

**Andover Conservation Commission Meeting Minutes
March 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 Michael Walsh and Commissioner Jon Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

7 County Road

Present in Interest: Karen Reilly and Judith Arrigo

Staff Recommendation: Approve as Neg.3 with conditions.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a sun porch and deck is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and filed under the WPA only. No waivers are requested as proposed work is greater than 50 feet from the BVW. This is a "Backyard Project". Sona tube construction will be used and will be hand dug to minimize any earth movement. Work is now completed on an earlier project (DA2003-029) for a sewer tie-in and incorporated as a finding in the conditions (#3).

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

3 Pauline Drive

Present in Interest: Susan Eliassen and Greg Eliassen

Staff Recommendation: Approve as Neg.3 with conditions and to allow agent latitude for adjusting sedimentation control in the field.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a walkway, front steps and planting beds 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 are requested as the proposed work is greater than 50 feet from the BVW. Pauline Drive makes a safe boundary between the project and the wetlands.

Vice Chairman Kassler asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg.3 with conditions and to allow sedimentation control to be left to the agent's discretion, it was seconded by Commissioner French and unanimously approved.

53 Poor Street

Present in Interest: Robert Schinto and Jeanne Schinto

Staff Recommendation: Approve as Neg.3 with conditions.

This is a Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a single stall garage 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 as the proposed work is greater than 50 feet from the resource area. This is a "Backyard Project". Most of the site is located in the Riverfront Area (Hussey's Pond) and is incorporated as a finding in the conditions. The proposed work is not exempt from the Riverfront Area,. The Commission finds that there are not practicable alternatives and no significant impact pursuant to 310CMR 10.58 (4) (c) & (d). Resource areas are across the street and siting of the garage is close to the 200 foot Riverfront line behind the dwelling.

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

ACTION ITEMS:

Foster's Pond

Present in Interest: Steve Cotton and Marc Belloud

Staff Recommendation: Approve.

Permission to schedule diquat (Reward) herbicide treatment of certain portions of Foster's Pond pursuant to Special Condition 12.28 in the Amended Order of Conditions. There is a new invasive plant in Foster's Pond, the spiny niad, which is a seed producing invasive. With the diquat herbicide, they can spot treat where the colonies have settled.

Commissioner Honea made a Motion to Approve the treatment, it was seconded by Commissioner Driscoll and unanimously approved.

29 Iron Gate Drive

Staff Recommendation: Approve.

Ratify Emergency Certification for collapsed inground swimming pool.

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

Doherty Field

36 Bartlett Street

Staff Recommendation: Approve.

Ratify Emergency Certification to armor bank of Rogers Brook.

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

5-7 Longwood Drive

Andover Terrace Condominiums

Staff Recommendation: Approve.

Ratify Emergency Certification for the rescue of apartments' electrical system.

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

CONSENT AGENDA:

Minutes

Approve Minutes from the meetings of February 16, 2010 and March 2, 2010.

60 Williams Street

Issuance of a Certificate of Compliance.

Commissioner French made a Motion to Approve items 8 and 9 of the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

400 E. Brookside Drive

Issuance of a Certificate of Compliance.

Commission took no action as a full Certificate of Compliance was issued by the Commission in 1990 but was never recorded by the Applicant.

DISCUSSION ITEMS:

Victoria Place 82-88 River Street

The Land Court dismissed in its entirety with prejudice the Applicant's appeal against the Planning Board's decision to deny Victoria Place Subdivision. Since the subdivision no longer exists the Commission should not extend the Order of Conditions that will come before them on April 6, 2010. Town Counsel recommended we do not grant the extension for a subdivision that is nonexistent.

Inspectional Fee Schedule

Request vote to change Inspectional Fee Schedule for "Small Projects" from an initial deposit of \$1950.00 to a full deposit of \$4,990.00 with monies to be returned at the end of the project. Developers are not complying with our policy for an additional escrow deposit when the escrow balance falls at or below \$500 with the escrow balance sometimes depleted prior to additional payment being made. Since additional payments are not being made in many instances, staff is spending too much time attempting to collect monies due. Town Counsel has had to be involved in one case which is costing the Town money.

Commissioner Driscoll made a Motion that the Applicant must provide the Commission with a deposit of \$4,990.00. Any unused portion will be refunded to the Applicant upon issuance of a Certificate of Compliance. This change in policy does not include "Backyard Projects". Commissioner Honea seconded the Motion and it was unanimously approved.

407 South Main Street

Town Counsel responded to Applicant's Attorney's letter with a powerful letter in defense of the Commission to a developer seeking relief of payment and a refund through his legal counsel.

Land Purchase of Foster's Pond

Mr. Cotton informed the Commission that the community that lives on Willard Circle whole heartedly supports the Town's purchase of the 5 acres and Fosters Pond Improvement Association has pledged to donate an additional 8 acres to a non profit organization if the purchase goes through. Commissioner French asked that the neighbors in support of the purchase of the 5 acres write letters to the Andover Townsman and Eagle Tribune showing their support as the Selectmen and candidates for Selectmen are against it.

The next meeting will be held at 7:45pm on April 3, 2010.

The meeting was adjourned at 9:15pm by Motion of Commissioner Driscoll, it was seconded by Commissioner French and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**