Andover Conservation Commission Meeting Minutes
June 21, 2011

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:00pm

Conservation Commission Members in Attendance:
Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commission Alix Driscoll, Commissioner Gail Ralston, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

2 Aspen Circle
Present in Interest: Richard Ferguson

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 above ground pool and a deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. Before this new Application is discussed, the Applicants are seeking a Satisfactory Completion of Work Certificate for DA2003-046. Commissioner Ralston made a Motion to Approve the Satisfactory Completion of Work Certificate; it was seconded by Commissioner Driscoll and unanimously approved. The Applicants are seeking to put in a deck and pool in their backyard on existing lawn area. The filing is under the WPA only and complete. The Town wetland maps do not accurately depict this area, as the actual wetlands surround a street drain. The deck is 51 feet from the wetland. The project is exempt under the WPA because the conversion of lawn to uses accessory to residential structures such as decks, sheds, patios and pools, provided the activity is located more than 50 feet from the mean annual high water line within the riverfront area or from bordering vegetated wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction. Backwash into the resource are prohibited and to be added to the Order of Conditions.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos.2b, Neg.3 with added condition regarding backwashing as discussed; it was seconded by Commissioner Driscoll and unanimously approved.

Lincoln Street
Town of Andover DPW
Present in Interest: Brian Moore

Staff Recommendation: Approve as Pos.2b, Pos.5 and Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed installation of 750 feet of new sewer pipes 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 under both the WPA and local By-Law and is complete. Waivers are being requested for Property Dimensions and work within the 50 foot no-build zone, the work is in an existing roadway located within the 50 foot no-build. This is new work with the roadway extending the sewer line to service Lincoln Street. Not ruling on wetland boundaries.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos.2b, Pos.5 and Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

111 Highland Road
Present in Interest: Gary Jacobs, Joe Francis Peter Chermayeff

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

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed installation of a gas line is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The Applicants are requesting to bring the gas service line from the street to the house. The plan meets all our guidelines. All material to be kept on paved area and any excess will be removed from site.

Vice Chairman Walsh 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.

11 Rindge Road
Present in Interest: Robert Chaves

Staff Recommendation: Approve as Pos.2b, Pos.5 and Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed replacement of an above ground pool is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and is complete. A waiver of engineered plans is requested. The pool and deck will be installed on existing lawn area more than 50 feet from the resource area on the site of the previously existing pool. The new pool will be slightly larger in size. The project is exempt because the conversion of lawn to uses accessory to residential structures such as decks, sheds, patios and pools, provided the activity is located more than 50 feet from the mean annual high water line within the riverfront area or from bordering vegetated wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction.

Vice Chairman Walsh asked for a Motion on the Waiver request. Commissioner Ralston made a Motion to Approve the request for waiver of engineered plans; it was seconded by Commissioner Driscoll and unanimously approved.
Commissioner Ralston made a Motion to Approve as Pos.2b, Pos.5 and Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

48 Porter Road
Present in Interest: Linda Hackey-Quinn and Andrew Robinson

Staff Recommendation: Approve as Pos.5, Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed removal of trees 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 under both the WPA and By-Law and is complete. Waivers are requested for the following:
1. Existing and proposed topographical contours of the property within the wetland resource area and buffer zone.
2. Existing tree line on the property within the 100 foot buffer zone and resource area, noting individual trees over 10 inches in caliper.
3. The delineation of all wetlands which throw the 100 foot buffer zone onto the property and the perimeter of activity within 100 feet of the proposed activity.
4. The location of driveways, patios and paved surfaces.
5. The location of fences, walls, steps, etc., within the 100 foot buffer zone.
6. All non-disturbance areas including the 25 foot non-disturb from the wetland line; the 50 foot no-build from the wetland line and the 100 foot buffer zone from the wetland line.
7. Accurate measurements based on a delineation from the proposed work to the wetlands within the 100 foot buffer zone.
8. The location of sediment control.

