

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
MARCH 1, 2016**

Town of Andover
36 Bartlet Street
3rd 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 (8:20pm). Staff member present was Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

16 Upland Road

Present in Interest: Amanda Harvie

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by Edward M. Harvie under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of an inground swimming pool at **16 Upland Road**.

Agent Cleary presented this to the Commission. The application is under the WPA only with waivers requested. The proposed pool meets the setbacks and will be on existing lawn. Waivers are requested for proposed and existing topography; tree line, delineation of BVW, proposed landscaping, 25 foot non-disturb, 50 foot no-build and 100 foot buffer and location of erosion control. The placement of the erosion control will be determined by Staff on site.

Chairman Cooper asked for clarification on the size of the pool. The plans show a pool of 18x32'. The applicant confirmed there will be a 4 foot concrete apron around the pool making it 18'x36'. Staff will remove the pool sketch from the application with the consent of the applicant.

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

24 Webster Street

Present in Interest: Theresa Portante, Josh Holden

Staff Recommendation: Close Public Hearing

Public Hearing on a Notice of Intent filed by Massachusetts Electric Company. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed installation of 6 new overhead electric line structures at **24 Webster Street.**

Agent Cleary presented this to the Commission. The application is under both the WPA and By-Law and is proposed to be permanent in nature. The DA issued previously for this work was to be temporary. The flagging in the area of the pole installation was revised by staff in April 2015 for the DA. Staff is not ruling on the wetland flagging as the area is disturbed in the ROW. The flagging is adequate for this linear project. This qualifies as a linear project under 310 CMR 10.53(d)-utility line construction under the Act. Waivers have been requested and no stormwater management forms have been provided as there will be no change in impervious surface. The waivers requested are for work within the 25 foot no-disturb; stamped engineered plan, DEP Data sheet; topos and tree line.

1 pole will be 7 feet from the wetland line and 1 pole will be at the 25 foot no-disturb line with the remaining poles will be outside the 25 foot no-disturb line.

Vice Chairman Porter inquired as to why the poles will now be permanent. The project was put on hold and the engineers determined a permanent pole would be a more stable system.

We need to issue a Satisfactory Completion of Work Certificate for the Determination of Applicability as no work has commenced.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to issue the Satisfactory Completion of Work Certificate; it was seconded by Commissioner Townson and unanimously approved.

Commissioner Honea made a Motion to approve the waivers and close the Public Hearing and issue the Order of Conditions at the March 15, 2016 meeting; it was seconded by Commissioner Driscoll and unanimously approved.

1 Burt Road

Present in Interest: Karen Conte, Gil Stevens, Janet Bernardo, Jay Quattrocchi and Curtis Quitzan

Staff Recommendation: Close Public Hearing

Continued 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 Burtt Road.**

Mr. Douglas presented this to the Commission. Janet Bernardo has conducted her peer review and a site visit was conducted. Janet reviewed the Master Plan and the calculations for the stormwater management. All issues have been addressed with Janet. Commissioner Honea noted the existing walkway close to the wetland area. The plan is to leave the walkway to connect to the new building for connectivity. Janet Bernardo stated that there would only be a minor benefit to move the small area of the walkway. This is a nice amenity to the site and the wetland is healthy and functioning. Commissioner Honea asked if the portion of the walkway closest to the wetland could be pervious pavers. Curt responded that all work is outside the 25 foot no-disturb and removal of the walkway would cause work to be done closer to the wetland than proposed. Commissioner Townson asked that when the walkway is maintained or repaired that pervious pavers be used. Currently, the water infiltrates on either side of the walkway. Chairman Cooper asked if the walkway is replaced to use pervious pavers and until that time do not use salt or other materials for melting of ice/snow. The safety office for Pfizer informed the Commission that salt is needed for safety on the walkway.

Commissioner Sutherland asked about the snow storage and removal. The snow removal and storage is in the Stormwater Management Report. It will be stored in the middle of the parking lot and once the entire site is built out, the snow will be removed from the site. Vice Chairman Porter asked about the capacity of the stormwater basin. After construction of this building and with the current paved surfaces, the site is already at close to the maximum so any further buildout will not change that. It was agreed to move the walkway 4-5 feet away from the wetland.

The applicant will provide revised plans and verify snow removal.

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

Merrimack Valley Reliability Project

Present In Interest: Joshua Holden, John Viera, Bryan Mudock, Jess Farrec, Hannah Raddalz, Susan Stott

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed by National Grid 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 new 345 kV electric transmission line within an existing electric transmission right of way between the Tewksbury substations 22 and 22A and the Scobie Pond Substation in Londonderry, NH.

