

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
NOVEMBER 3, 2015**

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

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, and Commissioner Floyd Greenwood. Staff member present was Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

21 Marie Drive

Present in Interest: Yi Wang and Lucy Sall

Staff Recommendation: Approve as Neg. 3

Public Hearing on a Request for Determination of Applicability filed by Yi Wang under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of an existing deck within the same footprint at **21 Marie Drive**.

Agent Cleary presented this to the Commission. The Application is under the WPA only for a replacement deck in kind greater than fifty feet from the BVW. The existing deck has collapsed. This will be hand dug sona tube construction. No erosion control will be necessary. The Applicant would like to plant along the BVW. Staff encouraged naturalized plantings along the wetland line as a buffer instead of lawn.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to approve as Neg.3; it was seconded by Commissioner Townson and unanimously approved.

9 Whispering Pines

Present in Interest: Jack Sullivan, Norbert and Darlene Ohlensbusch

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

Public Hearing on a Request for Determination of Applicability filed by Norbert and Darlene Ohlensbusch under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands

Protection By-Law for the proposed construction of a 3 car garage and razing of existing garage at **9 Whispering Pines Drive**.

Agent Cleary presented this to the Commission. The Application is under the WPA only for demolition of an existing garage and construction of a 3 car garage with minimal grading changes. Flagging has been adjusted on the revised plan and the project meets all our setback requirements. The Applicant agrees to not add to the yard waste dumped in the wetland area. Jack Sullivan presented the project on behalf of the Applicant. No trees will be cut. The addition will be on a slab on grade and all excess soil will be removed from the property upon excavation.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2a confirming flags 1A through 9A inclusive, Neg.3 and Neg.6; it was seconded by Commissioner Townson and unanimously approved.

366 River Road

Staff Recommendation: Continue

Continued Public Hearing on a Request for Determination of Applicability filed by Mark Guziejka under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed removal of fill and materials from resource area and replication of resource area at **366 River Road**.

Mr. Douglas presented this to the Commission. Mr. Douglas reviewed the history of the various encroachments on this and the neighboring property. A site walk will be scheduled with the Applicant and wetland scientist.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to November 17, 2015; it was seconded by Commissioner Townson and unanimously approved.

307R Lowell Street

Present in Interest: Ron Tiberio

Staff Recommendation: Approve

Public Hearing on a Request for Determination of Applicability filed by Lowell Street Investments LLC under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed repair of the sidewall collapse of a culvert at **307R Lowell Street**.

Mr. Douglas presented this to the Commission. This is a routine repair of a collapsed culvert.

Ron Tiberio presented the project on behalf of the Applicant. A three foot section collapsed due to ongoing construction. The culvert will be cleaned by hand during the repair process and erosion control will be placed at the inlet. The work will be done when the stream is dry.

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

6 Acorn Drive

Present in Interest: Mike Igo

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed by Marlena 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**.

Agent Cleary presented this to the Commission. The Application is under the WPA only. There is no DEP number yet. The plan has been revised and the fence relocated to the 25 foot non-disturb line enclosing the entire back yard to prevent encroachment. The playground will be located outside the 25 foot non-disturb and a rain garden is proposed for infiltration.

Mike Igo presented the revised plan to the Commission. He presented the use of bio swale which will act as a drywell.

Commissioner Greenwood stated that if the water flows rapidly from the bio swale to the wetland, then the drywell is necessary so the chemicals do not flow into the wetland.

Chairman Cooper stated that the Commission has not defined the engineering details of what qualifies as a drywell. He asked Mr. Igo if he could provide the Commission with the information regarding the discharge rate and volume related to the void space in the bio swale as compared to the drywell.

Commissioner Driscoll asked for the maintenance sequence including herbicides etc. to be used.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to November 17, 2015; it was seconded by Commissioner Townson and unanimously approved.

Ledge Road Landfill

Staff Recommendation: Continue

Continued Public Hearing on the Abbreviated Notice of Resource Area Delineation filed by Town of Andover Municipal Services Public Works under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, to confirm the boundary of bordering vegetated wetland area at **Ledge Road Landfill**.

Agent Cleary presented this to the Commission. The Applicant has requested a continuance to December 1, 2015.

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

133 Bypass Road

Present in Interest: Karen Bresklawski, and Precthi Sverat

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed by Commonwealth of Massachusetts 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 an ADA accessible drop off and walkway to the front entrance of the building from Gould Road at **133 Bypass Road**.