The letter requesting waivers was submitted to the Commission at the meeting. The project consists of clearing the entire rear lot of all trees and growth, but only a small portion of the lot to be cleared is within the 100 foot buffer zone, which is considered a resource area under the By-Law. A Surveyor will determine the lot line using visible markers. Sedimentation control to be at the 10 foot buffer along the back lot line. The Applicant may destump up to the 10 foot buffer from the rear lot line. The 10 ft. buffer strip must remain as a non-disturb area as a buffer to Avis property.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos.5 and Neg.3 as discussed; it was seconded by Commissioner Driscoll and unanimously approved.

6 Gudrun Drive
Present in Interest: Rory Pheiffer

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

Public Meeting on the Request for Determination of Applicability filed to determine of the proposed removal of an existing deck and replacement with a new deck and stairs is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and complete. A waiver is requested for engineered plans. The project will be on the opposite side of the house from the wetland, which is over 75 feet away. The deck will be built on sona tubes, digging farther from the resource area. The deck will be larger than the existing deck. All materials will be removed from site. The project is exempt under the WPA because the conversion of lawn to uses accessory to residential structures such as decks, sheds, patios and pools, provided the activity is located more than 50 feet from the mean annual high water line within the riverfront area or from bordering vegetated wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction.

Vice Chairman Walsh asked for a Motion on the Waiver. Commissioner Ralston made a Motion to approve the waiver request; it was seconded by Commissioner Driscoll and unanimously approved.
Commissioner Driscoll made a Motion to Approve as Pos.2b and Neg.3; it was seconded by Commissioner Porter and unanimously approved.

4 Wintergreen Circle

Staff Recommendation: Approve as Neg.3

Public Meeting 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 under the WPA only and is complete. No waivers are requested as this is a standard abandonment of an existing septic system and tie into town sewer. The project fully complies with our setback requirements. The property is located in the Fish Brook Watershed Overlay Protection District.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve as Neg.3 with conditions 3 and 4; it was seconded by Commissioner Driscoll and unanimously approved.

106 Abbott Street
Present in Interest: Andrew Everleigh

Staff Recommendation: Approve as Pos.5 and Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of an inground pool, patio and fence is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under both the WPA and By-Law and is complete. Waivers are requested for existing and proposed topographical contours, proposed tree line with 10" trees in caliper; and location of sediment controls. This is a "Backyard Project". The house was built under a valid Order of Conditions and the wetland line is still valid as depicted on the plan submitted with the application. Wetland is upgradient of the project so there should be no adverse effects to the resource areas as a result of this proposed work. The fence shall be installed within the tree line with no tree removal. No material to be stockpiled on site. No backwash into the wetland.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve the waivers; it was seconded by Commissioner Driscoll.
Commissioner Ralston made a Motion to Approve as Pos.5 and Neg.3 including the no backwash into the wetland; it was seconded by Commissioner Driscoll and unanimously approved.

Mass Bay Commuter Railroad's
2011 Vegetation Control Program
Present in Interest: Brendan Amy

Staff Recommendation: Exempt

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed herbicide application, Vegetation Control Program by Massachusetts Bay Commuter Railroad along the Rights of Way Associates is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. Annual vegetation control spraying. The resource areas have been marked and spraying will cease in those areas.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to find the spraying exempt per regulations; it was seconded by Commissioner Porter and unanimously approved.

