

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

Town of Andover  
36 Bartlet Street  
2nd Floor Conference Room  
7:45pm

**Conservation Members in Attendance:**

Vice Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Ellen Townson and Commissioner Phil Sutherland. Staff member present was Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**Town of Andover**

**Various Streets**

*Staff Recommendation: Approve as Neg.5 and Neg.6*

Public Hearing on a Request for Determination of Applicability filed by the Town of Andover under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed resurfacing of various streets in the Town of Andover (List available at the Conservation Office).

Agent Cleary presented this to the Commission. The proposed work is for the reclaiming, repaving and cold milling, which is exempt under the Act and By-Law for normal maintenance and repair of existing roads.

Vice Chairman Porter asked for a Motion. Commissioner Honea made a Motion to approve as Neg.5 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

**24 Boston Road**

*Staff Recommendation: Approve as Neg.1 and Pos.2b*

Public Hearing on a Request for Determination of Applicability filed by Kathleen Connors under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of existing foundation at **24 Boston Road**.

Agent Cleary presented this to the Commission in Mr. Douglas' absence. An Enforcement Order was issued initially for work within the 100 foot buffer zone. The Enforcement Order required a sedimentation barrier be established, which has been done, file for a permit and stabilize the disturbed area. The actual structure is over 100 feet from the resource area. Staff recommends we continue the site clean-up under the standing Enforcement Order and issue the permit.

Vice Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to approve as Neg.1 and Pos.2b; it was seconded by Commissioner Honea and unanimously approved.

### **Shawsheen Road**

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

**Present in Interest: Dana Altobello**

Public Hearing on a Request for Determination of Applicability filed by Columbia Gas of MA under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of a gas line in a portion of **Shawsheen Road**.

Agent Cleary presented this to the Commission in Mr. Douglas' absence. The work proposed is to replace 3,000 linear feet of gas line within the existing roadway or shoulder on Shawsheen Road. The open trench method will be used where nothing will be left open overnight. Erosion controls will be in place prior to the start of construction.

Vice Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to approve as Pos.2b and Neg.3; it was seconded by Commissioner Sutherland and unanimously approved.

### **24 Webster Street**

*Staff Recommendation: Pos.5 and Neg.3*

**Present in Interest: Theresa Portante**

Public Hearing on a Request for Determination of Applicability filed by Massachusetts Electric Company under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of 5 poles and a temporary distribution line at **24 Webster Street**.

Agent Cleary presented this to the Commission. The application is complete for maintenance for a public utility under both the Act and By-Law. Temporary poles will be installed to provide service during maintenance work at substation #8 and will be removed with conditions restored upon completion of the maintenance. Waivers are requested for work within the 25 foot non-disturb; a professionally stamped plan; existing and proposed topog; and tree line.

Commissioner Honea asked if the poles would be removed or cut and left. They will remove as a whole pole from the ground.

Vice Chairman Porter asked for a Motion. Commissioner Honea made a Motion to approve the waivers requested; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Honea made a Motion to approve as Pos.5 and Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

## **24 Phillips Street**

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

**Present in Interest: Bill Manuel**

Continued Public Meeting on a Notice of Intent filed by the **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. This was continued from April 21, 2015 to close the Public Hearing and issue the Order of Conditions. The revised plan incorporates all of the Commission's requests. Waivers are requested for scale of plan; depiction of tree line; and portions of the 25 foot non-disturb not bounded. There will be no pesticides used within 25 feet of the resource area. Bounds will be installed and the area shown on the plan will be allowed to naturalize.

Bill Manuel asked that he be allowed to monitor the project instead of an appointed site monitor. Commissioner Honea did not agree as this would set a precedent for future applicants. The commission agreed and will appoint a site monitor chosen by staff.

Commissioner Sutherland inquired as to how the lawn care people would be advised of the no pesticides within 25 feet of the resource area. Mr. Manuel indicated that the lawn care employees would need to be educated and reminded by the homeowners.

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

Commissioner Honea made a Motion to follow protocol for the site monitoring; it was seconded by Commissioner Driscoll and approved by a 4-1 vote with Commissioner Sutherland opposed. Commissioner Driscoll made a Motion to close the Public Hearing; it was seconded by Commissioner Townson and unanimously approved.

