

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
JULY 7, 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 and Commissioner Phil Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**191 Holt Road**

**Present in Interest: Jack Sullivan, Greg and Joyce Eckstein**

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

Public Hearing on a Request for Determination of Applicability filed by Black Hawk Development, LLC under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed razing of an existing single family house and construction of a new single family home at **191 Holt Road**.

Agent Cleary presented this to the Commission. The application is under both the Act and the By-Law with waiver requests. The wetland is located across the street and only a very small corner of the front yard is within the 100 foot buffer. Buffer zone work limited to utility work to roadway and slight expansion of the driveway. The new dwelling will be located further away from the wetland. A snow fence will be placed on the 100 foot buffer. Waivers are requested for plan requirements including topo contours; delineation of wetland; 25 foot and 50 foot buffers and location of sedimentation controls.

Jack Sullivan presented the project to the Commission. Only a portion of the driveway will be within the 100 foot buffer. The revised plan shows the change in utility work. Staff agreed to modify the condition regarding utilities and reference the new revised plan.

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

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

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

## **22 Greenwood Road**

*Staff Recommendation: Continue to July 21, 2015.*

Public Hearing on a Request for Determination of Applicability filed by Lisa Lahood under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of a replacement septic system and removal of 2 trees at **22 Greenwood Road**.

Agent Cleary presented this to the Commission. Applicant has requested to continue to July 21, 2015 to meet Board of Health requirements.

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

## **Elm Street**

**Present in Interest: Paul Marchionda**

*Staff Recommendation: Approve*

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 drain manhole in the sidewalk on the north side of **Elm Street**.

**Vice Chairman Kevin Porter recused himself to participate from the audience as an abutter.**

Mr. Douglas presented this to the Commission. This was continued from June 16, 2015 for review of the peer review completed on behalf of the Planning Department. The Commission has also reviewed a letters from the Town Engineer, Brian Moore and from Chris Cronin, Director of Municipal Services. The project is a standard drainage filing and all work will be performed in the roadway. The project will not make the flooding down gradient any worse. The peer reviewer, the Town Engineer and the proponent's engineer all agree that the project will reduce peak flows and reduce the "flashiness" of that particular area. Staff to incorporate both letters in the decision/special conditions.

Kevin Porter asked if the recharge overflow will be directed into the Elm Street basin. There will be no overflow leaving the property.

Staff will work with DPW to address flooding concerns and send letter.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to approve referencing both letters and the letter to DPW; it was seconded by Commissioner Townson and unanimously approved.

### **219 High Plain Road**

#### **Present in Interest: Long Dan**

*Staff Recommendation: Approve as Pos.2a, Neg. 3 and Neg.6.*

Public Hearing on a Request for Determination of Applicability filed by Long Dang under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of a replacement septic system at **219 High Plain Road**.

Agent Cleary presented this to the Commission. The Application is under the WPA only for the upgrade of a failing septic system in the Fish Brook Watershed Overlay Protection District. A local upgrade variance has been granted by the Board of Health for the system to be within 100 feet from the wetland line. As a result, it is now located 77 feet from the wetland line. There will be no change in location of the system.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2a, approving wetland flags 12A through 19A inclusive, Neg.3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

### **95 Greenwood Road**

#### **Present in Interest: Sunil Mudholkar and Elliott Brundage**

*Staff Recommendation: Approve*

Public Hearing on a Request for Determination of Applicability filed by Sunil Mudholkar under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed landscape improvements including new concrete paver deck, CMV retaining wall; fireplace; paved patio area, outdoor kitchen and bar; pool enclosure fencing with gates; new plantings and minor grading at **95 Greenwood Road**.

Mr. Douglas presented this to the Commission. The project is 65 feet away from the BVW at its closest point with the majority of the work being 70 feet or more away. The property is located within the Watershed Overlay Protection District. The project meets all of our setbacks and is on currently concrete deck or lawned area. Prior to commencement of work, Applicant shall submit a plan showing the location of the silt fence and include standard pool conditions in decision.

Commissioner Driscoll asked that no herbicides or pesticides be used. The Applicant agreed to not use herbicides or pesticides within the 25 foot no disturb buffer. This will be added to the special conditions.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve with the added conditions; it was seconded by Commissioner Townson and unanimously approved.

