

**Andover Conservation Commission Meeting Minutes
February 16, 2010**

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 Gail Ralston and Commissioner Jon Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Presentation of Plaque

Paul Finger was recognized in absentia for his devotion to the Conservation Commission and his invaluable service for all the years he served on the Commission. He was truly a great Commissioner. Chairman Kassler spoke in detail about Paul's years of devoted service, with Commissioners agreeing, that Paul Finger gave his time to the Commission and staff in so many ways. His absence is felt by all.

7 Dean Circle

Present in Interest: Bob and Lorraine Kerwin

Staff Recommendation: Approve as Pos. 2a confirming boundary of BVW depicted by Flags 2A through 8A 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 proposed abandonment of an existing septic system and construction of a force main associated with a replacement 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 for septic system repair/upgrade. No waivers are necessary and our setbacks have been met, however a variance has been obtained from the Board of Health which has stricter setbacks in the Watershed Overlay Protection District.

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

9 Rutgers Road

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

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a foundation under an existing sun porch is subject to the Massachusetts Wetland Protection Act.

Mr. Douglas presented this to the Commission. The filing is complete and under the WPA only. There is a request for a waiver of engineered plans. The project consists of installing a foundation under an existing sunroom. The project is over 75 feet from the BVW. The project will be in a previously disturbed area and does not expand the footprint of the building.

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

ACTION ITEMS:

407 South Main Street

Present in Interest: M. Furlong and Gerard Welch.

Staff Recommendation: Issue Enforcement Order with consideration of fines.

Issuance of Enforcement Order with fines to Gerard E. Welch relative to nonpayment of escrow funds for inspectional services as stated in Special Condition #11.

The Applicant was in violation of the Order of Conditions (#10 & #11) prior to receipt of initial funding and having an appointed Commission Inspector on board. Weekly inspections were required for a minimum of 6 weeks. Scott Kelloway has reduced his inspections to once a month for a while as inspections are required from the time of installation of erosion control to the issuance of a Certificate of Compliance. There is no money in escrow to pay Mr. Kelloway for inspections this month and the Applicant refuses to replenish the escrow money at his Attorney's advice. The Attorney is incorrect that this is a "consulting fee" under our By-Law. The Commission is entitled per MGL c.44, sec. 56G to the additional funding of \$1,950.00. The site is not stable and bounds have not been installed per the Order of Conditions, as such, monthly inspections are required. After hearing Mr. Welch and his Attorney's perspective, the Commission agreed to forego issuing the Enforcement Order as long as \$1,950.00 is received by February 19, 2010 at noon. Otherwise, the Enforcement Order will issue at the next meeting with fines. Agent Cleary agreed to speak with Scott Kelloway about a reduction in inspections.

Commissioner Driscoll made a Motion not to issue the Enforcement Order with fines this evening; a check in the amount of \$1,950.00 to be received by noon on February 19, 2010; if not received, the Enforcement Order will issue at the next meeting with fines. The Motion was seconded by Commissioner Ralston and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from Meetings of January 5, 2010 and February 2, 2010.

223 High Plain Road

Request for a Certificate of Compliance.

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

DISCUSSION ITEMS:

**Hammond Reservation
High Plain Road**

Discussion of Pedestrian Easement to Conservation Land. The Conservation Commission has been asked to consider granting AVIS an easement over Conservation Land. A subcommittee consisting of Howard, Al and Don will meet, present the findings to the Commission and then to AVIS.

**Sawyers Lane & Piper's Glen
Present in Interest: Don Yekitz, Keith Regnante, Navin Dewager and Eric Lareau.**

Discussion of land management on the Piper's Glen Conservation Reservation. The Commission owns property on Sawyers Lane that backs onto Conservation Land. The Land Management Team and the Commission's overseer are seeking to place a trail marker at this property and we have met with considerable push back from the neighborhood. The Commission noted that the Conservation land was already being used by the residents of Sawyers Lane and Pipers Glen as a well designed sled run, a designated skating area in a wetland, a boardwalk, etc. Markers will be used at access points to Conservation Land. The Commission assured the residents that no hunting or guns are allowed in Andover or on Conservation land. Residents are concerned with parking, children that play in the cul-de-sac and hunters in the area. Mr. Douglas will work with the police regarding the hunting in the area. The residents will select a contact person amongst themselves for Mr. Douglas and another meeting will be held with the neighborhood.

INFORMATION ITEMS:

Bittersweet Control

Permission given to cut and remove Bittersweet on Conservation Land.

Commissioner Ralston reminded all to take the Ethics Test and about the Overseers meeting at the library on April 21, 2010.

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

The meeting was adjourned at 9:30pm by Motion of Commissioner Driscoll, seconded by Commissioner Ralston and unanimously approved.

Respectfully submitted by:

Lynn Viselli,
Recording Secretary