

**Andover Conservation Commission Meeting Minutes
May 4, 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 Al French, Commissioner Mike Walsh, Commissioner Gail Ralston and Commissioner Jon Honea. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Former Commissioner Paul Finger

Recognition by the Chairman, Commission and Staff to former Commission Member Paul Finger. Chairman Cooper spoke about Paul's selfless service to the Commission and his practical experience with the WPA which was an asset to the Commission.

Chairman Cooper excused himself from the meeting at 7:55pm

8 Sequoia Lane

Present in Interest: Beth and Terry Kim

Staff Recommendation: Continue to date uncertain.

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed installation of a sub-surface drainage and landscaping work is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. This is a "Backyard Project". The filing is under the WPA only and waivers will be requested at a later date. Because of the site constraints and existing conditions the setback requirements cannot be met. The new homeowner relied on the Town Wetland Map which is not accurate and the wetland is far more extensive. The Applicant would like to extend the very limited lawn area further than currently exists. The existing patio area will be removed creating more pervious area. A portion of the existing conditions are only 6 feet from the BVW.

The Applicant will need to provide

- 1) A professionally stamped plan depicting existing and proposed conditions;
- 2) Existing and proposed topographical contours;

- 3) Existing and proposed tree lines;
- 4) Delineation of wetland;
- 5) Non-disturb areas, including 25 ft no-disturb and 50 ft no-build and 100 ft buffer zone;
- 6) Distances from proposed work to the wetlands; and
- 7) Location of sediment controls.

The subsurface drain will be a perimeter drain and must be shown on the plan. Debris needs to be cleaned out of the BVW.

The Commission suggested the Applicant hire a professional engineer to review the site and Linda Cleary offered to delineate the wetland.

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.

300 Federal Street

Present in Interest: Jim Standish, Walter Benham

Staff Recommendation: Approve with the Applicant Xing out the engineer stamp.

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a Generator and a Trash Container Pad is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is complete and is under both the WPA and By-Law. No waivers have been requested. While the plan is out of date, the delineation has not changed and the Applicant would like the Commission to accept the plan. The Generator Pad and Trash Container Pad will be located in the rear of the building, close to the existing electrical equipment. The proposed setbacks comply with our regulations for a structure of this age.

Vice Chairman Kassler asked for a Motion. Commissioner French made a Motion to accept the plan with the engineering stamp crossed out, it was seconded by Commissioner Ralston and unanimously approved.

Mass Highway

1-93 Southbound

Just North of Exit 44

Present in Interest:

Staff Recommendation: Continue to a date uncertain.

Public Meeting on the Request for Determination of Applicability filed to determine if the herbicide spraying of pepperweed at I-93 Southbound just north of Exit 44 is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA and no waivers have been requested. The work is within the wetland, but permissible per the WPA as it is not considered alteration. The Applicant is seeking to control a very invasive species while in bloom in June and July. However they are not exactly sure of the location to be sprayed and had not seen the area. This is a critical area of the Town because it is located in the Fishbrook Water Shed Protection Zone.

Staff would like the following items prior to spraying:

1. Location of plants to be sprayed;
2. Completion of Health Director's outstanding request for I-495/I-93 map of sensitive areas;
3. Provide pesticide label for the chemical proposed and its accompanying MSDS sheet;
4. Summary of the application method;
5. Provide copy of 2010 vegetation management plan.

Commissioner Driscoll is concerned about the chemical seeping into the water supply. Mr. Douglas agreed to speak with Tom Carbone and Fishbrook Watershed Task Force. If they are comfortable with it, then staff will be ok.

Vice Chairman Kassler asked for a Motion. Commissioner Driscoll made a Motion to continue to June 1, 2010, it was seconded by Commissioner French and unanimously approved.

9 Harper Circle

Present in Interest: Scott Abel

Staff Recommendation: Approve as Pos.2, Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed repair and restoration of a rock wall is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The project is complete and filed under the WPA only. This is a "Backyard Project". Waiver has been requested for an engineered plan. The Applicant is seeking to repair a damaged retaining wall with new materials. The footprint of the wall will not change.