### **52 Brown Street**

*Staff Recommendation: Continue.*

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by David Gardner under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law to confirm the boundary of bordering vegetated wetland area at **52 Brown Street**.

Agent Cleary presented this to the Commission. The Applicant's Engineer has requested a continuance to August 4, 2015 pending a peer review.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to August 4, 2015; it was seconded by Commissioner Townson and unanimously approved.

### **Frederick Drive**

**Present in Interest: Steve Cooper, Maureen Herald, Bill MacLeod**

*Staff Recommendation: Continue*

Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by F. Mark and Phillip W. D'Annolfo under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law to confirm the boundary of bordering vegetated wetland area at **Frederic Drive**.

Agent Cleary presented this to the Commission. This was continued to come to an agreement regarding the flagging done by Norse Environmental and LEC. The Applicant has since hired Leah Basbanes to do a third flagging of the wetland area. Mr. MacLeod indicated that he would like all three wetland scientists out on site together to review the flagging and come to an agreement.

Additional funding is needed for LEC to conduct another site visit and write up a report. The Applicant agreed to provide the additional funding.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to August 4, 2015; it was seconded by Commissioner Townson and unanimously approved.

**400, 600, 800 Bulfinch Drive**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed by Roseland A Mack-Cali Company under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed maintenance of the existing emergency access road at **400, 600, 800 Bulfinch Drive**.

Mr. Douglas presented this to the Commission. The Applicant has requested a continuance to August 4, 2015 due to a notification issue with abutters.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to July 21, 2015; it was seconded by Commissioner Honea and unanimously approved.

**503 South Main Street**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed by Primrose School 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 child care facility with appurtenant parking areas and utilities at **503 South Main Street**.

Mr. Douglas presented this to the Commission. The project complies with all our setbacks. A peer review for the hydrology has already begun.

Mr. MacLeod presented this project on behalf of the Applicant. The property is 3.5 acres and is currently the home of the Temple. There are no waivers being requested as all setbacks are met. An infiltration basin will be used. Fill will be brought in to level the backyard held back by a retaining wall. For every 28 inches of retaining wall, the area will be backfilled. Play areas have to be close to the building without steps to reduce the risk of injury. The grade in front will remain the same, 2 catch basins located in the parking lot will be piped to the infiltration basin and then infiltrated on site. The center will be connected to sewer. There will be an increase in impervious cover on site. Janet Bernardo has begun her peer review on the drainage.

Chairman Cooper would like Janet to advise on the amount of fill and any effects it will have on the wetlands.

Commissioner Driscoll asked if pervious pavers could be used. This project will infiltrate everything on site and the soil will drain exceptionally well so there is no need for pervious pavers.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to continue to August 4, 2015; it was seconded by Commissioner Townson and unanimously approved.

**244 South Main Street**

*Staff Recommendation: Continue*

Continued Public Hearing on a Notice of Intent filed by Thomas Childs under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed restoration of an ornamental pond at **244 South Main Street**.

Mr. Douglas presented this to the Commission. The Applicant has requested a continuance to July 21, 2015 for a revised plan per the peer reviewer.

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

**69 North Street**

**Present in Interest: Phil Parsons and Rose Marie Martin**

*Staff Recommendation: Continue*

Continued Public Hearing on an Amended Order of Conditions filed by David Murray under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed conversion of 36 condominium units to a single family home development with 24 units; reduction of pavement to include a 20' wide looped access roadway and driveways; reduction in total impervious area; redesigned drainage system at **69 North Street**.

Mr. Douglas presented this to the Commission. The Applicant has requested to continue to July 21, 2015.

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

**90 Beacon Street**

**Present in Interest: Doug Lees, Bob Gollodge, James and Eunice Moffitt**

*Staff Recommendation: Continue to a date uncertain.*

Public Hearing on a Notice of Intent filed by Yvon Cormier, CA Investment 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 construction of a 7 building condominium

development with 4 attached units each; modification of the 3<sup>rd</sup> and 4<sup>th</sup> fairways; and stream restoration project on the 4<sup>th</sup> fairway at **90 Beacon Street**.

Mr. Douglas presented this to the Commission.

