

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
SEPTEMBER 1, 2015**

Town of Andover  
36 Bartlet Street  
2nd Floor Conference Room  
7:48pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Floyd Greenwood (8:13pm) and Commissioner Phil Sutherland (8:20pm). Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**1 Glen Cove**

**Present in Interest: Kelly Burns**

*Staff Recommendation: Approve as Neg.3*

Public Hearing on a Request for Determination of Applicability filed by Kelly Burns under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of stairs and ground level deck at **1 Glenn Cove**.

Agent Cleary presented this to the Commission. The filing is under the WPA only for construction of a deck and stairs on existing lawn area approximately 40 feet from the BVW. Waivers are requested. The Applicant has agreed to install bounds 5 feet from BVW to give additional buffer. Water was noted on the property which may be caused by cutting of trees or beaver activity on Route 125. The Applicant agreed to provide the distance from the proposed project to the wetland line on the plan.

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

**129 Rattlesnake Hill Road**

**Present in Interest: Thomas Esposito**

*Staff Recommendation: Approve as Neg.3*

Public Hearing on a Request for Determination of Applicability filed by Thomas Esposito under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed removal of trees and 500 yards of clean fill brought in to create a flat area with no fill within the 25 feet of the wetland boundary at **129 Rattlesnake Hill Road**.

Mr. Douglas presented this to the Commission. Staff visited the site and marked the closest wetland point, as the Town Map is not accurate. Also requested and shown on the plan to construct a boulder retaining wall no closer than 35 feet with fill behind it. Sedimentation control will be located in the field between the 25 foot no-disturb area and the 35 foot project line. The Applicant agreed to provide the origin of the fill and it must be clean fill. Commissioner Honea asked if bounds were to be installed. They will be placed at the 25 foot no-disturb line. He also asked if this amount of fill and change in grade would affect the neighbors. The neighbors are aware and have agreed to the project. Chairman Cooper asked what the slope would be. The maximum slope allowed is 2:1 and that is what it will be at the property line.

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.

#### **459 River Road**

**Present in Interest: Mark Johnson**

*Staff Recommendation: Close Public Hearing and Accept Flagging*

Continued 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. The peer review is complete and we are in agreement with all the flagging on site. The isolated wetland does not have connectivity and the square footage is 2,791 which does not meet the definition of an isolated wetland under the Act or the By-Law. The peer reviewer stated in his report that “the down gradient BVW does not meet the definition of a stream and therefore is not hydraulically connected”. The Commission is withholding judgement on the large portion of the site between the project and River as to jurisdictional features or location.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Close the Public Hearing and approve the lines on the ANRAD Plan; it was seconded by Commissioner Driscoll and unanimously approved.

## **90 Beacon Street**

**Present in Interest: Bob Golledge, Doug Lees and Janet Bernardo**

*Staff Recommendation: Close Public Hearing*

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 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. The majority of the project is outside the 100 foot buffer and they are daylighting of Hussey's Brook as mitigation. DEP had numerous comments on the original plan, most of which have been responded to and a revised Plan has been submitted. DEP has reviewed the revised plan and has no issue with it.

Commissioner Honea stated that DEP requested the use of riprap be reduced. River stones will now be used at the bottom of the stream and they will not be cemented into place.

Commissioner Greenwood asked how runoff from the golf course, including pesticides etc., from getting into the stream. There will be no application of pesticides/herbicides or fertilizer with the 25 foot zone and then a 10 foot buffer of longer 6 inch grass along the bank.

Janet Bernardo reported her stormwater review to the Commission. All of her concerns with infiltration have been addressed. She listed conditions on the last page of her letter dated August 24, 2015 which should be used in the ORAD decision. She is satisfied with the redesign.

To be added to the conditions: Soil testing and verification to be approved by Conservation Staff.

Vice Chairman Porter asked about the pre and post peak runoff conditions on Beacon Street.

The runoff will go through an infiltration system to a storm captor and into a culvert resulting in a reduction at the catch basin in Beacon Street.

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

### **ACTION ITEMS:**

#### **244 South Main Street**

**Present in Interest: Tom Childs**

Issuance of Order of Conditions.

Chairman Cooper stated that the restriction on herbicides, pesticides and fertilizers is difficult to enforce and we should make available to homeowners product names that are readily available.

