

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES**  
**APRIL 7, 2015**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
7:46pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Ellen Townsend, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Floyd Greenwood (7:55pm) and Commissioner Phil Sutherland (8:25pm). Staff member present were Robert Douglas, Conservation Director and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**213 Andover Street**

*Staff Recommendation: Approve*

**Present in Interest: George and Audrey Nason**

Public Hearing on a Request for Determination of Applicability filed by George and Audrey Nason under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of a gas line from the house to the street at **213 Andover Street**.

Mr. Douglas presented this to the Commission. The project is the installation of a 20 foot gas line from the roadway to the home. The work is within the riverfront resource area, however is at the outermost area and separated from the river by a roadway. The work will be done within the roadway and any disturbed lawn will be restored. This could be considered an exempt project as utility maintenance and roadwork. Waivers for engineered plans have been requested.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to approve; it was seconded by Commissioner Driscoll and unanimously approved.

**24 Foster's Pond Road**

*Staff Recommendation: Close the Public Hearing and Issue the Order of Conditions*

**Present in Interest: Bill MacLeod**

Continued Public Hearing on a Notice of Intent filed by Mark and Maryellen Florio under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands

Protection By-law, Article XIV, for proposed addition to an existing single family dwelling at **24 Fosters Pond Road.**

Agent Cleary presented this to the Commission. This was continued from March 3, 2015 due to snow cover and frozen conditions. Staff will not make a ruling on any resource areas. The work proposed is further from the edge of water than the current structure. A small portion of the new addition is within the 50 foot no-build and there is a slight encroachment into the 25 foot no-disturb for the erosion control line due to an existing stone wall. Waivers have been requested for these encroachments.

Bill MacLeod presented the proposed plan to the Commission. The Applicant would like to maintain the existing lawn using fertilizer and pesticides since the property is not in the Watershed Protection Overlay District. Foster Pond Associates puts chemicals in the pond to treat for fanwort, etc. The Applicant is not proposing to extend his lawn at this time, just maintain it in the same manner his neighbors are allowed.

Discussion regarding the changing of language in Finding No. 5.

Commissioner Driscoll suggested not using fertilizer and/or pesticides with 25 feet of the water. Mark Florio, the Applicant, informed the Commission that studies have been done on the pond and that non-native invasives such as fanwort, are brought into the lake from boats, not from the use of fertilizer or pesticides. He would like to maintain his lawn with organic fertilizer and does not want to be limited with what he can do to maintain his property.

Chairman Cooper informed the Applicant that if the Fosters Pond Association agrees that the use of fertilizer and pesticides are not a problem to the Pond, then the Applicant can come back to the Commission for an Amendment to the Order of Conditions.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to approve the waiver requests; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Honea made a Motion to close the public hearing and issue the Order of Conditions as modified for Finding #5; it was seconded by Commissioner Driscoll and unanimously approved.

### **63 Reservation Road**

*Staff Recommendation: Continue to a date uncertain.*

**Present in Interest: Bill MacLeod**

Public Hearing on a Notice of Intent filed by Michael E. Lombard, Trustee of MNH Realty Trust under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed addition to an existing single family dwelling at **63 Reservation Road.**

Agent Cleary presented this to the Commission. The filing is complete under the WPA only. Waivers will be requested for the inability to meet setback requirements as a portions of the additions are within the 50 foot no-build and retaining wall and proposed driveway are within the 25 foot no-disturb. Most of the work proposed will be on existing lawn area close to the revised wetland line. This is a historically disturbed site. The wetland line has been revised per staff's recommendation and will be shown on the plan presented tonight. Staff recommends non-disturb bounds be installed at the edge of lawn, however the Applicant is resistant.

Bill MacLeod presented the revised plan to the Commission. Mr. MacLeod stated "The project consists of a small additions in the front and rear of the house and adding a 2 stall garage, not a 3 stall garage, and that it's not that big of an addition to the dwelling." The wetland flags have been moved per staff recommendation.

Commissioner Honea asked if the garage could be turned to be outside the 50 foot no-build area. If that was done, it would become very difficult to access the garage.

Vice Chairman Porter asked if any of the lawn could be reclaimed as buffer. The Applicant would like to maintain the existing lawn area.

Chairman Cooper advised staff and Mr. MacLeod to discuss and come to an agreement regarding plantings at the edge of lawn or bounds to prohibit further extension of the lawn area and to provide a revised plan. It was agreed to continue to April 21, 2015 at 8:15pm.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to April 21, 2015 at 8:15pm; it was seconded by Commissioner Driscoll and unanimously approved.

## **24 Phillips Street**

*Staff Recommendation: Continue to a date uncertain*

**Present in Interest: Bill Manuell**

Public Hearing on a Notice of Intent filed by David and Stacia Glancy under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a covered sport court and concrete generator pad in the buffer zone at **24 Phillips Street**.