Taylor Cove
93-97 River Street
Present in Interest: Mark Johnson, Bill MacLeod, Todd Wacome, Alex Lippin, Robert Craig Comin, Kathleen Comin, Ann Marton, Dan Mac Ritchie, Mick Mueck, Julie Beaver, Toki Emmert, Davindra Guptil, David Brown, Subhash Dandage, Tom Bondaruk, Brian Bondaruk, Marie Montgomery, Jack Murphy, Frances Wheeler

Staff Recommendation: Continue to a date uncertain

Continued Public Hearing on a "Revised Notice of Intent" filed by Taylor Cove Development, LLC, formerly Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act for the construction of 3 dwelling structures with a mail pick up area, grading and utilities associated with a comprehensive permit project which includes amendments to the area with the property that falls within the Riverfront established under the original Notice of Intent.
The following continuances were for a Notice of Intent filed by Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act for the proposed construction of a portion of a roadway, infiltration basin and three buildings with associated grading:
1. Continued from 1-4-11 for purposes of Applicant agreeing to fund environmental review by LEC.
2. Continued from 12-21-10 for purposes of LEC to pare down scope of services, funding for Riverfront and BVW only.
3. Continued from 12-7-10 to redefine the scope of environmental peer review.
4. Continued from 11-30-2010 due to procedural deficiency.
5. Continued from 11-16-10 for purposes of Applicant to provide a peer review of the Riverfront Area.
6. Continued from 9-7-2010 for purposes of commencing the engineering peer review as revised in two phases; staff to draft a proposal for the environmental peer review and verification on the status of Victoria Place Subdivision by DEP that the Permit Extension Act applies.
7. Continued from 7-20-2010 for purposes of staff and Commission meeting with the Applicant's representatives regarding submittal and peer review issues.
8. Continued from 7-6-2010 for purposes of engaging an environmental and engineering peer review.

Agent Cleary presented this to the Commission. This continued Public Hearing is for a "Revised Notice of Intent" for a different scope of work than the original Notice of Intent. This "Revised Notice of Intent" was not in the scope of work for our peer reviewers. Regarding this project, the Commission is limited to the following decisions that are listed below for "finding" or votes in the order they are presented.

1. The Applicant considers proposed work for Taylor Cove to be a continuation of Victoria Place (090-0792) pursuant to Condition #13. This is noted in a cover letter to the "Revised NOI" sent in the Commission's packet. This cover letter is dated May 11, 2011, to Andover Conservation Commission from Andover Consultants, Inc. Condition #13 is for construction of individual lots and rooftop infiltration. Victoria Place and the individual lots do not exit, the courts upheld Planning Board's denial; therefore, Condition #13 does not allow for the substitution of a new site layout or building locations.

Commissioner Ralston made a Motion to find that the Applicant's request to obtain conditions under which the remaining work in the buffer zone may be performed in accordance with Special Condition #13 of DEP File #090-0792 is NOT applicable to the Taylor Cove, it was seconded by Commissioner Driscoll and unanimously approved.

2. The Applicant claims that the delineation determined under Victoria Place (090-0792) "remains binding to" Taylor Cove (090-1112) as referenced in a letter dated May 10, 2011 to the Andover Conservation Commission from Andover Consultants, Inc. On February 5, 2011 the Commission made a decision that the roadway and utilities necessary to construct Taylor Cove were not insignificant and will require a new filing of a Notice of Intent. The regulations do not allow the applicant to have 2 DEP file numbers active for the same project, Victoria Place and Taylor Cove, to govern the work. DEP Policy 88-3 "Multiple Filings" would suggest that when an applicant files another NOI, the proceedings under the original OOC is stayed and one must be withdrawn. When Taylor Cove is issued, a Certificate of Compliance should be issued for Victoria Place. Because the Applicant did not secure a delineation under an ORAD, there are no provisions under the WPA to "grandfather" the delineation under Victoria Place. An ORAD would have continued under the EPA, but this is not the case. The delineation was done under an Order of Conditions; it cannot be carried over to Taylor Cove. Taylor Cove will require a new delineation of the resource areas and no grandfathering is applicable.

Commissioner Ralston made a Motion to determine the resource area delineation under Victoria Place is not applicable to Taylor Cove; it was seconded by Commissioner Driscoll and unanimously approved.

