

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JUNE 16, 2015**

Town of Andover
36 Bartlet Street
2nd Floor Conference Room
7:55pm

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Floyd Greenwood (left meeting at 8:30pm) and Commissioner Phil Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

Prior to the beginning of the regularly scheduled meeting, the Commission recognized Chairman Cooper's 30 years of service to the Conservation Commission.

SCHEDULED ITEMS:

Elm Street

Present in Interest: Kevin Porter, Paul Marchionda, David and Leslie Silverstein

Staff Recommendation: Continue

Continued Public Hearing on a Request for Determination of Applicability filed by Joseph McElwee under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a drain line from 139 Elm Street to tie into existing manhole in the side walk on the north side of **Elm Street**.

Vice Chairman Porter recused himself and sat in the audience for this hearing.

Mr. Douglas presented this to the Commission. This was continued at the Applicant's request to provide amended information. The entirety of this project will take place in the existing roadway and sidewalk.

Paul Marchionda presented the project. The proposed drain line will tie into an existing manhole in Elm Street. DPW has requested the water not run directly into the manhole. The water will not be redirected, the water now runs through the gutters and into the manhole. Erosion control will be in place and the roadway will be cold milled and repaved. DPW has approved the plan and the Planning Board is conducting a stormwater drainage peer review. The peak runoff is reduced in 2/10/25 and 50 year storm events by using an underground detention basin. The water leaving the site will be at a slower rate after development. This will not contribute to the

flooding in the neighborhood, in will in fact make it better. The water will go into the “underground vault”, out the headwall and into the manhole.

Commissioner Driscoll asked if the independent reviewer for the Planning Board has an issue with the plan. The independent reviewer does not see any issues with the proposed plan.

David Silverstein, an abutter, stated that the area surrounding the proposed development is not the only are impacted. Stormwater and sewage from Elm Street drains down Burton Farm Drive. There have been repeated washouts in the past years, manhole covers popping off and raw sewage flowing down the street. He also stated that the Planning Board has not been providing information provided by DPW on this project. He believes input from the DPW is needed on this project.

Kevin Porter, an abutter, asked for the total water coming off the site pre and post development. He asked if there was more volume of water pre or post development. The peak runoffs go down post development. Mr. Porter stated that the 10/25/100 storm peak runoffs all exceed predevelopment 2 year storm event. 1.3 cubic feet per sec is the 2 year storm rate predevelopment and post development 10 year storm event is 1.9 cubic feet.

Commissioner Driscoll asked where the water will flow from the entire site. The water from the back of the property will be recharged and not flow into Elm Street. The proposed drain line will recharge the water from the front of the property.

Applicant agreed to continue to obtain stormwater peer review from the Planning Board.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to July 7 2015; it was seconded by Commissioner Honea and unanimously approved.

2 Cottonwood Circle

Present in Interest: Brad Pechacek

Staff Recommendation: Approve as Neg. 3 with conditions.

Public Hearing on a Request for Determination of Applicability filed by Brad Pechacek under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of existing septic system at **2 Cottonwood Circle**.

Agent Cleary presented this to the Commission. The filing is under the WPA only and the site is located in the Fish Brook Watershed Protection Overlay District. The proposed work is 25 feet at its closest point from the wetland. Hand digging only will be done. Work is on existing lawn and there is a healthy buffer of 15 feet to BVW.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

10 Stevens Street

Present in Interest: Todd Ravenelle and Pamela Finnerty

Staff Recommendation: Approve as Pos.2b, Neg.3, Neg.5 and Neg.6

Public Hearing on a Request for Determination of Applicability filed by US Postal Service under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed repair, reclaiming and resurfacing of an existing parking lot located at **10 Stevens Street**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA only. No new work or extension of parking area is being proposed. The site is located almost entirely within the 200 foot riverfront of the Shawsheen River. Work is grandfathered pursuant to 310 CMR 10.58(6)(a). There will be no adverse impact as a result of the proposed work. Waivers are requested for dimensions, tree line, delineation of resource area, fences, walls, steps, riverfront buffer zones, distances from buildings and location of sedimentation control on the plan.