Agent Cleary presented this to the Commission. The filing is not complete and is subject to both the WPA and Act. The work proposed is for a covered sport court with a turf bottom and a generator pad to be placed on existing lawn area. The current delineation on the plan shows all work outside the 50 foot no-build area. Staff believes that a change in delineation would affect this setback. The consultant informed staff that once the snow melts, the lawn will be viewed down to the bank and/or stream and present in some areas in the bank and/or stream. The resource area has been manicured, the wetland area and stream altered.

Bill Manuell presented the project to the Commission. The proposed sport court is a temporary structure with a roof and soft sides than can be rolled up or dropped down. The work proposed

will on existing lawn area. The grass and top soil will be removed to put down the turf flooring. Sona tube footings will be used for supports. The roof will have gutters and the runoff will be directed into infiltration chambers. There is an operation and maintenance plan in place which calls for inspection of the gutters, etc., after storm events. The closest point of the sport court is 50 feet from the edge of the wetland, which exceeds setback requirement of 35 feet.

The generator will be placed behind the carriage house and used as back electricity for the carriage house and to supply electricity to the sport court. The generator pad is 50 feet from the edge of wetland. There is a stream that runs in a defined channel and then into an underground pipe. Items missing from the plan are tree line, stone wall, no-build/no-disturb areas, wetland delineation and the scale is incorrect.

There was discussion with staff regarding non-disturb monumentation. The lawn has been in place down to the stream for some time. The last delineation was about 10 years ago and bounds were not required. Based on that information, staff recommends installation of bounds and restoration of the 25 foot no-disturb area. There are existing plantings along the edge of a portion of the stream which can be monumented. However, the Applicant is not going to want a 25 foot wide swath of natural vegetation along their property.

Chairman Cooper summarized that the Applicant can request a waiver for the scale on the plan; add to the plan the stone wall, the direction of the flow, and the non-disturb/no-build lines. The trees on the opposite side of the lot do not need to be added to the plan and it was suggested that a demarcation be placed on the plan to show the area encompassed by the Order of Conditions filing.

Site visit was scheduled for April 18, 2015 at 8:00am.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to April 21, 2015; it was seconded by Commissioner Greenwood and unanimously approved.

### **ACTION ITEMS:**

#### **55 Harold Parker Road**

##### **Present in Interest: Dana Perkins**

Request for extension an Insignificant Change.

Revised plan places riding area further away from the resource areas.

Commissioner Driscoll a Motion to find the change insignificant; it was seconded by Vice Chairman Porter and unanimously approved.

#### **213 River Road**

Request for insignificant change.

Revised plan shows revised wetland line.

Commissioner Driscoll made a Motion to find the change insignificant; it was seconded by Commissioner Honea and unanimously approved.

**Lot #2 Fraser Drive**

**Present in Interest: Matt Ireland**

Request for insignificant change.

The dwelling will be narrower, and closer to the street which is further away from the resource area. Commissioner Porter asked that the 50 foot no-build be staked by the site monitor prior the foundation being poured.

Commissioner Honea made a Motion to find the changes insignificant; it was seconded by Commissioner Driscoll and unanimously approved.

**350 Lowell Street (Raytheon)**

Request for reduction in site inspections to twice a year.

Commissioner Sutherland made a Motion to approve; it was seconded by Commissioner Honea and unanimously approved.

**CONSENT AGENDA:**

**Minutes**

Approval of minutes from March 17, 2015.

**24 Phillips Street**

Request for Satisfactory Completion of Work Certificate.

**12 Spencer Court, Lot 5**

Request for a Certificate of Compliance.

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

**LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

**Tennessee Gas Pipeline**

**Present in Interest: John Hess, Sara Hinchey, Keith Saxon**

Chairman Cooper recused himself and left the building.

John Hess handed out the Town Resolution regarding the pipeline. The pipeline may be relocated further west; however Andover should not support the pipeline at all under any circumstances. There are better alternatives available. This is a nonbinding resolution.

Commissioner Greenwood made a Motion to support the resolution; it was seconded by Commissioner Honea and unanimously approved.

### **Streamline Permitting Update**

Mr. Douglas updated the Commission with some recommendations from the streamline permitting project. He recommends that whenever possible, filings for a Notice of Intent be closed and issued at the first hearing. The Commission agreed, asking that they receive the proposed Order of Conditions with Special Conditions prior to the meeting to review as there is not enough time during the meeting to do a comprehensive review.

### **Trinity Circle**

Issuance of an Enforcement Order. 3 attempts to collect funds for required site monitoring have gone with no response beginning in February, 2015. Enforcement Order requires the Applicant to come before the Commission on the 17<sup>th</sup> with fines to be considered.

Commissioner Honea made a Motion to issue the Enforcement Order; it was seconded by Commissioner Townson and unanimously approved.

### **24 Boston Road**

Issuance of an Enforcement Order. Site was given permission to raise the roof; however the homeowner then raised the entire house and redid the foundation causing a large excavation within 200 feet of the Riverfront Resource Area. The Enforcement Order specifies that a filing for a Notice of Intent be made no later than April 21, 2015.

Commissioner Honea made a Motion to issue the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

**Executive Session was tabled.**

**The next meeting will be held on April 21, 2015 at 7:45pm.**

**The meeting was adjourned at 10:06pm by motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**