

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
OCTOBER 20, 2015**

Town of Andover
36 Bartlet Street
2nd Floor Conference Room
7:49pm

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 (8:10pm). Staff member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

18 Boston Road

Present in Interest: Doug Ahern and Bill MacLeod

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

Public Hearing on a Request for Determination of Applicability filed by Jeffco, Inc. under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of utilities, construction of a driveway and grading at **18 Boston Road**.

Mr. Douglas presented this on behalf of Agent Cleary to the Commission. The Application is under both the WPA and By-Law. Erosion control will be placed in the front of the lot to prevent migration of the sediment across the street and subsequently into the wetlands.

Mr. MacLeod presented project on behalf of the applicant. The existing house, garage and screen porch will be razed and a new dwelling constructed. A portion of the driveway will be reconstructed and the water and sewer lines will be brought in. There will be no work beyond the tree line. No waivers are requested.

Commissioner Townson inquired about a snow fence as a barrier in the rear of the lot as a limit of work. The Applicant agreed to survey stakes with flags to mark the limit of work and staff will designate the distance between the stakes.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to approve as Pos.2b, Pos.5 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

254 Lowell Street

Present in Interest: Simon Hildt, Will Morgan, and Samantha Gajewski

Staff Recommendation: Continue

Public Hearing on a Request for Determination of Applicability filed by National Development Acquisitions, LLC under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of 2 senior housing facilities, parking, storm water management systems and landscaping at **254 Lowell Street**.

Mr. Douglas presented this to the Commission. The plan received with the filing did not show any resource areas on the lot. Upon receipt of a supplemental report, there are 3 potential resource areas that may affect the site. Staff reviewed the supplemental report and the resource areas are either over 100 feet away or non-jurisdictional. Staff would like a peer review of the potential resource areas, which include the limits of the isolated wetland and the edge of the wetland across the street.

Simon Hildt presented the project on behalf of the applicant. The plan presented showed a ditch that bisects the property which is a manmade swale with no BVW upgradient with no flow and not an intermittent stream. Along the western fence line an isolated wetland is shown on the Town MIMAP, again no BVW and no streams. This area is less than 5,000 square feet and is a narrow depression containing purple loosestrife and other upland plants. Soil samples along the fence showed hydric soils and as the area of sampling moved further from the fence, there were less hydric soils. The soil test pits were dug to find the limit of hydric soils to measure the isolated wetland area which is roughly 2500 square feet, making it non-jurisdictional. The runoff from the church parking lot next door could be what is feeding the wetland plants. The wetland across the street has a culvert headwall which is discharging from this lot across the street and between 2 houses. This may throw a buffer onto the project.

Vice Chairman Porter stated that the wetland across the street is a basin for Fish Brook.

LEC will conduct the peer review and access the wetland area across the street through DPW easements.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to November 17, 2015 for peer review of isolated wetland and wetland across the street; it was seconded by Commissioner Townson and unanimously approved.

23 Sunset Rock Road

Present in Interest: Maureen Herald, Lynne Hunter, Nicole Stephenson, Paul Floyd, Sonia Virmani, Katie Gilligan, Cal Perry and Jim Greer

Staff Recommendation: Approve

Public Hearing on a Request for Determination of Applicability filed by Rayvon Realty under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the work within 100 feet of buffer zone at **23 Sunset Rock Road**.

25, 31 & 36 Sunset Rock Road

25 & 31 Sunset Rock Road

25 & 31 Sunset Rock Road

Present in Interest: Maureen Herald, Lynne Hunter, Nicole Stephenson, Paul Floyd, Sonia Virmani, Katie Gilligan, Cal Perry and Jim Greer

Issuance of Certificates of Compliance.

All of these public hearings were opened together.

Mr. Douglas presented this to the Commission. This was continued for staff to review aerial pictures before and after the clearing to determine if any trees were cut during the “back blading” and staff conducted a site visit as well. This area was originally a sandy scrub area, there were no trees in this area that were cleared.

Chairman Cooper read aloud 310CMR 10.05(4)(d) second paragraph to the audience. He recommended the residents in the audience also read this to gain further understanding of the Commission’s ability to obtain jurisdiction over work done outside the 100 foot buffer zone. The residents do not have concerns with the Determination of Applicability for 23 Sunset Rock Road and the mitigation provided.

The abutters provided plans of the 2 previously proposed subdivisions for the Commission.

