

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
JANUARY 19, 2016**

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

**Conservation Members in Attendance:**

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

**EXECUTIVE SESSION**

The Commission entered into Executive Session with the intent to return to open session for consultation with Town Counsel for confidential legal advice that done in an open meeting would be detrimental to the Town's litigation strategy; and to approve Executive Session Minutes.

**SCHEDULED ITEMS:**

**8 Garfield Lane West**

**Present in Interest: Francis MacDonald**

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

Public Hearing on a Request for Determination of Applicability filed by Francis MacDonald under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed abandonment of existing septic system and construction of replacement septic system at **8 Garfield Lane West**.

Agent Cleary presented this to the Commission. Standard septic replacement under the WPA. The system is greater than 50 feet from the BVW. The erosion control will be placed in front of the existing fence with no encroachment behind the fenced area.

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 Commissioner Honea and unanimously approved.

## **1 Burt Road**

**Present in Interest: Gil Stevens, Curt Quitzau, Jay Quattrocchi, Chris Wagner and Karen Conte**

*Staff Recommendation: Continue to a date uncertain*

Public Hearing on a Notice of Intent filed by Pfizer, Inc. 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 five story clinical manufacturing building at **1 Burt Road**.

Mr. Douglas presented this to the Commission. The history of the Pfizer property was provided. Curtis Quitzau presented the project on behalf of the Applicant. The proposed building will be 178,000 square feet to be used for clinical manufacturing and will be built on what is currently a grassed area. There are priority habitats on the 50 acre site. Pavement will be added to extend the service road and for the proposed loading dock. The total disturbance for this project is one acre. Storm water management was presented and it is agreed that Janet Bernardo will conduct the peer review of the storm water.

Chairman Cooper asked if all setbacks are being met. There is existing fencing in place a small portion of the walkway is within the 25 foot setback.

Commissioner Driscoll reminded the Applicant that this campus is surrounded by priority habitats with endangered species. This project will not impact either of the priority habitats. Commissioner Sutherland inquired about snow removal and storage. The snow will be stored on the islands in the parking lot and in the remote areas of the parking lots. Commissioner Greenwood asked that snow removal be included in the Master Plan.

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

## **57 River Road**

**Present in Interest: Sean Boyd and John Lavoie**

*Staff Recommendation: Continue to date uncertain*

Public Hearing on a Notice of Intent filed by Greater Lawrence Technical School under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed renovation of walkways, athletic lighting, grandstands, construction of synthetic turf fields and other related site amenities at **57 River Road**.

Mr. Douglas presented this to the Commission. This project is a significant upgrade to their athletic fields.

Mr. Lavoie informed the Commission that the upgrades are for safety reasons as well as an increase in the use of the fields by youth sports.

Sean Boyd presented the project on behalf of the applicant. The track and field, football practice field, baseball field and softball field will all be upgraded as part of this project. The football practice field will be converted to a turf all-purpose field. A portion of the first baseline of the baseball field and a corner of the basketball courts, bleachers and walkways are within the 100 foot buffer. The closest point to the 25 foot no-disturb area is 30 feet. The track is encompassed by a fence and the grass infield will be turf and the track will have a new synthetic surface, all of this work will be outside the 100 foot buffer. The path to the dugouts and backstops are outside the 25 foot no-disturb. The infield will be natural grass which will be irrigated and maintained. Vice Chairman Porter asked if the natural grass fields would be maintained with fertilizer and pesticides. Massachusetts stipulates how much fertilizer and herbicides can be used. Sean agreed to provide a maintenance schedule to staff indicating which fertilizers, pesticides and herbicides will be used.

Commissioner Driscoll asked that permeable surfaces be used as much as possible on the walkways.

Commissioner Honea expressed his concern about the runoff from the turf field. There has been water quality testing of the runoff from the turf and there are no adverse effects to human health and the environment.

Chairman Cooper asked that soil stock piling be shown on the plan.

A site visit will be conducted with the peer reviewer at a later date.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to a date uncertain for the peer review; it was seconded by Commissioner Honea and unanimously approved.

### **ACTION ITEMS:**

#### **146 Dascomb Road**

##### **Present in Interest: Ann Marton**

Issuance of Order of Conditions. Ann Marton has confirmed and documented via email that nothing has changed on the plans.

