

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
FEBRUARY 16, 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, and Commissioner Floyd Greenwood. Staff member present was Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**6 Westwind Road**

**Present in Interest: Bill Pybus**

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

Public Hearing on a Request for Determination of Applicability filed by Guaranteed Builders and Developers, Inc. under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed addition to an existing dwelling at **6 Pybus Road**. Vice Chairman Porter recused himself from the hearing and sat in the audience.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law as the free standing structure exceeds 500 square feet. The free standing structure is a 24' x 24' 2 car garage. Several waivers have been requested, relief of topos, tree line, delineation, and relief from depicting 25 foot non-disturb, 50 foot no-build and 100 foot buffer zone. The proposed structure is outside the 50 foot no-build.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to accept the waivers and approve the project as Pos.5 and Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

**ACTION ITEMS:**

**85 Porter Road**

Issuance of a Certificate of Compliance.

The project is not ready for a Certificate of Compliance as there are some plantings not done, perimeter drain not installed and an issue with the driveway placement.

Vice Chairman Porter made a Motion to deny the Certificate of Compliance without prejudice; it was seconded by Commissioner Townson and unanimously approved.

### **CONSENT AGENDA:**

#### **16 Off Webster Street**

Issuance of a Certificate of Compliance.

#### **18 Off Webster Street**

Issuance of a Certificate of Compliance.

#### **Minutes**

Approval of Minutes from January 26, 2016 and February 2, 2016.

#### **311-313 South Main Street**

Issuance of a Certificate of Compliance.

#### **100-110 Corbett Street**

Reissuance of a corrective Extension to Order of Conditions.

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

### **LATE DISCUSSION ITEMS**

#### **Conservation Property/Trail Naming Discussion**

##### **Present in Interest: Gail Ralston, Robert DeCelle and Andy Menezes**

Gail Ralston has been updating the History of the Andover Conservation Commission and is concerned with the naming and renaming of conservation properties and how this will impact the history of the properties. History should be taken into consideration when naming and renaming of a reservation. The naming is a way of keeping history alive. An example is the Retelle Reservation which was previously named the Shaklis Reservation. A way to continue the historic name of Shaklis would be to name a trail the "Shaklis Farm Trail". This would continue the history of the property. Gail would like to post the history of each property in the kiosks honoring the agricultural history of each property.

Vice Chairman Porter agreed that history should be preserved for our properties. The naming of a trail and posting a narrative in the kiosk or some type of signage on site would be helpful. Commissioner Greenwood agrees that history should be preserved, however this should not restrict the naming of a property.

Commissioner Driscoll also agreed that we need to preserve the history of each property as much as possible.

Commissioner Townson endorsed the naming of trails and a narrative as a way to preserve the history.

Commissioner Honea added that homeowners new to Town would benefit from the naming of trails and having a narrative available for each property.

Chairman Cooper asked Gail to draft guidelines for naming reservations and trails and to provide guidance for keeping an accurate and descriptive history.

Bob DeCelle informed the Commission that the naming of trails would make it easier to map trails and identifying markers. He also agreed that permanent display of a narrative would be beneficial.

Commissioner Greenwood agreed to work with Gail to produce a draft of guidelines.

## **Project Presentation**

### **Present in Interest: Floyd Greenwood, Jr.**

Floyd Greenwood, Jr. presented his findings of The Effect of Pressure Treated Wood Sawdust on Local Ecosystems to the Commission. He conducted an experiment to investigate the effects of sawdust from pressure treated wood on wetlands. The sawdust left behind from projects done in wetlands may be causing harm to ecosystems. He collected samples of wetland organisms from Baker's Meadow Reservation and obtained samples of pressure treated wood and created sawdust from these wood samples. The wetland organisms were separated into 6 different Erlenmeyer flasks. 1 cubic centimeter of sawdust was added to half of the flasks. The samples were grown in a controlled environment, all having similar amounts of light, heat and air. The samples containing the pressure treated sawdust were much less healthy and there was a noticeable color change within a few days. When viewed under a microscope, there were no living organisms from the pressure treated wood sample. Floyd provided pictures of the flasks to the Commission as well as photos of the view from the microscope of the organisms. The conclusion drawn is that sawdust from pressure treated wood can be harmful to wetland ecosystems and the Commission should consider limiting the amount of pressure treated wood sawdust as a result of projects near wetlands. This can be done by cutting pressure treated wood away from the wetlands and to contain the sawdust when it is created.