Paul Floyd, an abutter, stated that a rock wall about 15 feet high was built over the July 4th weekend, trees were removed and grading outside the 100 foot buffer and behind the wooden stakes marking the 100 foot buffer. He indicated there had been no impact of water at this time due to the work done.

Commissioner Townson stated that during the site visit she saw boulders at the edge of a proposed lacrosse area Mr. Cormier is constructing.

Lynne Hunter, an abutter, informed the Commission that she has increased runoff onto her property during the 2 rain storms this summer. She also let the Commission know that much of the land behind 23 Sunset Rock Road has been clear cut with many trees removed.

Cal Perry, an abutter, provided pictures to the Commission of work being done.

Nicole Stephenson, an abutter, expressed her concern with the tree removal and the amount of fill brought onto the property. She questioned why the neighbors have to wait 6 months to see if there will be any water damage?

Commissioner Greenwood asked that the placement of the fill and grading be indicated on the plan. Abutters claiming there is a 4 foot difference in grading.

Lynne Hunter requested a grading plan be done by a 3rd party to determine any potential impacts to abutters before the Certificates of Compliance are issued.

Maureen Herald conducted the site visit with staff and confirmed the staked marking the 100 foot buffer are in place and the area has been loamed and seeded. All other grading was done outside the 100 foot buffer and any trees cleared were also outside the 100 foot buffer. She also addressed the Certificates of Compliance. She has not seen a change of four feet of grading, but did agree that boulders were placed with dirt behind them.

Staff asked Maureen if there is any evidence of runoff. She has not seen any and the site is stable at this time.

Chairman Cooper asked for a copy of the Hydrology report the abutters obtained during the appeal process. He stated that the work outside our jurisdiction is not a violation, but if it impacts drainage and runoff, the Commission can assert jurisdiction after the fact.

Commissioner Driscoll asked if the Certificates of Compliance are issued, do the conditions of the OOC remain. The Orders of Conditions have been withdrawn. The Applicant would have to refile with the Commission for any project in the future.

23 Sunset Rock Road – Determination of Applicability

Commissioner Greenwood would like to see fines issued for this habitual offender. Staff stated that the Applicant had rapidly complied with the Enforcement Order issued and ceased all work.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve the Determination of Applicability but keep the Enforcement Order open with fines as an Action Item on the next Agenda; it was seconded by Commissioner Townson and unanimously approved.

The Certificates of Compliance were continued to November 17, 2015 as an Action Item. A site visit will be scheduled for the Commission with Maureen Herald to view the work done on site.

6 Acorn Drive

Present in Interest: Mike Igo and Lou Bresnick

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed by Marlina Bresnick 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 pool, patio and garden space with minor clearing at **6 Acorn Drive**.

Mr. Douglas presented this to the Commission on behalf of Agent Cleary. The filing is under the WPA only. The dwelling was built in 1999 when the setback was 15 feet. The proposed work is

for a pool and deck on existing lawn area and meets the Commission's setbacks. Staff asked the Engineer to bring revised plans moving Flag 2 upgradient 3 feet, eliminating Flag 8, moving Flag 10 6 feet upgradient and moving Flag 11 in line with the relocated Flag 10. A rain garden is proposed, however the homeowners wish to do their own plantings. This is acceptable to staff, provided the homeowners provide a planting plan to the Commission or staff for approval prior to work.

Mike Igo presented the project on behalf of the Applicant. The proposed pool and patio meet the required 35 foot setback and the current storm management. The flag relocation will not impact clearing of the backyard and removal of a 12" tree. The proposed rain garden will collect the runoff from the pool deck.

Commissioner Honea asked why the erosion control line is placed inside the 25 foot line. It was placed there so the truck and equipment can access the backyard to do the work. Commissioner Honea requested permanent bounds be placed at the 15 foot no-disturb line.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to continue to November 3, 2015; it was seconded by Commissioner Townson and unanimously approved.

ACTION ITEMS:

95 Old River Road

Request for 3 year extension to OOC.

Commissioner Driscoll made a Motion to approve the 3 year extension; it was seconded by Commissioner Townson and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from October 6, 2015.

15 Dawn Circle

Issuance of a Satisfactory Completion of Work Certificate.

353 Salem Street

Issuance of a Certificate of Compliance.

The next meeting will be held on November 3, 2015 at 7:45pm.

The meeting was adjourned at 10:09pm by motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**