Mr. Douglas presented this to the Commission. There is a five foot difference from the existing pull off to the walkway from Gould Road and the entrance includes stairs. The wetland has a certified vernal pool. Most of the work will be within the 50 and 100 foot buffer zone. Work proposed is on existing lawn area and 882 square feet of impervious area will be added. Staff observed yard waste dumped in the wetland across the street and recommended this be removed. Commissioner Greenwood asked about the setbacks to the vernal pool and any adverse impacts to the vernal pool. The proposed parking area and walkway will not inhibit migration of animals to the vernal pool.

Vice Chairman Porter added that the roadway is an existing barrier for migration of wetland species to the vernal pool.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to November 17, 2015; it was seconded by Commissioner Townson and unanimously approved.

254 South Main Street

Present in Interest: Tom Childs, Tyler Hinckley, M. Kayserman, Stephen Garvin, Betsy Davis and John Galanis

Staff Recommendation: Continue to Date Uncertain

Public Hearing on a Notice of Intent filed by Phillips Academy 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 field house, redesign of parking lot and access road at **254 South Main Street**.

Commissioner Driscoll recused herself from the hearing and remained in the audience.

Mr. Douglas presented this to the Commission. The project consists of a field house with a 4 lane indoor track and squash courts to be located at the north end of the football stadium.

Steve Garvin presented the project on behalf of the Applicant. The wetlands have been flagged. Fieldhouse Road will be relocated, drainage will be captured in a leaching galley and drained to the wetland and the parking lot will be graded towards the wetland. Rain gardens are proposed around the stadium for stormwater management for both the stadium and field house. The building itself will be outside the buffer zone.

Staff recommended Janet Bernardo conduct a peer review of the stormwater.

Chairman Cooper stated that the 25 foot non-disturb is encroached upon but only as much as currently exists. There will be no structure within the 50 foot and the existing pavement within the 50 foot no build area will be removed.

Vice Chairman Porter asked for pre and post runoff calculations. He also questioned the timing in the boring hole reports and the significance of the 5 minute time lapse.

A site visit was scheduled for November 7, 2015 at 1:00pm.

Commissioner Greenwood asked that the history of the fill on site be provided at the site visit.

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

ACTION ITEMS:

503 South Main Street

Request for an Insignificant Change.

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

23 Sunset Rock Road

Present in Interest: Maureen Herald, Mr. and Mrs. Perry, Paul Floyd, and Lynne Hunter

Staff reviewed the timeline of the complaint, mitigation and enforcement order issued. Staff recommends mitigation plantings in the place of fines. Commissioner Greenwood advised that it has been difficult in the past to have the Applicant comply with mitigation planting requests. Maureen Herald agreed to submit a sketch of the proposed plantings for approval by staff.

25, 31 & 35 Sunset Rock Road

25 & 31 Sunset Rock Road

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25 & 31 Sunset Rock Road

A site visit was held and the Commission received the hydrology report information from the abutters.

Staff stated that during the site visit they looked at the roadway, perimeter of the site and haybale line to see if there was any evidence of flow leaving the site. None was seen with 100 feet of the resource area. Staff did request sedimentation control be improved in an area and that has been done.

Vice Chairman Porter compared the predevelopment plan to the back bladed area he saw and he did not observe any change in elevation. The flow pattern originated east of the existing foundation, over the old driveway and onto Sunset Rock Road. There is no change in grade and the water from the street travels across Sunset Rock Road to 26 Sunset Rock Road. The grading done behind Mr. Cormier's residence is outside the 100 foot buffer as is the rock wall. He did not observe any sediment migrating off the site through the sedimentation controls.

Commissioner Greenwood would like to hire a hydrologist to review the water conditions on site.

Chairman Cooper advised the abutters that the documents provided by them did not provide evidence of impacts now therefore the Commission cannot assert jurisdiction.

Chairman Cooper granted the authority to hire a hydrologist to review the water issues ongoing in that neighborhood.

Commissioner Townson made a Motion to issue the Certificates of Compliance (3); it was seconded by Vice Chairman Porter and unanimously approved.

Commissioner Driscoll made a Motion to hire a hydrologist; it was seconded by Commissioner Townson and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from October 20, 2015.

12 Coventry Lane

Issuance of a Certificate of Compliance.

6 Gray Road

Issuance of a Satisfactory Completion of Work Certificate.

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

LATE DISCUSSION ITEMS

211 Andover Street

Ratification of Enforcement Order with fines.

The property owners denuded the slope causing runoff within the Riverfront Area.

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

The next meeting will be held on November 17, 2015 at 7:45pm.

The meeting was adjourned at 10:05pm by motion of Vice Chairman Porter; seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**