3. The Commission must make a decision regarding the resource area delineation. NES 6 was the Riverfront determined under Victoria Place (090-0792) by Norse Environmental; RF 3-RF13 were determined by Norse Environmental for Taylor Cove, but for information purposes only; RA1-RA23 is the Riverfront determined by Ann Marton of LEC depicting a much more extensive Riverfront Area and BVW.

Ann Marton addressed the Commission to review her findings. LEC was asked only to delineate the wetland boundary. 2 site visits were made on March 30, 2011 and April 4, 2011 to review the boundaries of BVW and the Mean Annual High Water line established by Norse Environmental Services, Inc. The BVW delineation was reviewed, revising the boundary between flags WF-5 and WF-12 by adding flags 1Z through 6Z. Flags WF-43 and I-27 through I-30 were either missing or beyond the property boundary and were not evaluated as part of the site visits. These flags should be excluded from any BVW boundary approval. Ms. Marton also evaluated the Mean Annual High Water line with Richard Kirby. The line established by Norse Environmental is depicted in the field by stakes driven into the ground and labels RF-1 through RF-13. The stakes roughly demarcate the presence of cattails. Based on their observations in the field and photographs taken in Spring 2011, these stakes do not represent the Mean Annual High Water line. The Mean Annual High Water line demarcated by LEC in the field are blaze orange and labeled LEC Resource Area RA-1 through RA-24, based on bankfull field indicators. Ann also reviewed the revised plan entitled "Resource Areas 'Taylor Cove', Andover, MA dated May 4, 2011". This plan accurately represents the wetland resource areas as delineated in the field by LEC. The perennial stream south of the project site is characterized as a river based on USGS maps and Google Maps.

Dan MacRitchie addressed the Commission. He reviewed the stormwater management in June 2010. In January 2011 the documents were revised, soil testing done and revised again. There is a backwater effect, flooding potential from the River. The analysis done does not indicate backwater effect and elevation of water assumed. Mr. MacRitchie requested information from the Applicant, which was not supplied, such as: The roadway location and traffic study do not contain site distances if they are moved; No economic comparisons were provided to make assessment; and further information concerning stormwater management. As submitted, the Application does not meet the requirements of the stormwater management standards and his concerns were not answered.

In Ann Marton's letter of May 19, 2011, she recommends using the revised flags from LEC and LEC's High Water line. The Riverfront area is 200 feet from the High Water line.

Commissioner Driscoll made a Motion to Approve the delineation for Taylor Cove done by LEC; it was seconded by Commissioner Ralston and unanimously approved.

The Applicant responded to the wetland delineation done by LEC. The Applicant handed out materials, including a response to Mr. MacRitchie, at the Public Hearing which could not be reviewed by the Commission and/or their peer reviewers due to the fact that it was submitted at the Public Hearing itself. The Commission asked the Applicant to continue to a future date so that the information could be reviewed and the Applicant refused.

Bill MacLeod addressed the Commission stating this is a Revised NOI for Taylor Cove, not a request for an amendment to Victoria Place.

Attorney Mark Johnson asked the minutes to reflect that the Applicant was not given the opportunity to respond to the votes taken during this hearing. He also indicated that the Applicant is not willing continue the Public Hearing and will appeal to DEP. The Commission did give the applicant a chance to respond explaining that the votes were referencing letters from the applicant to the Commission stating the Applicant's position.

The Commission scheduled a site visit for June 28, 2011 at 7:00am with Todd Wacome and Scott Kelloway to both be present to ensure that ongoing work was compliant with Victoria Place.

Now that the resource area delineation has been voted on by the Commission, the Commission may consider issuance of a cease & desist.

Marie Montgomery asked why the work done on the land under Victoria Place appears to be going forward under Taylor Cove by the Applicant.

David Brown advised the Commission that the Planning Board decision has been appealed to the Court and the OOC was extended under the Extension Permit Act for Victoria Place.

