

**Andover Conservation Commission Meeting Minutes
December 15, 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 Al French, Commissioner Michael Walsh, Commissioner Gail Ralston, and Commissioner John Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

23 Kirkland Road

Present in Interest: Cornelios McLarney and Barbara McLarney

Staff Recommendation: Approve as Neg.3.

This is a public meeting on the Request for Determination of Applicability filed to determine if the proposed connection to town sewer and abandonment of an existing septic tank 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 have been requested. This site abuts the golf course and there is disturbed BVW bordering the golf course. The work is greater than 60 feet from the wetland.

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

70 Chestnut Street

Present in Interest: Jack Sullivan, Julie Whipple

Staff Recommendation: Approve as Neg.3.

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 proposed construction of a single car garage and attached breezeway is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. The filing is complete and under the WPA only. No waivers are necessary. This is a “Backyard Project”. The closest point from the wetland to the work is about 80 feet. The footprint is less than 500 square feet so the structure is exempt from the By-Law. There is a 12” drain pipe flowing from the wetland to a catch basin. An arch system will be installed to protect the drain pipe, but at the same time allow easy access if repairs are necessary. The pipe is not regulated by a town easement.

Vice Chairman Kassler asked for a Motion. Commissioner Ralston made a Motion to revise the conditions to include cultech instead of pipe with snow fence to be installed to demark limit of work and Approve as Neg. 3, it was seconded by Commissioner Driscoll and unanimously approved.

167 Hidden Road

Staff Recommendation: Approve as Neg.3.

This is a public meeting on the Request for Determination of Applicability filed to determine if the abandonment of an existing septic and connection to 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 requested. The proposed work complies with our regulation setbacks with no earth disturbing work within 25 feet of a resource area. The BVW appears to be closer upgradient by 25 feet, more or less, than the line depicted on the plan. This is the same work proposed under DA2005-067 but never commenced. The Applicant would like to follow the same plan. Compliance with this new DA will constitute compliance with DA2005-067. The limit of existing lawn which appears to be 15 to 25 feet from the BVW shall remain in effect in perpetuity and the scope of work is limited to the abandonment of an existing septic system and connect to town sewer.

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

8 Black Horse Lane

Present in Interest: Jack Sullivan, Bill Robichaud and Joe Robichaud

Staff Recommendation: Continue to 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 construction of a single family dwelling, site grading, underground utilities and extension of driveway.

Mr. Douglas presented this to the Commission. Work has moved forward under the Superceding Order and the driveway and utility work is complete. There has been a land transfer from 6 Black Horse Lane to 8 Black Horse Lane, which was about an acre, and the house has been moved outside the 100 foot buffer zone and the wetland at 6 Black Horse Lane has been reflagged. The site grading is outside the 25 foot buffer and there will be clearing of trees up to the 25 foot buffer for lawn area. Erosion control is installed and will be re-evaluated. DEP has issued a number, not any comments yet.

The Superceding Order covers a number of the lots on Black Horse Lane, not just 8, so it cannot be removed.

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.

360 South Main Street

Present in Interest: Ethan Davis, Bernie Paquin, Lorraine Black, Peggy Giordano and Frank Columbo.

Staff Recommendation: Engineering Peer Review and Continue to a Date Uncertain.

This is a public hearing on the Notice of Intent filed under the Massachusetts Wetland Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a Church building expansion with related parking areas, landscape areas, underground utilities, roof drainage, sewer, drainage structures and stormwater management areas.

Agent Cleary presented this to the Commission. The filing is under the both the WPA and local By-Law. Waivers will be necessary for inability to meet regulation setbacks for proposed work in the 25 foot non-disturb, proposed structure within the 50 foot non-build, and inability to comply completely with Stormwater Management Regulations. Mitigation is being offered. The majority of the BVW is historically disturbed from the commuter parking, existing structures and utility work by National Grid and Verizon. The flagging was moved upgradient in several locations creating more wetland. The groundwater is abnormally high which means the Stormwater Management Regulations cannot be fully complied with. The first Phase of this project is the proposed new sanctuary building with other Phases to be completed in the future.

Drainage runs into the wetlands from the parking area. The Applicant is proposing a detention sediment forebay area which will then discharge into the wetlands with a

portion going through a grass swale onto South Main Street. Peak rates of runoff will be less than are existing now. Roof recharge will be in the rear of the property for the new structure. There will be work within the 25 foot non-disturb to make the elevations and discharge work. There will also be grading within the 25 foot non-disturb. The existing building is closer than 50 foot setback required and the new structure will be the same distance.

