

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
MAY 17, 2016**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

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

SCHEDULED ITEMS:

30 Chester Street

Present in Interest: Karen and Will Swenson

Staff Recommendation: Approve

Public Hearing on a Request for Determination of Applicability filed by Karen Swenson under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a retaining wall, fill and grading at **30 Chester Street**.

Mr. Douglas presented this to the Commission. The project is to replace a rotted wooden landscape retaining wall. This will be replaced with boulders and fill placed behind them to level a portion of the yard. There will be no further extension of lawn. Commissioner Honea asked that the area behind the boulders be allowed to naturalize. Chairman Cooper asked what the closest point to the wetland is and that the plan comport to the project. Staff agreed to meet with the Applicant to revise the plan.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve with an amended Plan; it was seconded by Commissioner Driscoll and unanimously approved.

11 Dean Circle

Present in Interest: Cam Vander Maelen

Staff Recommendation: Approve

Public Hearing on a Request for Determination of Applicability filed by Camiel Vader Maelen under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a deck at **11 Dean Circle**.

Agent Cleary presented this to the Commission. The deck will be on existing lawn area. The property is located in the Fish Brook Watershed Protection Overlay District. DEP has determined that sona tube construction is not an impediment to displacing flood waters and the approval is conditioned accordingly. Non-disturb bounds were required to be put in by a previous owner and one damaged bound near the driveway needs to be replaced prior to commencement of work. Special Condition #6 to be amended.

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

22 Blueberry Hill Road

Present in Interest: Robert Kelley

Staff Recommendation: Continue

Public Hearing on a Request for Determination of Applicability filed by Robert Kelley under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed removal of trees, plantings, stone patio with low retaining wall and level the grade with fill in the rear yard at **22 Blueberry Hill Road**.

Agent Cleary presented this to the Commission. The application is subject to the WPA only. The application is not complete enough for staff or the Commission to determine the full extent of the proposed work. Waivers have been requested for engineered plans and depicting existing and proposed topography for proposed lawn extension. Although the lot is survey staked, the wetland does not appear to comport to the Town Maps and without a delineation, tree line on the plan and existing and proposed topography, it is difficult to determine the full extent of the work, and how close to the wetland boundary. Upon a site visit by staff, the wetland has changed. Chairman Cooper agreed that the Commission needs a plan showing the full extent of the project.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to June 7, 2016; it was seconded by Commissioner Townson and unanimously approved.

203 Salem Street

Present in Interest: Bill and Judy Josephson

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

Public Hearing on a Request for Determination of Applicability filed by Bill Josephson under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed abandonment of an existing septic system and construction of a replacement septic system at **203 Salem Street**.

Agent Cleary presented this to the Commission. The filing is under the WPA only. There was a small amount of yard waste, not enough to be removed, but staff spoke with the homeowner. The homeowner continues to enhance the wetland area and upgradient with native plantings while permitting emergent wetlands plants to thrive.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2b, Neg.3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

59 Phillips Street

Present in Interest: Russell Stott

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

Public Hearing on a Request for Determination of Applicability filed by Trustees of Phillips Academy under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed demolition of an existing garage, paving and loam and seeding at **59 Phillips Street**.

Mr. Douglas presented this to the Commission. The work will take place within the 25 foot buffer, but the dilapidated garage will be removed and the driveway repaved. The overall paved surface will decrease and the area where the garage was will be allowed to naturalize with grass.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2b, Neg.3 and Neg.6; it was seconded by Commissioner Greenwood and approved with Commissioner Driscoll abstaining.

10 Gould Road

Present in Interest: Bill MacLeod, Christopher Szymanski and Nicole Szymanski

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

Continued Public Hearing on a Request for Determination of Applicability filed by Christopher and Nicole Szymanski under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a sports court, pool, pool shed, grading and retaining walls at **10 Gould Road**.