Robert Comin commented on the Applicant consistently being disrespectful to the Commission by the lack of timely filing and information submitted at the time of Conservation Meetings being a pattern by the Applicant.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing at the Applicant's request as they do not wish to continue the hearing; it was seconded by Commissioner Porter and unanimously approved.

22 Gould Road
Present in Interest: Jim Kavanaugh and Tom Peluso

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection Act for the proposed construction of a single family dwelling.

Agent Cleary presented this to the Commission. This was continued from April 5, 2011 for purposes of updating plan to meeting filing requirements, site visit by Commission on April 8, 2011 and verification, if possible, of vernal pool on site. The filing is under both the WPA and By-Law and has been revised several times to meeting filing requirements, locate and verify vernal pool, etc. We have received documentation for certification of the vernal pool as well as proof of abutter notification. No waivers are requested, but are needed. The 75 foot no-disturb is not being maintained as required; driveway is located exactly on the 80 foot approvable setback and dwelling is less than 8 feet from the required 100 foot setback. The project does not fully comply with our regulation

setbacks with the vernal pool located within the proposed work such as proposed lawn within 75 foot non-disturb and non-disturb markers are located incorrectly. The wetland boundary and vernal pool location have been confirmed. More bounds are required on the vernal pool side of the lot. Erosion control needs to be reconfigured to meet the 75 foot non-disturb with lawn depicted outside the 75 foot non-disturb. Agent Cleary recommends hiring Ann Marton to oversee construction since the house is 8 feet from the mandated setback and the driveway is located on the 80 foot mandated setback. Non-disturb markers to be installed prior to commencement or work with staking of the driveway and foundation for the dwelling to be done at the same time and verified that is comports to the approved plan.
The most updated plan was submitted on June 13, 2011. The plan shows the vernal pool, 100 foot no-build and 75 foot no-disturb. Haybales relocated to 75 foot no-disturb line and 2 or 3 more bounds for setback from the vernal pool. Ann Marton will perform the engineering oversight as well as peer review regarding impacts to the vernal pool. The site shall be inspected prior to construction to make sure haybales and markers are correct.

Jim Kavanaugh presented the plan showing the 104 contour line goes beyond the 75 foot non-disturb and the area beyond the 75 foot no-disturb will be naturalized. The haybale line to be moved around the 104 contour line. Requested waiver for grading only. Applicant agreed to submit a revised plan and no peer review to be done.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to continue to July 5, 2011 to allow Applicant to submit revised plan which meets all the vernal pool setback requirements to be submitted by June 23, 2011, it was seconded by Commissioner Driscoll and unanimously approved.

1350 South Street
Present in Interest: Priscilla Harcourt, Judy Wien, Matt Randall, Mark Johnson, Steve Fink, Robert Gotterfroy, Paul Finger

Staff Recommendation: Continue

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 development of a Solar Farm.

Mr. Douglas presented this to the Commission. The project will be along the banks of the Shawsheen River with may contain endangered species.

Mark Johnson addressed the Commission explaining the access to the project will be from South Street, Tewksbury, MA using a right of way. The area consists of 40.89 undeveloped acres, 15.5 acres of which are conservation area. The solar panel farm is going before the Planning Board next Tuesday and before the Zoning Board next month.

Matt Randall provided a plan showing 17 acres will be used for the solar panels. Some of which are within the 75 feet of the wetland. There will be some cutting and trimming of trees up to 25 feet of the buffer. The trees will be chipped into mulch and put under the panels. The mounted panels will produce 4.13 megawatts.

Robert Gotterfroy believes there is an endangered butterfly colony, possibly the second largest in the world. He asked if a vernal pool study had been done. Natural Heritage did conduct a study, which resulted in a large conservation area being set aside.

There is also a group of high school students doing a research project as to the effect of the solar panel farm on endangered species.

Steven Fink informed the Commission that Sustainable Andover supports this project.