Pamela Finnerty, an abutter, inquired about the length of the project as the right-of-way is the access to her property. Work will be at night or off peak times with a police detail to make sure there is access. She asked if the catch basin could be repaired as part of this paving project. Mr. Ravenelle agreed to ask the Postal Service if they would be willing to repair the catch basin. Staff to include in conditions.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to approve the waivers; it was seconded by Commissioner Sutherland and unanimously approved. Commissioner Driscoll made a Motion to Approve as Pos.2b, Neg.3, Neg.5 and Neg.6 with catch basin language if approved; it was seconded by Commissioner Sutherland and unanimously approved.

15 Dawn Circle

Staff Recommendation: Continue to a date uncertain.

Continued Public Meeting on a Notice of Intent filed by the **Dave Barcelo** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed regrading of the northeast corner of the property located at **15 Dawn Circle**.

Agent Cleary presented this to the Commission. Applicant has requested to continue to a date uncertain.

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

32 Stirling Street

Present in Interest: Maureen Herald, Robert Pratt and Amy Pratt

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Continued Public Hearing on a Notice of Intent filed by **Jinmei Yu** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed cutting of trees, loam and seed to extend lawn area at **32 Stirling Street**.

Mr. Douglas presented this to the Commission. Site visit to confirm wetland line has been done and the soil work is complete. Flagging meets wetland standards.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing and issue the Order of Conditions; it was seconded by Commissioner Townson and unanimously approved.

146 Dascomb Road

Present in Interest: Curt Young, Rick Friberg, Mitch Keavny and Sal Lupoli

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed by **Salvatore Lupoli, Lupoli Companies** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed expansion of commercial facilities, improved site access and widening of Dascomb Road at **146 Dascomb Road**.

Mr. Douglas presented this to the Commission. The site visit was conducted.

Vice Chairman Porter commented on the number of mature trees that would be removed and replication cannot replace these trees. He found the alternatives analysis to be lacking, and he would like a traffic analysis done. The Commission could be setting a precedent that he is not comfortable doing.

The slope is heavily wooded with trees and very steep. If the slope is reduced there would a better change for regrowth. Curt Young explained to the Commission that by reducing the slope, it would mean cutting more trees because of the extended distance. He agreed to find a middle slope which would protect as many trees as possible at the top of the slope. He suggested 2.5:1 slope. Commissioner Honea would like Ann Marton to work with the Applicant on the slope reconsideration. Commissioner Honea also stated that the widening of Dascomb Road is inevitable and if the state does the work for the widening, then the Commission will have no input as to replication or the stream relocation.

Rick Friberg informed the Commission that the Town has applied for funding at least twice through the PWED grant to widen Dascomb Road, so it will happen.

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

ACTION ITEMS:

8 Cottage Road

Request for Insignificant Change.

Applicant built the deck 14x18 feet. The approved deck was 12x14 feet.

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

CONSENT AGENDA:

Minutes

Approval of minutes from June 16, 2015.

15 Webster Street

Request for a Satisfactory Completion of Work Certificate.

15 Webster Street

Request for a Satisfactory Completion of Work Certificate.

2 Spencer Court

Request for a Certificate of Compliance.

Vice Chairman Porter 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:

Newport Circle

Discussion regarding Enforcement Order and detention pond work completion. Staff would like to extend deadline for work from May 28, 2015 to June 11, 2015; extend deadline from June 11, 2015 to 5:00pm June 19, 2015 due to rainfall. Sign Enforcement Order No. 2 with fines of \$200 per day beginning June 20, 2015 for each day the detention pond has not been maintained.

Vice Chairman Porter made a Motion to extend the deadline from May 28, 2015 to June 11, 2015; from June 11, 2015 to June 19, 2015; it was seconded by Commissioner Honea and unanimously approved.

366 River Road

Ratification of Enforcement Order issued for work done within the buffer zone.

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

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

The meeting was adjourned at 9:28pm by motion of Vice Chairman Porter; seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**