Vice Chairman Kassler asked for a Motion. Commissioner Driscoll made a Motion to approve the waiver for engineered plan and approve as Pos.2 and Neg.3, it was seconded by Commissioner Walsh and unanimously approved.

298 North Main Street
Present in Interest: Tom Childs

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

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of an addition 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 necessary as the project fully complies with our setbacks. This is a "Backyard Project". The work is more than 50 feet from the BVW. There is to be no further extension of lawn without a new filing and an accurate delineation.

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.

8 Acorn Drive
Present in Interest: Janet Bernardo, Bill MacLeod and Catherine Hauer

Staff Recommendation: Close Public Hearing and ask Janet Bernardo to assist with the drafting of the Order of Conditions.

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

Agent Cleary presented this to the Commission. This was continued from December 15, 2009 for purposes of a peer review and to resolve several issues. This is a 3 acre subdivision with 3 house lots. All setbacks are met on all the lots, rooftop infiltration, pervious pavements on 2 driveways and the drainage system on Acorn Drive will be improved.

Janet Bernardo informed the Commission that the runoff from the roadway will go into the existing catch basins. Runoff will not increase and water quality has been met. The Applicant owes additional ORAD fees which the Commission asked to be paid by the time the public hearing was closed. Funds were submitted for a single family lot, not a subdivision.

Catherine Hauer expressed her concern about the increase of runoff in spite of additional drains as more structures are built.

Vice Chairman Kassler asked for a Motion. Commissioner Ralston made a Motion to close the public hearing, and Janet Bernardo to assist with the drafting of the Order of

Conditions only after payment of the additional fees; it was seconded by Commissioner Driscoll and unanimously approved.

12 Fosters Pond Road

Present in Interest: Allen Barber and David Barber, Bill MacLeod and Mark Johnson

Staff Recommendation: Continue

Public hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed re-construction of and additions to an existing single family dwelling.

Mr. Douglas presented this to the Commission. The filing is complete and filed under the By-Law and WPA if this is considered a new house. No waivers have been requested; however the setbacks do not comply with our requirements. The fundamental issue is whether this is considered the construction of a new home or rehab of an existing home. The fieldstone foundation will remain and the addition will be on the pond side built on pillars. Two roof runoff infiltration systems will be added and walkways and the driveway will be pavers. The corner of the structure is 17 feet from the pond. Mr. Douglas informed the Commission that the project is an environmentally friendly design.

Commissioner Ralston made a motion to consider it to be a rehab of an existing home due to the unique challenges of the specific lot, the foundation is remaining, the addition will be built on stilts and addition of the infiltration system. 4 Commissioners agreed and 2 were opposed.

Commissioner Driscoll thought the lot would be nonconforming if it was considered a new home.

Commissioner Honea asked if the Applicant could make the structure smaller to fit the original footprint.

Vice Chairman Kassler asked for a Motion. Commissioner Walsh made a Motion for a limited peer review for the runoff calculations and to continue to June, 1, 2010, Commissioner Ralston seconded the Motion and it was unanimously approved.

ACTION ITEMS:

108 Rattlesnake Hill Road

Present in Interest: Jeff Chartix

Staff Recommendation: Approve

Request for a three year Extension to the Order of Conditions.

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

9 Ballardvale Road

Staff Recommendation: Approve

Request for a one year Extension to the Order of Conditions.

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

Scout Project

Doyle Link

Present in Interest: Alex Davidson

Staff Recommendation: Approve

Vote to approve Eagle Scout Project presented by Alex Davidson for the bridge project on the west side of Doyle Link Reservation. He will build a 20 foot bridge in June. All of the materials will be donated.

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

DISCUSSION ITEMS:

Overseers meeting next Tuesday. Commissioner Ralston asked for volunteers to bring refreshments.

INFORMATION ITEMS:

Town Meeting Articles

Discussion of Town Meeting Articles

82-88 River Street

Victoria Place Subdivision

Dismissal of Appeal by DEP. DEP upheld the Commission's denial to extend the Order of Conditions for Victoria Place Subdivision.

The next meeting will be held May 18, 2010.

The meeting was adjourned at 9:40pm by Motion of Commissioner Ralston, seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**