Chairman Cooper applauded this project. He did ask if Floyd could add to the samples sawdust from untreated wood to determine what those results would be. Commissioner Honea agreed this testing would be interesting to conduct and compare the results.

## **83 Porter Road**

### **Present in Interest: Tara Wilson**

Lifting of Enforcement Order.

Commissioner Townson recused herself and sat in the audience.

The proponent has complied with the items in the Enforcement Order.

After a site inspection by our site monitor, Jeff Bridge, he recommended the Commission lift the Enforcement Order. Chairman Cooper reviewed the email from Mr. Ardizzone asking to postpone this item to March 1, 2016. The site inspection by Jeff Bridge on February 12, 2016 shows the items in the Enforcement Order are all complied with. Chairman Cooper stated this to be a positive outcome.

Tara Wilson asked that there be no discussion and tabled to March 1, 2016 as they have asked for a rescission of the Enforcement Order.

Chairman Cooper reviewed the report of Jeff Bridge from February 12, 2016 regarding his use of “rescind” as to the Enforcement Order and the Chairman believed in the context Mr. Bridge is saying the Enforcement Order to be lifted because it was complied with. The Enforcement Order is a public document and may not be able to be removed.

Tara Wilson stated “We met with Jeff Bridge on site and he said this was issued inappropriately and should not have been issued” and she requested it be tabled to March 1, 2016. She also stated that the Chairman could not interpret Jeff’s interpretation of “rescind”.

Commissioner Greenwood and Commissioner Honea both agreed it was a poor choice of words by the site monitor and interpret it as “lift” the Enforcement Order.

Chairman Cooper advised that it is the normal course of business to lift an Enforcement Order as soon as it is complied with and not to burden the homeowner with the Enforcement Order for an additional two weeks if they have fully complied with it.

Commissioner Honea added that if there is evidence at the next meeting that the Enforcement Order can be removed we can review that at a later date.

Chairman Cooper stated that the only time he is aware of that a public document being stricken from the record or rescinded, is for juvenile crimes and that Town Counsel did not believe in this instance it could be done.

Commissioner Driscoll made a Motion to lift the Enforcement Order; it was seconded by Commissioner Greenwood and unanimously approved.

## **83 Porter Road**

### **Present in Interest: Tara Wilson**

Open Meeting Law Complaint. The Commission received an Open Meeting Law Complaint from Ms. Wilson regarding the Enforcement Order issued at the February 2, 2016 meeting.

Discussion followed regarding the placement of Enforcement Orders and Emergency Certifications on the next Agenda within the 48 hour open meeting law notification timeframe.

These are considered emergency actions which must be addressed as soon as possible by the Commission. The Commission must reply within 14 days to the Complaint in writing. Tara Wilson stated that this Enforcement Order was issued at the last minute so she is not allowed to participate in this forum.

Vice Chairman Porter made a Motion to allow Robert Douglas to send a letter in response to the Open Meeting Law Complaint stating that the issue is considered closed as the Enforcement Order was lifted; it was seconded by Commissioner Greenwood and unanimously approved.

Tara Wilson stated after the vote “that does not address the open meeting law violation”.

### **85 Porter Road**

#### **Present in Interest: Tara Wilson**

Ratification of Enforcement Order issued.

The Enforcement Order was issued based on the Request for the Certificate of Compliance. Tara Wilson asked for the issues to be listed for the public. Vice Chairman Porter provided Ms. Wilson with a copy of the Enforcement Order. Mr. Douglas called out the items listed. Ms. Wilson then inquired as to why no fines were recommended. Chairman Cooper explained this was an open ended question and it depended on the gravity of the violations, past compliance and number of Enforcement Orders issued as a few of the possible reasons. Ms. Wilson then asked the Commission to compare 85 Porter Road to 83 Porter Road. Each site is unique and 85 Porter Road is motivated by a Certificate of Compliance, but will be fined if the lot does not come into compliance.

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

Vice Chairman Porter made a Motion to enter into Executive Session to review and approve Executive Session Minutes and not return to open session, but to adjourn; it was seconded by Commissioner Townson and unanimously approved.

**The next meeting will be held on March 1, 2016 at 7:45pm.**

**The meeting was adjourned at 9:060pm by motion of Vice Chairman Porter; seconded by Commissioner Driscoll and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**