Mr. Douglas presented this to the Commission. The proposed project is statewide, but only 1 mile is in Andover. This project will be overseen by an independent operator which will improve the reliability of power. The new 345 Kv line will travel from Tewksbury to Londonderry, NH within the right of way. This project is in no way related to the pipeline project and there will be expanding of the right of way. The new line will be located in the middle of the right of way. There is 1 certifiable vernal pool in the Andover portion and this area has been avoided. There will be a temporary impact of 305 square feet in this 1 mile project. Timber mats will be used to access the wetlands, these are also known as swamp mats. The 4'x16' mats are put together to make roads that sit on top of the wetlands for construction vehicles to drive over with minimal disturbance to the wetland area. The wetland area will be restored if necessary. This project will begin in Fall 2016 and take roughly 15-16 months to complete.

This is a limited project because it is a utility project linear in nature and all alternatives were reviewed.

Commissioner Honea noted that a portion of the project is in a priority habitat. A filing with Natural Heritage was done and a "No Take" letter was issued.

Commissioner Driscoll inquired about the need for the project. An evaluation was done from Boston to Southern New Hampshire running a contingency analysis to find weaknesses and possible disruptions in the system. This project will minimize the disruptions of problems do occur.

A site visit was scheduled for March 9, 2016 at 12 noon at Bailey Road.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to April 5, 2016; it was seconded by Commissioner Townson and unanimously approved.

ACTION ITEMS:

83 Porter Road

Present in Interest: Tara Wilson

Commissioner Ellen Townson recused herself from this hearing.

Request for Insignificant Change. Proponent is seeking to install pool decking and planting bed in the triangle area surrounding the pool. Also seeking to find the placement of the single solar panel to be insignificant in its new location.

The pool patio will comply with the 35 foot setback provided the approved limit of work remains. Ms. Wilson added that there may be a "trip hazard" according to her contractor and there may be a need to wrap the patio around the pool. She was informed by the Commission that this would require an additional Insignificant Change request if needed in the future.

Commissioner Driscoll made a Motion to find the change Insignificant; it was seconded by Vice Chairman Porter and unanimously approved.

The solar array meets the required setbacks and provided the area beneath the solar array is vegetated prior to June 2016, which is the expiration of the Order of Conditions. Ms. Wilson did not agree that the installation of 1 solar array required an Insignificant Change as less work was done than approved. Staff stated that what was built was not what was approved or shown on the approved plan. Ms. Wilson asked the Commission to review the Amended Order of Conditions to determine if the Insignificant Change is necessary. Chairman Cooper asked repeatedly to confirm Ms. Wilson filed for the Insignificant Change and wanted the Commission to vote on it. Ms. Wilson's continued to ask for a ruling on the Insignificant Change. Nevertheless, it was in writing that an Insignificant Change was requested by Ms. Wilson.

Vice Chairman Porter made a Motion to find the change Insignificant; it was seconded by Commissioner Honea and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from February 16, 2016.

Bobby Jones Drive

Issuance of a Certificate of Compliance.

133 Holt 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 Townson and unanimously approved.

LATE DISCUSSION ITEMS

83 Porter Road

Present in Interest: Tara Wilson

Commissioner Townson recused herself from the hearing.

Ms. Wilson asked the lifting of the Enforcement Order be postponed to this Agenda. The Enforcement Order was lifted by the Commission on February 16, 2016. Ms. Wilson testified that she contacted MA DEP who confirmed an Enforcement Order could be "rescinded" and she requested the Commission to "rescind" the Enforcement Order. Ms. Wilson compared the issues at 85 Porter Road with the enforcement issues on her property at 83 Porter Road. She believes the actions are inconsistent and erratic and the Enforcement Order was unfounded. Staff stated that there was a 30 foot section of silt fencing missing and was noted by our site inspector, Jeff Bridge. Mr. Douglas and Mr. Bridge tried to speak with the proponent at the time and were asked to leave the property.

Chairman Cooper informed the Commission that Town Counsel is not aware of any legal authority or action the Commission can take to expunge or rescind the Enforcement Order from the record. The Enforcement Order has been lifted because it's requirements had been complied with by the Applicant and therefore no longer has any effect. There is no "taking it back". There were at least 2 valid reasons for issuing the Enforcement Order and no reason to expunge from the record.

Ms. Wilson asked the Commission if anyone had conducted a site visit to confirm the issues in the Enforcement Order, however when asked by the Chairman if she would like the Commission to conduct a site visit she stated "No". The Commission relies on staff and site monitors to provide pictures and evidence of noncompliance on sites, which was presented to the Commission when the Enforcement Order was ratified.

No action was taken by the Commission

Town Meeting

Rescheduling of May 3, 2016 Conservation Commission meeting due to conflict with Town Meeting.

Binney Street

There was a hydraulic oil leak which has been taken care of.

The next meeting will be held on March 16, 2016 at 7:45pm.

The meeting was adjourned at 9:530pm by motion of Commissioner Townson; seconded by Commissioner Sutherland and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**