Commissioner Greenwood stated that organic products work the same as pesticides. He

suggested a smaller setback without pesticides closest to the wetland. Organic pesticides are still killing creatures/plants in the wetland.

Commissioner Honea agreed stating that the end result is the same in organic and nonorganic. Commissioner Townson stated that the Commission should make it easy for the Applicant to use natural, organic herbicides and pesticides to induce compliance. This project is a restoration, not a new construction and the Applicant should be able to keep his lawn as he has for the past 30 years.

A review and discussion of wording used by the Town of North Andover restricting the use of herbicides, pesticides and fertilizers took place.

Commissioner Townson made a Motion to issue the Order of Conditions as drafted. The Motion failed for lack of a second to the Motion.

Commissioner Greenwood made a Motion to Approve with the modification to Special Condition No. 4 to reflect the North Andover language which restrict herbicides and pesticides up to the 25 foot no disturb zone; it was seconded by Commissioner Driscoll. The Motion failed. Three Commissioners in favor: Floyd Greenwood, Alix Driscoll and Kevin Porter.

Three Commissioner against: Donald Cooper, Ellen Townson and Phil Sutherland. Jon Honea abstained.

Commissioner Sutherland suggested a 10 foot buffer instead of the 25 foot buffer.

Commissioner Townsend expressed her concern about setting a precedent with this decision before the Commission has decided upon an herbicide/pesticide clause.

Commissioner Greenwood made a Motion to issue the Order of Conditions with Special Condition No. 4 amended to include 10 feet from the pond no use of fertilizer and 25 feet from the pond no pesticides or herbicides in addition to the North Andover language to be added; it was seconded by Commissioner Driscoll and approved by a vote of 4-2 with Ellen Townson and Donald Cooper opposed and Jon Honea abstaining.

## **CONSENT AGENDA:**

### **Minutes**

Approval of Minutes from August 18, 2015.

### **203 Salem Street**

Issuance of a Satisfactory Completion of Work Certificate.

### **52 Beacon Street**

Issuance of a Satisfactory Completion of Work Certificate.

### **81 Bellevue Road**

Issuance of a Certificate of Compliance.

### **8 Cottage Road**

Issuance of a Certificate of Compliance

### **232 River Road**

Issuance of a Certificate of Compliance.

### **131 Chandler Road**

Issuance of a Certificate of Compliance.

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

### **LATE DISCUSSION ITEMS:**

#### **Deer Hunt 2015**

The Hearthstone/Keystone and Doyle Link Reservations will be opened up for hunting this season.

Commissioner Driscoll made a Motion to Approve the 2015 Deer Hunt; it was seconded by Vice Chairman Porter and unanimously approved.

#### **Eagle Scout Project**

##### **Present in Interest: Dave Daub, John Hess, Marshall Su and Ying Lin**

The Eagle Scout Project consists of clearing a trail at Abbott Road and Lupine Road and Andover Street. Construction of a bridge is not part of this project, only the clearing of the trail, which will allow for future access to construct the boardwalk and bridge crossing.

Marshall reviewed all of the safety measures he will take during the project.

Dave Daub stated that this trail clearing will move the pedestrian traffic off of the Central Street Bridge 200 yards upstream to the existing greenway and cross over the pedestrian bridge there.

Chairman Cooper asked if he had any challenges collecting donations for fundraising. Marshall informed the Commission that tools and funds have been donated by the troop and his family.

Commissioner Driscoll made a Motion to Approve the Eagle Scout Project; it was seconded by Commissioner Greenwood and unanimously approved.

#### **Emergency Certification**

Ratification of an Emergency Certification issued at 17 Oriole Drive.

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

#### **Tennessee Gas Pipeline**

**Present in Interest: John Hess**

**Don Cooper recused himself and left the meeting not to return.**

Vote to support Board of Selectmen to become an intervener. John Hess provided the Commission with an update on the Tennessee Gas Pipeline.

Vice Chairman Porter made a Motion to ask the Board of Selectmen to become interveners in the Tennessee Gas Pipeline; it was seconded by Commissioner Greenwood and unanimously approved.

**The next meeting will be held on September 15, 2015 at 7:45pm.**

**The meeting was adjourned at 9:38pm by motion of Commissioner Honea; seconded by Commissioner Sutherland and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**