Paul Finger asked if Natural Heritage has signed off on their study. Mr. Douglas to clarify if we need the approval before we can act on this application.

The Commission scheduled a site visit for June 28, 2011 at 6:00pm.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to continue to July 5, 2011, it was seconded by Commissioner Ralston and unanimously approved.

66 Tewksbury Street
Present in Interest: Bill MacLeod, Daniel Sweeney, Brad Parker and Robert Gotterfroy

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetland Protection Act and/or the Andover Wetland Protection By-Law for the proposed construction of a single family dwelling and other related construction.

Mr. Douglas presented this to the Commission. The house and plan meet all regulation setbacks. There are wetlands on one quarter of the lot. The septic plan has been approved. The 6 foot retaining wall will act as a barrier to the wetland and fill brought in to level the backyard.

Robert Gotterfroy stated that there is a vernal pool at 67 Tewksbury Street. The filing was done before the paperwork was filed for certification of the vernal pool. The Applicant agreed that if the vernal pool is certified, all setbacks will be met.

Brad Parker expressed his concern about the wall. The wall stops 10 feet from the property line and is 6 feet high. He fears water will run onto his property. The applicant will discuss grading a swale to prohibit water from running onto his property.

Andy Menezes informed the Commission that Conservation Land is behind this lot and suggested markers be installed.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to continue to July 5, 2011 to allow for vernal pool certification, it was seconded by Commissioner Ralston and unanimously approved.

Bancroft School
15 Bancroft Road
Present in Interest: Mark Johnson, Marie Montgomery, Curt Young, James Warren, Daniel Lanneville, Christopher Racine, Peter Lukacic, Tom Williams, Tom and Jennifer Boshar, Chris Young, Amy Janovsky, Kristina Trott, Mary Ann Perry, Tom Galligani and Danielle Riley

Staff Recommendation: Continue to June 28, 2011

Public Hearing on a Notice of Intent filed by the Town of Andover under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a new 106,486 square foot elementary school including parking, driveways, ballfields, utilities, stormwater management and miscellaneous site improvements.

Mr. Douglas presented this to the Commission. The resource area delineation was issued under an ANRAD. There is a large isolated wetland that is proposed to be filled for a soccer field which the Applicant is offering a 2:1 replication. There are 5 resource areas on site, and BVW with an intermittent stream.

James Warren presented the project and the plans to the Commission. The existing school will remain open during construction of the new school. The new entry will be from West Knoll Road for emergency vehicles. Parking for 120 cars with a fire lane and bus drop off, which push the playing fields to the south of the property. There is less than one acre increase in impervious area. Porous pavement will be used and there will also be a rainwater harvesting tank to catch the roof runoff. This water will be used to flush a small number of toilets in the new school. There will also be a dry detention basin which will be 4 feet deep. The ground water will recharge through infiltration and a deep sump catch basin will be used for water pre-treatment. The project managers are aware of the high water table on this property. There will be work within the 25 foot non-disturb area, but mostly on previously disturbed areas. There is one isolated wetland that will be disturbed, but replicated 2:1.
Phase I of the construction will include construction of the West Knoll Driveway, all erosion control, tree clearing up to isolated wetlands and clearing the field for recess. Phase II will consist of construction of the building and a fence to surround the construction area. Buses and students will access the old school through West Knoll Driveway and the contractor will access through Bancroft Road.

Phase III will bring occupancy of the new school with access through Bancroft Road. The contractor will then remove the old school using access through West Knoll Driveway.

Curt Young spoke to the Commission about the delineation, filling of the wetland and the proposed replication. There are no streams associated with the three isolated wetlands. They are considered low functioning wetlands. The isolated wetland at the southern end of the property is a high functioning wetland with an intermittent stream. The contractor will use excavation to open the area then construct berms to help water remain in the wetlands to create the hydrology needed in that area for replication.

Tom Boucher expressed his concern about the water flow onto Holt Road, which already has a lot of flooding.

