

**Andover Conservation Commission Meeting Minutes
January 19, 2010**

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

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Howard Kassler, Commissioner Alix Driscoll, Commissioner Michael Walsh, Commissioner Gail Ralston and Commissioner John Honea. Staff members in attendance were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

At 7:45pm on a Motion by Commissioner Honea and seconded by Commissioner Ralston, the Conservation Commission entered into Executive Session and will return to Public Session.

SCHEDULED ITEMS:

6 Island Way

Present in Interest: William Mounts

Staff Recommendation: Approve as Neg.3 with standard sewer tie-in conditions.

This is a Public Hearing on the Request for Determination of Applicability filed to determine if the 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 ready for a decision. The proposed work is more than 50 feet from a healthy, functioning wetland. Site comports to plan.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Neg.3 with standard sewer tie in conditions; it was seconded by Commissioner Driscoll and unanimously approved.

15 Bancroft Road

Staff Recommendation: Exempt under our By-Law.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if test drilling and test pits are subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. Twenty test pits have been dug, but another 4 are needed and the additional four are in a wetland area. They will be dug 7 feet deep and 5 feet in length, the soil will be tested and then backfilled immediately. This project meets the criteria of an Exempt activity under the Act.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to find the project exempt under the Wetlands Protection Act; it was seconded by Commissioner Driscoll and unanimously approved.

92-94 Argilla Road

Present in Interest: Yizhong Yin, Paul Rollins, Eliz Gaimari and Al Marcotte, and John Young

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 reconstruction of a single family dwelling and associated site work.

Agent Cleary presented this to the Commission. The filing is incomplete and under both the WPA and By-Law. The wetland line has been reviewed by Mr. Douglas with Michael Seekamp and was altered and expanded per his request. The Plan does not comport to setbacks, non-compliance with 25 foot non-disturb; non-compliance with 50 foot no-build; tree-line/natural features missing from plan as well as distances from structures and proposed work to resource areas missing from plan. Flagging was visible. The existing dwelling does meet our setbacks, but this will be demolished for construction of new dwelling. Mr. Yin addressed the Commission and asked if a man made wetland was considered the same as a native

wetland. Vice Chairman Kassler advised Mr. Yin that waivers would likely not be granted due to the size of the property (1.7 acres) and there is no hardship. He suggested Mr. Yin redesign the dwelling to meet the setbacks. Agent Cleary advised the Commission that even moving the dwelling back further into the lot would still be a problem with setbacks due to the wetland in the back of the property.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to continue to a date uncertain and that all data be submitted and/or a letter requesting waivers, it was seconded by Commissioner Driscoll and unanimously approved.

487 Lowell Street

Present in Interest: Sean Szekely and Steve Stapinski

Staff Recommendation: Issue Permit.

This is a continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed repair of the septic system and the driveway.

Mr. Douglas presented this to the Commission. This was continued from January 5, 2010 to allow Mr. Douglas to report on the tree cutting. The filing is complete and the new plan shows monument locations and the driveway has been relocated. The driveway was moved outside of the 50 foot buffer. Flagging corresponds to the plan. DEP has no comments. The majority of the Title V work is as far away from the wetland as possible. Staff believes there was tree cutting on the site as well as on Conservation land; however with snow cover it is difficult to locate the stumps. An Enforcement Order will be the best way to handle this.

The house was built pre-by-law. The Applicant is requesting a waiver for 10 feet around the house to maintain the house. Markers will be set at 10 feet.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to issue the permit with the understanding that the no cut tree line will be adjusted to 10 feet and the Commission will address the tree cutting on Conservation land at a later date. The motion

was seconded by Commissioner Driscoll and unanimously approved.

ACTIONS ITEMS:

36 Sunset Rock Road

Present in Interest: Steve Eriksen

Staff Recommendation: Table

Request for 3 year Extension to the Order of Conditions.

Staff asked to be tabled until February 2, 2010.

38 Sunset Rock Road

Present in Interest: Steve Eriksen

Staff Recommendation: Approval.

Request for 3 year Extension to the Order of Conditions.

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

4 Willoughby Lane

Present in Interest: Steve Eriksen

Staff Recommendation: Approve.

Request for cessation of inspections during winter months.

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

CONSENT AGENDA:

Minutes

Approval of minutes from meeting of December 1, 2009 and December 15, 2009. Approval of executive session minutes of December 15, 2009 and January 5, 2010.

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

DISCUSSION ITEMS:

**Conservation Land Holdings
GIS Update**

Andy has been working on updating the GIS online maps and Conservation holdings, coordinating the "Greer System" with an online Parcel ID. There were many properties acquired since "Greer's time" which are not identified as Conservation Land. He is working on making overlays for the map system to see which land is Conservation land among others. He is also correcting access and acreage information as well as organizing parcels by reservations. Overseers could use this system to check their reservations. It will also allow staff to view encroachments by neighbors on Conservation land.

INFORMATION ITEMS:

**High Plain Road-
Virginia Hammond Reservation**

AVIS is requesting an access easement across the Virginia Hammond Reservation. Conservation land is open to the public to access at all times. The Commission would like the bigger picture of the land swaps and reasoning for the access easement. Sue Stott will be present at the next meeting to discuss this with the Commission.

**Virginia Hammond Reservation
Present in Interest: Lucy McCain**

Lucy McCain informed the Commission that she has received grants to purchase more moveable fencing, but needs permission from the Commission for the use of the land to submit with the grant request. An open ended letter showing the benefit to the Conservation Commission by having Ms. McCain maintain this land would work better than a formal lease or term agreement. It should be revocable at the discretion of the Conservation Commission. Ms. McCain informed the Commission that a time designation is needed in the language and that she has the ability to use the land to transition goats to

organic grazing. The Commission would like to see the grant requirements before issuing a letter. The deadline for submitting the letter is February 15, 2010.

The USDA has also offered to Ms. McCain additional funding for mowing if the Commission would like the meadow mowed down faster than the goats are able.

Vice Chairman Kassler made a Motion to Approve the general language of the permission letter subject to Town Counsel's review and grant requirements; Motion was amended to add request funds from USDA to maintain the meadow. The Motion was seconded by Commissioner Ralston and unanimously approved.

The next meeting will be held on February 2, 2010 at 7:45pm.

The meeting was adjourned at 9:55pm by Motion of Commissioner Driscoll, seconded by Commissioner Ralston and unanimously approved.

Respectfully submitted by:

Lynn Viselli,
Recording Secretary