravens Bluff

Present in Interest: Pam and Jim Muller

Staff Recommendation: Approve as Pos.2a, confirming Flags A-1 through A-11 inclusive; Neg. 3 and Neg. 5.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the replacement of a septic system 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 required as the project fully complies with our regulation setbacks. A good portion of the site is located in the Riverfront Area, an unnamed tributary to the Merrimack River is depicted on the USGS map. The proposed work is in the outer 100 to 200 foot Riverfront area. Flagging approved depicts Top of Bank, mean annual high water, not BVW. The proposed work qualifies for an exemption under 310 CMR 10.58 (6) (c) for the Riverfront portion. The fenced area behind the pool to be kept in a naturalized state for wild life corridor in perpetuity.

Chairman Cooper asked for a Motion. Commissioner French made a Motion to Approve as Pos.2a, confirming Flags A-1 through A-11 inclusive, Neg. 3 and Neg. 5, it was seconded by Commissioner Ralston and unanimously approved.

108 High Plain Road

Staff Recommendation: Continue to date uncertain.

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

Agent Cleary presented this to the Commission. There was no wetland flagging visible on the site as depicted on the plan. The site is in the Fish Brook Watershed and disturbed. The flags need to be re-established.

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

3 Dean Circle

Present in Interest: Robert Hoopes

Staff Recommendation: Approve as Neg.3, specific planting plan to be reviewed by agent prior to commencement of work.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the construction of an inground swimming pool and associated site work is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and under the WPA only. Waivers have been requested for setbacks. The project does not meet the 60 foot setback requirement in the Watershed Overlay Protection District, it only has a 25 foot setback. This is a "Backyard Project". The bounds requested under the previous Enforcement Order at the 15 foot setback were visible and in place. The wetland is healthy and thriving. Mitigation has been provided in the form of plantings with an additional 10 feet of buffer to the 15 foot existing buffer being proposed making the non-disturb area in the rear 25 feet as opposed to the existing 15 foot buffer.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to Approve as Neg.3 and specific planting plan reviewed by agent prior to commencement of work, it was seconded by Commissioner Ralston and approved by a vote of 4-1. Chairman Cooper was opposed.

138 Jenkins Road

Present in Interest: Pamela Thornton

Staff Recommendation: Approve as Neg.3 and Neg.6.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the replacement of a septic system 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 complete and under the WPA only. No waivers have been requested as project fully complies with our regulation setbacks. The septic is 50 feet from the wetland. The wetland line is closer in some areas

on the southerly lot line. Agent Cleary recommended placing bounds at locations determined by an Agent for the Commission prior to commencement of work on the southerly line near the current edge of lawn. Abutter Pamela Thornton was concerned the project would interfere with the wetlands on her property.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to Approve as Neg.3 and Neg.6, it was seconded by Commissioner Ralston 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)

31, 25 & 23 Sunset Rock Road Celestial Circle (Lot 8)

Present in Interest: Maureen Hanley, Andrew Caffrey, Janet Bernardo, Mark Johnson, Bob Gable, L.L. Hunter, Ray Cormier, Amy Janovsky, John P. Cronin

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 installation of drainage facilities and associated grading for Celestial Circle subdivision.

Mr. Douglas presented this to the Commission. The filing is under both the WPA and the local By-Law. No waivers are requested. The project has undergone a site-walk and extensive review by ESS Group and Janet Bernardo. The wetland line has been previously determined and locked in with an ORAD. A plan error showing a previous unconfirmed line has been corrected with the DEP approved line showing more wetlands. With the new plan, water will cross the property to the Pike School wetland system as it does now, but at a much faster rate. The detention basin in the rear of the property has been confirmed as essential and is properly sized. The proposed porous pavement has not been approved by planning. If they do not approve the porous pavement, there will be major plan revisions. The sizing for the structures rooftop infiltration has not been submitted yet.

Janet Bernardo presented her findings to the Commission. The detention basin for Area D on the plan will drain to existing wetland through a perforated pipe. All of the roof runoff is infiltrated. The pre and post conditions are basically the same. The construction will not make the drainage issues on Sunset Rock Road any worse, but it does not cure them. The pervious pavement allows the detention basin to be reduced in size. Commissioner French questioned a 7-8% increase in water on Sunset Rock Road. He also commented that after the site visit, it appears that the houses will make the water issue worse. Janet Bernardo informed the Commission that all of the roof runoff will now be recharged to reduce the runoff. Lot 4 has very steep grades and erosion is a

concern. The Lot will be sodded, but during construction it should be monitored on a regular basis.

Blasting on Lots 8, 1, 9 and the ANR Lot were discussed. The current water problems seem to be from the sheet flow down Sunset Rock Road. This seems to have gotten worse after the blasting was done for the sewer project. There is no way to tell how much further damage, if any, there will be from blasting for this project.