Steve Fink advised the Commission that Sustainable Andover is in favor of the project.

Each Commissioner will schedule a site visit with Bob Douglas at their convenience.

ESS Group will be the independent reviewer of the project.

Mark Johnson asked if the Commission would hold a special meeting for a public forum and further presentation of the project.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to continue to Special Meeting to be held on June 28, 2011 at 8:30 at a place TBD; it was seconded by Commissioner Honea and unanimously approved.

ACTION ITEMS:

5 Newport Circle (Lot 5)
Present in Interest: Bill MacLeod and Tom Giarchetto

Staff Recommendation: Approve

Consideration of significance for a revised footprint of the dwelling with the driveway on the opposite side of the dwelling further away from the wetland and outside the buffer zone. The revised plan also shows a swimming pool and retaining walls.

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

104 Salem Street

Staff Recommendation: Approve

Ratify Emergency Certification issued per order of the Board of Health.

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

Belle Isle Way #8
Present in Interest: Mark Johnson and Chris Young

Staff Recommendation: Approve

Vote to Ratify Enforcement Order, discussion tabled until May 17, 2011, then continued at the request of the applicant. The plan submitted is a good plan.

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

Andover Country Club
Present in Interest: Rimma Grossman, Paul Finger, and Maureen Hanley

Staff Recommendation: Request revised planting plan

Enforcement Order. Discussion regarding mitigation planting plan for the cutting that was performed on the site. Maureen Hanley presented the planting plan proposed by Andover Country Club which includes shrubs and red maples to be planted. She stated that the area is already sprouting back from the cutting.
Paul Finger agreed that is it "starting" to regrow and in 10-20 years will be the vibrant tree/shrub wetland that it was prior to the cutting. He believes more mature trees should be planted and would like to see a planting plan showing exactly what will be installed and where.
Commissioner Greenwood is wary of that a more specific planting plan will be forth coming due to the past behavior. He believes we should be more specific.

Commissioner Greenwood made a Motion requesting a planting plan of mature trees be submitted within 30 days; it was seconded by Commissioner Honea and approved with Commissioner Ralston opposed.

CONSENT AGENDA:

298 North Main Street

Issuance of Notification of Satisfactory Completion of Work Certificate

6 Candlewood Drive

Issuance of Notification of Satisfactory Completion of Work Certificate

Minutes

Approve minutes for meetings of April 5, 2011, April 19, 2011, May 3, 2011 and May 17, 2011 and executive session minutes for meeting of April 19, 2011.

8 Rindge Road

Issuance of a Notification of Satisfactory Completion of Work Certificate

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

DISCUSSION ITEMS:

Open Space in Subdivision
Discussion regarding letter from Town Council regarding Open Space.

LATE ITEMS THAT MAY REQUIRE A VOTE:

2-4 Bancroft

Vice Chairman Walsh recused himself. Review letter from Morris Gray requesting an extension to June 10, 2011 from the homeowner to access the property relative to an Enforcement Order issued.

Commissioner Driscoll made a Motion to Ratify the Enforcement Order and grant the extension, it was seconded by Commissioner Honea and unanimously approved.

Overseers

Commissioner Ralston announced there are 39 reappointments and 3 new appointments for overseers and she recommends appointment for all of them.

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

Mass DOT

Ratify Emergency Certification per order of the Board of Health to breach a beaver dam South of High Plain Road Overpass.

Commissioner Ralston made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

29 Hearthstone Place

Vote to accept Enforcement.

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

Municipal House Bill

Vote to contact Legislature in support of Bill.

Commissioner Honea made a Motion to Support the Bill; it was seconded by Commissioner Porter and unanimously approved.

The next meeting will be held at 7:45pm on July 5, 2011.

The meeting was adjourned at 11:00pm by Motion of Commissioner Ralston, seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by,

Lynn Viselli,
Recording Secretary