Commissioner Walsh questioned the increase in impervious area from additional parking spots. There will actually be a loss of 6 parking spaces once the building is complete.

Mitigation is being offered in the back of the property on an area which is now lawn. The Applicant will replant with wetland and native plantings such as red maples, service berry, winterberries, etc., thereby reducing the lawn area. There will also be plantings around the building and along the driveway. The existing shed which straddles the 25 foot non-disturb will be removed.

Commissioner French inquired about a possible trail connection as part of the mitigation being offered.

Commissioner Driscoll asked the Applicant if they had been before the Zoning Board for the setback waivers. The Applicant has filed with the building inspector under the Dover Rule. She is also concerned with the amount of impervious area covering the land. Questioned if the walkways would also be impervious or if the Applicant would consider a non-pervious substitute.

The Commission agreed that a peer review needs to be done for this site. The fueling vehicles should be moved off site; Request for waivers need to be submitted to staff substantiating why they are necessary; and Mitigation must be done as part of the first part of the project.

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

8 Acorn Drive

Present in Interest: Bill MacLeod

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 construction of a portion of a proposed roadway with grading and drainage.

Agent Cleary presented this to the Commission. This is a filing under both the WPA and local By-Law and waivers will be determined by the peer reviewer. The project is a 3 lot subdivision, not subject to storm water guidelines and it is a Board of

Health approved subdivision. There will be no filling of wetlands. The roadway touches the buffer zone in one place and drainage at the beginning of the roadway. The Applicant is only “pre-treating” stormwater runoff, and the Town of Andover’s Stormwater Regulations requires more treatment. DPW is also concerned with the increase in runoff and drainage. The existing Plan will require revisions from many different departments and the Commission will be copied on all of the engineering peer review performed by Janet Bernardo. The wetland line was locked in place under an ORAD in July 2009 (DEP File No. 090-1072). Many flagged locations were changed at the time peer review from staff resulting in more wetland. Originally, the ANRAD was submitted as a single family lot with the fee for staff to review under the By-Law. The proposed project is now a 3 lot subdivision with roadway, utilities and drainage. The balance of the fees will need to be paid prior to further review of the project.

Mr. MacLeod informed the Commission that the cul-de-sac will pitch towards the road and will have catch basins. The 25 foot non-disturb and 50 foot no-build zones will be followed on all lots with a buffer. The Applicant has agreed to work with Janet Bernardo regarding the treatment for runoff.

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.

ACTION ITEMS:

47 Spring Grove Road

Staff Recommendation: Approve

Ratification of Emergency Certification for the DPW-Highway to repair/replace a collapsed culvert.

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

Salem Street Dam

Staff Recommendation: Approve

Ratification of Emergency Certification for the Salem Street Dam.

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

CONSENT AGENDA:

71 Chandler Road

Issuance of a Certificate of Compliance.

Minutes

Approval of minutes for meeting of October 20, 2009, and executive session of October 20, 2009, November 3 and November 17, 2009 meeting minutes.

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

DISCUSSION ITEMS:

Bald Hill Trail

BMX Structures and activity was found at Bald Hill Trail. Holes have been dug around the trees and logs cut with chain saws. Bob DeCelle is putting up signs.

MVPC Citizen Planner Program

Staff needs to know which Commission Members will be attending the MVPC Citizen Planner Program on January 11, February 8 and March 8. Commissioners Ralston, Honea and Vice Chairman Kassler will attend.

INFORMATION THAT MAY REQUIRE A VOTE:

12 Spring Grove Road

Ratification of Emergency Certification for the DPW-Highway to repair/replace collapsed culvert.

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

Correction to Order of Condition

Correction to Order of Condition to change date from December 8, 2009 to December 7, 2009.

Commissioner Driscoll made a Motion to Approve the Scrivener's correction; it was seconded by Commissioner Ralston and unanimously approved.

Vice Chairman Kassler asked for a roll call vote to enter into Executive Session to discuss land acquisition for Conservation purposes and not return to open session. A Motion was made to that effect by Commissioner Driscoll, seconded by Commissioner Ralston and unanimously approved.

The next meeting will be held at 7:45pm on January 5, 2010.

The meeting was adjourned to enter into Executive Session and not return to Open Session at 9:15pm by Motion of Commissioner Driscoll, seconded by Commissioner Ralston and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**