

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
APRIL 21, 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 Alix Driscoll, Commissioner Jon Honea (8:25pm), Commissioner Floyd Greenwood (7:55pm) and Commissioner Phil Sutherland. Staff member present were Robert Douglas, Conservation Director and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Andover Historic Mill District

Present in Interest: Paul Materazzo, Steve Fink, Charlie Kendrick, and Tim Vail,

A video of the proposed Andover Historic Mill District was presented showing the possibilities of revitalizing this area in the future if the Overlay passes at Town Meeting. There will be public access provided within the first 100 feet of the Shawsheen River for each project moved forward.

Commissioner Driscoll made a Motion to support the Article; it was seconded by Commissioner Sutherland and approved with 2 abstaining.

90 Beacon Street

Andover Country Club 3rd and 4th Fairway

Staff Recommendation: Close Public Hearing and Issue ORAD

Present in Interest: Steve Eriksen, Bob Golledge and Ying Zhang

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by C.A. Investment Trust under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law to determine the stream status of Hussey's Brook at **90 Beacon Street**.

Mr. Douglas presented this to the Commission. The Application is complete and the Applicant has provided 4 photos taken during no drought conditions. Hussey's Brook has been previously determined to be intermittent downstream of this location.

Bob Golledge presented the project to the Commission. There is a valid Order of Conditions which determines a downstream portion of Hussey's Brook as intermittent. The four occasions in which the brook was dry there was no drought conditions, no blockages and the watershed

was sufficient. There were no beavers and no drawn down of the water, no human activity whatsoever.

Commissioner Greenwood asked who observed the dryness of the stream. The Applicant observed the stream, they did not contact staff.

Chairman Cooper asked for a Motion. Commissioner Sutherland made a Motion to Close the Public Hearing and find Hussey's Brook intermittent within the boundaries on the approved plan; it was seconded by Vice Chairman Porter and approved with Commissioners Honea and Greenwood abstaining.

Lot #3 (7) Jillian Way

Staff Recommendation: Continue

Present in Interest: Steve Stapinski

Public Hearing on a Notice of Intent filed by Joseph Germano, T&J Realty, LLC 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 single family house, driveway and utilities at **Lot #3 (7) Jillian Way**.

Lot #4 (6) Jillian Way

Staff Recommendation: Continue

Present in Interest: Steve Stapinski

Public Hearing on a Notice of Intent filed by Joseph Germano, T&J Realty, LLC 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 single family house, driveway and utilities at **Lot #4 (6) Jillian Way**.

Lot #5(4) Jillian Way

Staff Recommendation: Continue

Present in Interest: Steve Stapinski and DeeDee O'Brien

Public Hearing on a Notice of Intent filed by Joseph Germano, T&J Realty, LLC 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 single family house, driveway and utilities at **Lot #5 (4) Jillian Way**.

Lot #6 (2) Jillian Way

Staff Recommendation: Continue

Present in Interest: Steve Stapinski

Public Hearing on a Notice of Intent filed by Joseph Germano, T&J Realty, LLC 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 single family house, driveway and utilities at **Lot #6 (2) Jillian Way**.

Chairman Cooper opened all Lots pertaining to Jillian Way concurrently.

Mr. Douglas presented these to the Commission. The resource area has been delineated; all setbacks are met on each lot so no waivers are requested.

Steve Stapinski presented the projects to the Commission. Individual filings have been made for each lot. There is underground infiltration for the roadway and each lot will have its own infiltration system as well as rooftop infiltration which will not flow into the roadway drainage system. All work is outside the 200 foot riverfront and outside the Natural Heritage Zone. Two parcels of Open Space have been deeded to AVIS. The erosion control will be set along the 25 foot no-disturb line.

Chairman Cooper asked why the stormwater management rules apply. The rules apply because this is a 4 lot subdivision, but individual lots are exempt. The Town Engineer reviewed the plans to ensure the individual lots have stormwater management.

Commissioner Honea asked if bounds will be set at the 25 foot no-disturb line and if the public access will have signage? Bounds will be set and any signage has not been decided, but open to discussion.

Commissioner Driscoll stated that the 100 foot buffer goes through the proposed house on Lot #3. She inquired if any activity will take place within the 100 year flood plain.

Vice Chairman Porter asked about the haybales between the 25 foot no-disturb line and the wetland line. The previous owner buried tires on the property, the tires have been removed and the haybales will remain until the grass comes in.

Site visits will be conducted individually by the Commissioners.

Applicant will provide plans showing 100 year flood plain.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to May 7, 2015 at 8:15pm; it was seconded by Commissioner Sutherland and unanimously approved.

52 William Street

Staff Recommendation: Continue

Present in Interest: Steve and Joan Gates, Ben Osgood, Miaoruo and Ernest Simmons

Public Hearing on a Notice of Intent filed by Miaoruo and Ernest Simmons under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed demolition of existing dwelling and construction of single family house with associated grading and utilities at **52 William Street**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA and By-Law for the demolition of an existing dwelling and construction of a new dwelling on Grieco's Pond. The lot was created prior to the Riverfront portion of the regulations.

