

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JULY 21, 2015**

Town of Andover
36 Bartlet Street
2nd Floor Conference Room
7:47pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Floyd Greenwood(8:20pm) and Commissioner Phil Sutherland (8:25pm). Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Town of Andover

Present in Interest: Joseph Weistoffer, James Hickey, Art Martineau and Marc Fournier

Staff Recommendation: Grant Waivers; Approve as Pos.2b, Pos.5 and Neg.3

Public Hearing on a Request for Determination of Applicability filed by the Town of Andover- Dept. of Municipal Services under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a bituminous pavement sidewalk 1050 feet long and 5 feet wide with granite curbing as well as multiple wheelchair ramps. Adjusting of catch basin frames and grates will be done and several trees and plantings will be removed or relocated at **Holt Road**.

Agent Cleary presented this to the Commission. The application is under both the Act and the By-Law with waiver requests. Waivers have been requested for delineation of wetland, work within the 50 foot no-build and distance to wetland. The project is linear in nature. The proposed sidewalk cannot be relocated across the street due to wetlands in close proximity to the roadway.

Marc Fournier informed the Commission that a few residents have planted within the right of way. The Town will assist the residents with the removal and replanting of the plants on private property.

James Hickey, 41 Bancroft Road, stated that the sidewalks seem unnecessary for such a small strip on Holt Road. There is access to the Bancroft School from either direction.

Joe Weistoffer, 109 Holt Road, asked how the sidewalk would affect the runoff onto his property. He explained that Holt Road is a narrow street where speed is a safety issue as well as parents of Bancroft students parking on Holt Road during the school year for pick up instead of

going to the pick-up line at the school. These cars will now block the roadway once the sidewalk is in place. Staff agreed to forward a letter to the Public Safety Officer to review this issue during the school year.

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

Commissioner Driscoll made a Motion to approve as Pos.2b, Pos.5 and Neg.3; it was seconded by Commissioner Honea and unanimously approved.

22 Greenwood Road

Staff Recommendation: Continue

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 August 4, 2015.

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.

400, 600, 800 Bulfinch Drive

Present in Interest: Chief Mansfield, Mark Johnson, John Dick and Katherine Cruz

Staff Recommendation: Close Public Hearing and Issue OOC

Continued 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. This was continued from July 7, 2015 due to a notification issue. The Applicants are proposing to repair a previously used roadway to provide river access for fire and emergency services. The standards for Riverfront Resource Area and Land Subject to Flooding have been met. There is no loss of resource area although work is within the inner riparian.

Chief Mansfield address the Commission. Andover has the largest shoreline along the Merrimack River with no access. With the increase in recreational use in the River, it is imperative that Andover emergency personnel have access without having to go to Lawrence or

Methuen to assist distressed residents. This easement and maintained access road would allow for quicker access to the River.

Mark Johnson informed the Commission that the ZBA has agreed to permit the easement to construct access for emergency purposes only. The gravel will be refurbished and the easement will be gated to prevent public access.

John Dick presented the project to the Commission. This is a 20 foot wide existing easement. The Applicant will be refurbishing the existing gravel easement, which is a sewer easement. There will be no ramp to the River.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing; it was seconded by Commissioner Honea and unanimously approved.

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

69 North Street

Present in Interest: Jeff Bridge, Janet Bernardo, Benjamin Osgood and David Murray

Staff Recommendation: Close Public Hearing

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. This was continued from July 7, 2015 at the Applicant's request.

Benjamin Osgood presented the project on behalf of the Applicant. The redesign includes 24 single family units in a cluster formation instead of 48 units. The drainage system has been revised, a pocket wetland added, deep sump catch basins, planting plans revised, wetland replication revised and filling for roadway reduced. Additional wetland replication will be added where the reduction in the roadway takes place. There is less impact with this new design and more treatment for stormwater.

Janet Bernardo presented her findings to the Commission. Janet conducted the stormwater management review. Each home has its own infiltration chamber for runoff. The redesign meets current stormwater standards. The Commission is not giving up any regulatory authority by allowing the Amendment instead of a new Notice of Intent.

Jeff Bridge provided the Commission with his findings. There are 4 criteria to be met to issue an Amendment versus a new Notice of Intent. 1) No change in the purpose of the project; 2) No increase in the buffer zone; 3) Meets performance standards; and 4) No increase in adverse impact. All of these criteria have been met. All clearing has been done in accordance with the

limit of clearing in the original Order of Conditions issued. All of the Special Conditions in the original Order of Conditions will remain in full force and effect. Mr. Bridge did find some debris which will be removed from the wetlands as part of the Phase 2 project.

The Amendment to the Order of Conditions will not extend the original Order of Conditions which is due to expire in October, 2015.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing and issue the Order of Conditions on 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 August 4, 2015 without discussion.

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.

459 River Road

Present in Interest: Mickey Marcus and Mark Mastroianni

Staff Recommendation: Continue

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by Mark Mastroianni, Pulte Homes under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law to confirm the boundary of bordering vegetated wetland area at **459 River Road**.

Mr. Douglas presented this to the Commission. This is the property located behind the Franciscan Seminary. There is a steep slope to the River and wetland conditions.

Mark Mastroianni presented the project on behalf of the Applicant. The Applicant is seeking to build an elderly housing complex on the front 26 acres toward River Road. The Special Permit is before the Planning Board currently. The goal of the Applicant is to stay outside all buffer zones with the project. 30% of the 26 acres will be protected open space. The Applicant is open to conveying the open space to either AVIS or the Conservation Commission. The remainder of the property will be owned by Melmark.

Mickey Marcus of Pulte Homes agreed that the strategy is to stay outside the resource areas and buffer zone with the project. There is a large patch of Japanese Knotweed, and an isolated wetland. During a rainstorm water “pops” out of the ground and then goes back in a short distance away. The isolated wetland is less than 5000 square feet and not regulated by the WPA, and water breaks out of the ground and goes back in a short distance away.

Mr. Douglas will obtain a hydrologist to pin point the resource areas.

Site visit was scheduled for August 4, 2015 at 9:00am.

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.

ACTION ITEMS:

146 Dascomb Road

Issuance of Order of Conditions.

Applicant and Consultant have agreed and asked for a continuance to August 31, 2015.

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

CONSENT AGENDA:

174 Jenkins Road

Request for a Satisfactory Completion of Work Certificate.

2 Cottonwood Circle

Request for a Satisfactory Completion of Work Certificate.

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:

Eagle Scout Project

Jason Spencer presented his Eagle Scout Project to the Commission which consists of constructing a kiosk at the trail head of Haggetts Pond Trail. This will be the standard design to hold maps, information and notices.

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

23 Sunset Rock Road

Ratification of Enforcement Order issued for alteration within the buffer zone

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

Tennessee Gas Pipeline

Chairman Cooper recused himself from the hearing and left the building.

Approval for Alix Driscoll to speak on behalf of the Commission regarding the pipeline at FERC and state meetings. She will give testimony on endangered species, slopes etc.

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

Frederick Drive

A motion was made by Commissioner Honea to confirm Ann Marton as our expert peer reviewer and to have the Applicant fund the peer review on the most recent reports submitted by the Applicant and if the Applicant refuses to fund, the review will be done regardless; it was seconded by Commissioner Townson and unanimously approved.

The next meeting will be held on August 4, 2015 at 7:45pm.

The meeting was adjourned at 9:25pm by motion of Commissioner Greenwood; seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**