Commissioner Sutherland made a Motion to issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

## **Lot #3 (7) Jillian Way**

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

**Present in Interest: Steve Stapinski and Joseph Germano**

Continued 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: Close Public Hearing and Issue Order of Conditions*

**Present in Interest: Steve Stapinski and Joseph Germano**

Continued 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: Close Public Hearing and Issue Order of Conditions*

**Present in Interest: Steve Stapinski and Joseph Germano**

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: Close Public Hearing and Issue Order of Conditions*

**Present in Interest: Steve Stapinski and Joseph Germano**

Continued 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.**

All Jillian Way public hearings were opened at the same time.

Agent Cleary presented this to the Commission in Mr. Douglas' absence. The open space has been conveyed to AVIS and the boardwalk will be built shortly. Each lot has its own stormwater management and infiltration. All work is outside the Natural Heritage line shown on the plan, there is no development with the 100 year flood plain and all setbacks are met on each lot.

Agent Cleary stated that the revised plan information would be added to Special Conditions No. 5 and No.10 prior to issuing the Order of Conditions.

Vice Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to close the Public Hearing; it was seconded by Commissioner Townson and unanimously approved. Commissioner Honea made a Motion to issue the Order of Conditions with the plan information updated as discussed; it was seconded by Commissioner Driscoll and unanimously approved.

### **9 Patriot Drive**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed by Gary Pelletier 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 an inground pool, Jacuzzi, patio, retaining walls, fence plantings and associated grading and utilities at **9 Patriot Drive**.

Agent Cleary presented this to the Commission. The Applicant has requested a continuance to May 19, 2015.

### **ACTION ITEMS:**

#### **Newport Circle Subdivision**

Request for cessation of inspection reports.

There are no site monitoring funds left with site work still to be completed. No work can be done until fund for site monitoring are received in the amount of \$2,500.00.

Commissioner Honea stated that fines would be in order along with an Enforcement Order.

Commissioner Honea made a Motion to deny the cessation of site monitoring and issue an Enforcement Order with 10 days to fund the site monitoring and then fines of \$200 per day beginning the 11<sup>th</sup> day if funds are not received; it was seconded by Commissioner Sutherland and unanimously approved.

### **CONSENT AGENDA:**

#### **Minutes**

Approval of minutes from April 7, 2015 and April 21, 2015.

#### **123 River Road**

Request for a Certificate of Compliance.

#### **4 Regency Ridge**

Request for a Certificate of Compliance.

## **146 Dascomb Road**

Request for a Certificate of Compliance. **Tabled.**

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

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

#### **Eagle Scout Project**

##### **Present in Interest: Victor Amesoeder**

Victor presented this Eagle Scout project to the Commission. He will be working on the parking lot across from the compost site at the Virginia Hammond Reservation. The Town will dig out the existing parking area which is now mostly wood chips and mud and put down crushed asphalt. A farm gate will be installed further in to the parking area secured by a pole and will swing to lock on an existing pole. The gate will be locked at dusk to keep vehicles from entering. There will be parking for 12-14 cars once completed. Victor is asking family, friends and local businesses for donations. He asked that the Conservation Commission match up to \$150 of the funds he collects.

Commissioner Driscoll made a Motion to approve the project and the matching funds; it was seconded by Commissioner Townson and unanimously approved.

#### **Community Garden**

##### **Present in Interest: Ann Knowles and Cindy Ozirsky**

They would like to use the Virginia Hammond Reservation for the community garden site. South Church would like to create a giving garden for Neighbors in Need which helps provide healthy food to the homeless in Lawrence and food pantries. A handout of the area and soil study was distributed. The Church is seeking permission to investigate the cost of fencing, having a well dug, placement of a shed and port-a-potty costs.

Commissioner Honea was concerned with the selection of the Virginia Hammond Reservation because it is 1 of only 2 meadow habitats in Town. We are trying to get meadow habitats back, not clear them for other use. Commissioner Honea suggested this be sent back to the Land Group for further discussion.

Commissioner Sutherland does not believe this is passive use of our land. The digging of a well and placement of a shed are not passive uses.

The Commission granted permission for further investigation into the start up costs by the South Church.

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

**The next meeting will be held on May 19, 2015 at 7:45pm.**

**The meeting was adjourned at 9:41pm by motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**