The site was flagged prior to snowfall and will need to be re-established. All work has been moved outside the 100 foot inner riparian zone. Engineer will provide existing disturbance vs. proposed disturbance and flood elevations. Staff recommends 25 foot no-disturb bounds be placed at the end of the existing stone wall. Management of invasives which are strangling restoration plantings in the non-disturb area. Staff also recommends no fertilizers, pesticides, herbicides be permitted within the inner 100 foot riparian.

Ben Osgood presented the project to the Commission. The wetland has been delineated and they have hooked up to sewer. The Applicant would like to keep the plantings upland of the stone wall. All work has been moved outside the 100 foot inner riparian and there will be less pavement. The driveway is a subdivision street approved by the Planning Board. There are no other permits required for this project.

Commissioner Honea asked if the 50 foot no-build was shown on the plan. The house is outside the 50 foot buffer.

Commissioner Greenwood asked if buffer was being added along the River. The 25 foot buffer will increase to the edge of the stone retaining wall.

Steve Gates, an abutter of 54 Williams Street, stated that the Commission denied the prior Application. The application expired, it was not denied. The lot is nonconforming due to not having frontage on an approved roadway. This is a Right of Way.

Agent Cleary suggested Mr. Gates check with the ZBA and Building Inspector with his concerns.

Ben Osgood informed the Commission that the approval was under a definitive subdivision plan submitted in 1972. He spoke with the Building Inspector and was informed that this is a lawful lot as long as the offset requirements are met, which they are.

Joan Gates informed the Commission that she did not believe the Building Inspector's decision. The Right of Way was included in a determination in the 1970s and it is now a deeded Right of Way.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to May 19, 2015 at 8:15pm; it was seconded by Commissioner Honea and unanimously approved.

63 Reservation Road

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Present in Interest: Bill MacLeod

Continued Public Hearing on a Notice of Intent filed by Michael E. Lombard, Trustee 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. This was continued for submittal of a revised plan showing bounds and areas of lawn to be naturalized agreeable to the Applicant. The revised plan was received.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to close the Public Hearing, accept the waivers and issue the Order of Conditions; it was seconded by Commissioner Sutherland and unanimously approved.

24 Phillips Street

Staff Recommendation: Continue

Present in Interest: Bill Manuell

Continued 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. A revised plan was received depicting most of the deficiencies noted by staff. Waivers will be required for depicting all areas of lawn, tree line and plan size. All flagging changes by staff have been accepted by the consultant. The Applicant has agreed to install bounds and allow area to naturalize.

Commissioner Greenwood asked that herbicides and pesticides be prohibited. The stream is receiving lawn chemicals from the runoff and he would like more protection for the stream. It was agreed that 25 feet from the stream no herbicides, pesticides etc., will be used.

Vice Chairman Porter asked if bound number 4 could be moved up 5 feet due to the steep slope.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to May 7, 2015; it was seconded by Commissioner Sutherland and unanimously approved.

ACTION ITEMS:

232 River Road

Request for extension an Insignificant Change.

Shifting of do not disturb line to allow poison ivy to be cut back.

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

CONSENT AGENDA:

Minutes

Approval of minutes from April 7, 2015. Tabled to May 7, 2015.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

146 Dascomb Road

Informal discussion of proposed widening of Dascomb Road and mitigation.

Rick Friberg informed the Commission that the peer review has been done by Ann Martin. The end of the due diligence period of the Purchase and Sales Agreement is approaching. The mitigation proposed will be 2:1.

Commissioner Greenwood expressed his discomfort with culverting a stream that is functioning. Sal Lupoli stated that this is a large scale project which includes the widening of Dascomb Road. This project will mitigate for the culverting of the stream, whereas the State would not offer any mitigation.

Chairman Cooper informed the Applicant that the Commission could not give him a consensus without a filing before them.

Deer Hunt 2015

Commissioner Greenwood suggested putting the Deer Hunt in place without the need for a yearly vote unless there was an exception. The Commission preferred to continue to approve the Hunt on a yearly basis for the opportunity for discussion.

Vice Chairman Porter made a Motion to Approve the 2015 Deer Hunt; it was seconded by Commissioner Driscoll and unanimously approved.

173 Greenwood Road/Trinity Circle

Discussion of Enforcement Order issued. The site monitoring fees have been submitted.

Recommend rescinding Enforcement Order since monies have been received for site monitoring.

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

Parcels D and E off Newport Circle

Acceptance and signing of Conservation Restriction.

Commissioner Sutherland made a Motion to accept the Conservation Restriction; it was seconded by Commissioner Driscoll and unanimously approved.

The next meeting will be held on May 7, 2015 at 7:45pm.

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

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**