Commissioner Driscoll asked how the removal of so many trees will impact the water flow and soil placement. The roadway will direct the excess runoff toward 2 catch basins on Sunset Rock Road.

Lynn Hunter questioned the runoff being directly piped into the Pike School wetland since it will not be treated and could contain salt and sand. How will this effect the wetland? The proposed street is directly across from her driveway and she is concerned that the runoff from the street will end up in her driveway and front yard.

Bob Gable spoke about the blasting from the sewer project and the fact that there is solid ledge all the way up Sunset Rock Road. Once construction began, the water started coming across Sunset Rock Road.

Andrew Caffrey asked Janet if there was infiltration done on the test pits. There were many test pits dug on site and Janet agreed to review them again. He also questioned the removal of 25 trees in a public right of way.

Amy Janovsky also questioned the removal of the large trees and impact of the water they hold. Has this been taken into consideration when doing the calculations. She represents the group "Friends of Andover Community Trees" and they want to make sure there are proper hearings when town trees are to be removed.

Buzz Dunn informed the Commission that during a storm, a pond forms in his driveway and he pumps his septic 2 to 3 times a year due to water runoff from the roadway.

Attorney Mark Johnson has met with the DPW regarding the drainage issue. He is of the opinion it was caused by blasting from the sewer project, not the construction.

Commissioner French brought up the trail connectivity for this project. The Commission authorized a sub committee to go to the Planning Board to mandate the trail system to connect the trails; the open space be deeded to the Conservation Commission or AVIS rather than the homeowners association. Commissioners Driscoll and French and Mr. Douglas will make up the sub committee.

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

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to continue to November 17, 2009 at 8:15pm, it was seconded by Commissioner Driscoll and unanimously approved.

EXECUTIVE SESSION

At 9:50 p.m., Chairman Cooper asked for a Motion to enter into Executive Session to discuss Candidates for the Conservation Commission and to return to Open Session. A Motion was made by Vice Chairman Kassler to enter into Executive Session and return to Open Session, it was seconded by Commissioner Ralston and unanimously approved.

The Commission voted by Roll Call vote to enter into Executive Session.
Chairman Cooper – yes
Vice Chairman Kassler – yes
Commissioner Driscoll – yes
Commissioner Ralston – yes
Commissioner French – yes

Executive Session was held.

The Conservation Commission returned to Open Session at 10:08pm and proceeded to address the items on the Agenda.

Mass Highway

I-93 Noise Barrier

Present in Interest: Kristen Kent, Erin Heacock, and John Fallon

Staff Recommendation: Continue.

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 a Noise Barrier on Interstate 93 northbound right of way between interchanges 42 and 43.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and DEP file number has been assigned. The project is a very extensive sound barrier which will range from 14 to 22 feet high. It will be on the northbound side from Dascomb Road and ending at Hansom Road. The construction is done from the roadway. The work is within close proximity of the BVW, but will be in disturbed areas. The roadwork from the Lowell Junction project will not impact the placement of the noise barrier. All work is outside the wetlands, but in the buffer zone. The project will begin in the Spring and last for about 12 months. The project does not require a MEPA filing.

Vice Chairman Kassler asked for a Motion. Commissioner Driscoll made a Motion to continue to November 17, 2009, it was seconded by Commissioner French and unanimously approved.

DISCUSSION ITEMS

Certificate of Mailing

Present in Interest: Maureen Hanley

Consider a request that notification to abutters be allowed to be mailed via a Certificate of Mailing. Maureen Hanley spoke to the Commission about a recent change. The WPA now allows a Certificate of Mailing instead of certified mail. It is less costly and the mail

goes to the abutters home without them having to go to the post office to pick the notice up. By-Law states return, receipt requested, with the Certificate of Mailing, the receipt is date stamped by the post office.

Vice Chairman Kassler made a Motion to amend the By-Law to coincide with the new WPA regulation regarding certificate of mailings, it was seconded by Commissioner Driscoll and will be pending Town Meeting approval.

Eagle Scout Project

At Wyeth

Present in Interest: Andrew Wang

This is a post construction approval. Andrew replaced 2 picnic tables and removed bush from the area at Lowell Junction Road Wyeth site. Commissioner Ralston noted that the project was neatly done and was very thorough.

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

INFORMATION ITEMS THAT MAY REQUIRE A VOTE

Inspectional Fee Schedule

Vote to Approve new Inspectional Fee Schedule which reduces "Small Projects" escrow deposit to \$1950.00 from \$2750.00, keeping a minimum balance of \$500.00 at all times.

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

Raytheon – 350 Lowell Street

Confirmatory Vote to issue Satisfactory Completion of Work Certificate.

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

Raytheon – 350 Lowell Street

Confirmatory Vote to issue a Satisfactory Completion of Work Certificate.

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

The next meeting will be held at 7:45pm on November 3, 2009.

The meeting was adjourned at 10:25pm on a Motion by Commissioner French, seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**