Vice Chairman Porter made a Motion to issue the Order of Conditions; it was seconded by Commissioner Honea and unanimously approved.

#### **63 Reservation Road**

Issuance of Amended Order of Conditions.

#### **63 Reservation Road**

Issuance of Order of Conditions.

Chairman Cooper opened both items simultaneously.

Chairman Cooper stated that the site visit had been completed and the house had been demolished with only portions of the existing foundation and portions of the joists were original. All of the subflooring had been replaced and only a small portion of wall existed. This was a new house construction rather than additions. There was no indication in our applications about demolishing the existing dwelling. The new house has been expanded by the additions of a garage and second floor. The project was either misrepresented to the Commission or it changed and the applicant should have come back to the Commission for an Amendment. Attorney Borenstein stated in his presentation that that nothing in the Order of Conditions issued prohibited the demolition of the existing dwelling and therefore construction of a new house was approved because it had not been prohibited. However, to the contrary, if something is not approved in the Order of Conditions, it is not approved to be done, there is no approval by omission. The intent of the By-Law is to eventually have all the houses come under the By-Law as they are rebuilt. Mr. Cooper stated in his opinion the construction performed and proposed does not qualify for the exception. (The exception in the By-Law is for “ordinary maintenance or improvement . . . including . . . building additions”. The Regulations issued under the By-Law have a definition of ordinary maintenance and improvement which specifically excludes “additions which more than double the gross floor area” and “demolition of an existing . . . structure for purposes of constructing a new and larger house.” Both of which cut-outs from the exception apply to the project.

The Application is also deficient for nonpayment of fees and insufficient information. Commissioner Driscoll, who attended the site visit, agreed that the house no longer exists. Commissioner Greenwood believed the applicant was trying to bypass the By-Law. Commissioner Townson questioned if the new foundations were for the additions and garage. She asked if further work was done after the Enforcement Order issued. There was discussion and review of denial language and additional information added to the draft language provided by Staff.

Commissioner Honea made a Motion to deny under the WPA and By-Law and add the language discussed; it was seconded by Commissioner Greenwood and unanimously approved.

## **24 Phillips Street**

Request for Temporary Cessation of Site Monitoring. Recommend issuance based upon receipt of a Request for a Certificate of Compliance no later than May 1, 2016; As-built plan shall depict location of all non-disturb bounds, generator and generator pad; Non-disturb bounds shall be installed per the approved plan and staked in the field for easy identification; There shall be no maintenance beyond the non-disturb bounds; and Inspections during major storm events.

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

### **16 Off Webster and 18 Off Webster Street**

Discussion regarding action for non-payment of site monitoring fees.

Commissioner Honea stated that the site monitor should be paid the fees currently being held and an Enforcement Order should be issued with fines of \$200 per day if the balance not paid by January 26, 2016.

Commissioner Honea made a Motion to pay the site monitor the remaining balance in the escrow account and issue an Enforcement Order with fines of \$200 per day if not paid by January 26, 2016; it was seconded by Commissioner Driscoll and unanimously approved.

## **CONSENT AGENDA:**

### **Minutes**

Approval of Minutes from January 5, 2016 and correction of April 7, 2015 minutes.

### **6 Warwick Circle**

Issuance of a Certificate of Compliance. **Table to date uncertain.**

### **400, 600, 800 Bullfinch Drive**

Issuance of a Certificate of Compliance. **Table for nonpayment of site monitoring funds.**

### **163 Woburn Street**

Issuance of a Certificate of Compliance.

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

## **LATE DISCUSSION ITEMS**

### **Overseer Nomination**

Vice Chairman Porter nominated Keith Kessler as an overseer.

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

### **Emergency Certification**

Ratification of Emergency Certification issued for 172 Jenkins Road.

Commissioner Honea made a Motion to ratify the Emergency Certification; it was seconded by Commissioner Sutherland and unanimously approved.

**Emergency Certification**

Ratification of Emergency Certification for 120 Woburn Street.

Commissioner Honea made a Motion to ratify the Emergency Certification; it was seconded by Commissioner Townson and unanimously approved.

**The next meeting will be held on February 2, 2016 at 7:45pm.**

**The meeting was adjourned at 9:40pm by motion of Commissioner Sutherland; seconded by Commissioner Greenwood and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**