

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
AUGUST 18, 2015**

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

Conservation Members in Attendance:

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

SCHEDULED ITEMS:

28 Foster Circle

Town of Andover

Present in Interest: Brian Moore, Marc Fournier and Howard Perkins

Staff Recommendation: Grant Waivers; Approve as Pos.2a, Pos.2b 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 relocation of an existing drain line at **28 Foster Circle**.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law for the relocation of an existing drain line under the house at 28 Foster Circle. A waiver is requested for property dimensions which is appropriate due to the linear nature of the project. Staff is not ruling on the A series flagging. This work is being done in accordance with a Town Meeting vote to relocate the easement and drain line in this historically disturbed area.

Chairman Cooper asked that specific language be added to the Special Conditions regarding allowing work up to the wetland to duplicate the existing conditions.

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

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

99 Chestnut Street

Present in Interest: Thomas and Alison Cody

Staff Recommendation: Approve waivers. Approve as Pos.5 and Neg.3.

Public Hearing on a Request for Determination of Applicability filed by Thomas Cody under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a 2 car detached garage; extension of existing deck by 3 feet and stone walk with wood stairs in between proposed garage and deck. Repair of existing platform in kind with wrap around and stairs in front of garage at **99 Chestnut Street**.

Agent Cleary presented this to the Commission. The filing is under the Act and By-Law for work within the Riverfront Area of Rogers Brook. Waivers have been requested to allow the applicant to use the same plan presented to the ZBA. There will be no change in contours. No work will take place within the flood plain. The work is 97 feet from the BVW and there is a berm at the tree line surrounding the rear yard so there is no need for erosion control.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to grant the waivers; it was seconded by Vice Chairman Porter and unanimously approved.

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

2 Willard Circle

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

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

Agent Cleary presented this to the Commission. The project is under the Act only and the project meets our 50 foot setback.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Pos.2b, Neg. 3 and Neg.6; it was seconded by Vice Chairman Porter and unanimously approved.

22 Greenwood Circle

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

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 Circle**.

Agent Cleary presented this to the Commission. This project has finally received approval of the Board of Health and is in receipt of two local upgrades for the inability to meet the 200 foot setback requirement for the tank and SAS due to constraints of the lot proximate to Fish Brook and the lot predating the Riverfront Act and regulations. All work has been placed as far away as possible. No work occurs within BLSF or 100 year flood plain. This is exempt from the Riverfront Area portion of the regulations because the house was built prior to the Riverfront Act.

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

244 South Main Street

Present in Interest: Ann Marton, Brian Butler Bill MacLeod and Janet Bernardo

Staff Recommendation: Close Public Hearing

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.

Brian Butler presented the project on behalf of the applicant. The pond is fed by a small intermittent stream. The applicant is seeking to restore the ornamental pond to its original state, not deepen it. The sedimentation to be removed is now waist deep. The samples taken of the sediment show it needs to be disposed of offsite and incinerated due to elevated arsenic levels. During the restoration some of the ecological system will be stored and placed back in the pond and allowed to naturalize.

Ann Marton stated this restoration can ecologically benefit to the open water habitat. She is waiting for the construction sequencing to be updated and a revised plan showing changing of a few details of the plan.

Chairman Cooper stated that this is an unusual project in that the applicant is asking to directly alter a jurisdictional wetland. He asked Ann Martin if the pond would be better feature after the restoration from a wetlands interest point of view. She indicated that it would be better after the restoration.

This has all the appearances of a pond, but the water is too shallow due to the silt. Removing the silt will allow the water column to function as a habitat. The applicant will use multiple filtrations during the dewatering process so that the sedimentation does not flow downstream.

Commissioner Driscoll asked if this restoration process could create a vernal pool.

Vice Chairman Porter questioned the lawn coming up to the edge of the pond. He would like to restrict the use of fertilizers and pesticides within 25 feet.

Mr. Childs stated that the lawn care has been the same for the past 30 years and he would prefer to keep the existing healthy lawn.

Chairman Cooper stated his concern that when the pond floods over onto the lawn, it will come in direct contact with the pesticides and herbicides.

Ann Martin suggested the use of organic fertilizers suitable for use near a wetland.

Chairman Cooper asked staff to obtain information regarding products that could be used within 25 feet of a wetland.

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

Commissioner Driscoll made a Motion to approve the project subject to the organic fertilizer as discussed; it was seconded by Vice Chairman Porter and unanimously approved.

459 River Road

Present in Interest: Mickey Marcus, 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 a large delineation to be done. The site visit is complete and the peer review site visit is complete.

Mickey Marcus stated that our peer reviewer is looking for a connection to the channel which would determine if there were additional wetlands on the property. A possible solution to this would be to agree not to regulate the area, but Pulte would agree to put a snow fence around it to protect the area. Pulte has proposed grading within 100 feet of this wetland area, however they will alter their plans to do no work near the isolated wetland.

Chairman Cooper stated that the connectivity needs to be determined before the Commission can agree to anything.

Mickey Marcus stated that any work within 100 feet of BVW or isolated wetland must come back before the Commission for approval.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to September 1, 2015; it was seconded by Commissioner Driscoll and unanimously approved.

90 Beacon Street

Staff Recommendation: Continue.

Continued 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 3rd and 4th fairways; and stream restoration project on the 4th fairway at **90 Beacon Street**.

Mr. Douglas presented this to the Commission. The applicant has requested a continuance to September 1, 2015.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to September 1, 2015; it was seconded by Commissioner Townson and unanimously approved.

ACTION ITEMS:

10 Stevens Street

Present in Interest: Todd Ravenelle

Request for Insignificant Change. Work remains the same, change only to correct property lines on approved plan.

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

Frederick Drive

Issuance of ORAD

The findings are separate under the WPA and our By-Law. Chairman Cooper asked that the exact amount owed for the peer review be added because that is reason enough to deny the application.

Commissioner Driscoll made a Motion to issue the ORAD; it was seconded by Commissioner Townson and approved by a vote of 4-0 with Vice Chairman Porter abstaining.

503 South Main Street

Issuance of Amended Order of Conditions.

Chairman Cooper reviewed a few changes to be made to the Special Conditions prior to issuance by staff.

Commissioner Driscoll made a Motion to approve the Order of Conditions as amended; it was seconded by Commissioner Townson and approved by a vote of 4-0 with Vice Chairman Porter abstaining.

CONSENT AGENDA:

Minutes

Approval of Minutes from August 4, 2015.

99 Chestnut Street

Issuance of a Satisfactory Completion of Work Certificate.

25 New England Business Center Drive

Issuance of a Certificate of Compliance.

1 Keystone Way

Issuance of a Certificate of Compliance.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Townson and unanimously approved with Vice Chairman Porter abstaining from the approval of the Minutes.

The next meeting will be held on September 1, 2015 at 7:45pm.

The meeting was adjourned at 9:45pm by motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**