Bob Golledge presented the project on behalf of the Applicant. The first phase of this project will be the construction of 28 town house condominiums, 13 will within the buffer zone. The second phase will be the daylighting of the stream and eliminate the culvert which will result in extra flood storage. All setbacks are met and there are 2 detention basins for added flood storage.

There will be a large disturbance of bank to create more bank and open the stream.

Chairman Cooper had a number of questions:

1. Will any property downstream be effected;
2. Will more areas drain than are draining now after opening the stream;
3. Are there any sensitive areas downstream;
4. Has the drainage design been reviewed by a peer reviewer.

Commissioner Honea asked if the new inner riparian was going to be lawned or allowed to naturalize. The vegetation will be allowed to grow, but be maintained.

Commissioner Greenwood expressed his concern with potentially more lawn chemicals getting into the stream once opened and that they will land in Hussey's Brook due to fairway maintenance. Staff agreed to check with consultant regarding this issue.

Janet Bernardo is conducting the peer review on behalf of the Planning Board.

Vice Chairman Porter asked if any culverts were being removed. Yes they are. This will cause a new wetland delineation due to the change in course. Any future development will require a redelineation.

A site visit will be conducted Thursday, July 9, 2015 at 9:00am.

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

### **146 Dascomb Road**

**Present in Interest: Ann Marton, Curt Young, Rick Friberg, 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 Applicant is responding to questions of the Commission from the last hearing.

The trees are shown on the revised plan;  
The slope will be 2:1 in some areas and 3:1 in others to allow vegetation to grow;  
Specs on soils in the streambed have been provided;  
Sequential steps will be provided in the construction sequencing plan;  
Invasives management plan will be in place for 5 years per Ann Marton;  
The land will be granted either in fee or an easement granted;  
Permeable pavers can only be used in the patio areas due to high traffic volume;  
Scouring of the streambed-this is a low flow streambed where heavy rains cause flash flooding.  
The water will be routed to prevent scouring;  
The areas where trees have to be cut will be revegetated with new plants;  
A guard rail will be installed along the stream along with a fence and shelf to contain the debris from the roadway and snow;  
The replication will be monitored for 5 years;  
Wetland replication will be done early in the project;  
Translocated soil will be tested for invasives;  
Stream has to be fully constructed before the existing stream is filled in;  
Clean back fill;  
Remedial planting will be monitored for 5 years.

Sal Lupoli addressed the Commission and thanked them for their input and making this project much better at the conclusion than it was at the beginning of this process.

Chairman Cooper discussed the closure of the public hearing on the condition that the Applicant and his representatives agree to make any and all revisions asked by our peer reviewer, Ann Marton and provide a final, revised plan reflecting all the changes agreed upon. Mr. Young agreed to those conditions.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing and approve the project subject to the receipt of the revised plans in accordance with Ann Marton's recommendations; it was seconded by Commissioner Townson.

### **ACTION ITEMS:**

#### **5 Manning Way**

Request for 2 year Extension to the Order of Conditions.

Commissioner Greenwood made a Motion to approve the extension; it was seconded by Commissioner Driscoll and unanimously approved.

#### **22 Gould Road**

##### **Present in Interest: Maureen Herald**

Request for Insignificant Change.

Vice Chairman Porter made a Motion to find the change Insignificant; it was seconded by Commissioner Greenwood and unanimously approved.

**Lot 3, Fraser Drive**

Request for Insignificant Change.

Vice Chairman Porter made a Motion to approve the change as insignificant; it was seconded by Commissioner Townson and unanimously approved.

**24 Phillips Street**

Request for Insignificant Change.

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

**CONSENT AGENDA:**

**Minutes**

Approval of minutes from June 16, 2015.

**271 Salem Street**

Request for a Satisfactory Completion of Work Certificate.

**146 Dascomb Road**

Request for a Certificate of Compliance.

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

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

**186 High Street**

Ratification of Enforcement Order issued for encroachment into wetland.

Vice Chairman Porter made a Motion to ratify the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

**6 Azalea Drive**

Ratification of Enforcement Order issued for encroachment into wetland.

Commissioner Driscoll made a Motion to ratify the Enforcement Order; it was seconded by Vice Chairman Porter and unanimously approved.

Vice Chairman made a Motion to enter into Executive Session and not return to open session, but to adjourn; it was seconded by Commissioner Greenwood.

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

**The meeting was adjourned at 10:25pm by motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**