Agent Cleary presented this to the Commission. The filing is under both the WPA and By-Law and is a result of a violation on site. Permission was given for some work, other work was done without authorization and other work is proposed. Mr. Macleod provided the Commission with a letter dated May 12, 2016 incorporating all the work on site.

We are in receipt of a revised plan reflecting the proposed fence outside the 25 foot no-disturb area. A site monitor, Ann Marton of LEC, will monitor this project. The approval is closer to an Order of Conditions due to the amount of work and disturbance on site.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Approve as Pos.5, and Neg.3; it was seconded by Commissioner Townson and unanimously approved.

53-83 River Street Sidewalks

Present in Interest: Kathy Romig, Dean Romig, Susan Davis, Chris Weigand, Dorothy Hollenbeck, Audrey Nason, George Nason, Katherine Craig-Cormier, Robert Craig Cormier, Richard Kaminski, Brian Moore, Marc Fournier, Kerry O'Kelly, Ruth Rooks and Scott Nason

Public Hearing on a Notice of Intent filed by the Town of Andover Municipal Services-Public Works Department 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 sidewalk at **53-83 River Street**.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law for construction of sidewalks for public safety. There is a waiver requested for unavoidable work within the 25 foot non-disturb. Jeff Bridge has begun a peer review of the project. His preliminary review includes:

1. Limited project (310 CMR 10.53(3)(f) work within Bordering Land Subject to Flooding, Riverfront to the Shawsheen River and the associated 100 foot buffer zone;
2. Mitigation includes retaining walls and compensatory flood storage to minimize alteration to the maximum extent feasible;
3. All wetland flagging depicted on the plan has been approved by Jeff Bride;
4. Advise against ruling on the status of the Isolated Wetland Series C meeting the By-Law requirements for jurisdiction as although the line was confirmed by Jeff, this series is located on private property and has no regulatory implications on the project;
5. Some of the proposed work in the 25 foot non-disturb is within an existing Right of Way with invasive species;
6. Compensatory flood storage will involve removal of some trees;
7. Yard waste, landscape debris, and other extensive debris were noted at 73 River Street and opposite 58 River Street;
8. Planting details are required;

9. Applicant should provide confirmation that the proposed retaining wall can be constructed in close proximity to the wetland;
10. Only 12' waddles are recommended for erosion control. Staff will determine areas where more protection is needed;
11. 401 Water Certification is not needed; and
12. Engineering will perform site monitoring and will have someone on site daily.

Residents Rob Coleman and Susan Davis both spoke in support of the project.

Kitty Coleman asked if the canoe launch would remain and where the curb would be placed.

Brian Moore informed the Commission that a neighborhood meeting was held and their concerns were centered on the canoe launch and parking.

Andy Menezes stated that a vertical curb would inhibit turtles from crossing, a sloped curb would accommodate the turtles and the cars for parking.

Chairman Cooper asked for a Motion. Commissioner Sutherland made a Motion to continue to June 7, 2016; it was seconded by Commissioner Driscoll and unanimously approved.

Harold Parker State Forest

Present in Interest: Anne Carol, Joshua Burgoyne, Nancy Fenton, Beth Thomson, Pat Keck, Michael Arthur, Carl Neilsen, Angela Weis, Naomi Andon, John Weis, Johanna Walsh, Amy Cook, Larry Ardito, Linda Ardito, John O'Connor, Denise O'Connor, Richard Foley, Susmith Mukund, Melissa Mayo, Jim Moses, Sue Tucker, Linda Murphy
Staff Recommendation: Approve.

Public Hearing on a Notice of Intent filed by Massachusetts Department of Conservation and Recreation under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed Aquatic Plant Management Project at **Harold Parker State Forest.**

Mr. Douglas presented this to the Commission. This is a standard application for aquatic vegetation control of invasive species at Field Pond and Collins Pond.

Josh Burgoyne presented the project to the Commission. This is a 5 year comprehensive plan to manage invasives in both ponds which are overrun with fanwort and milfoil. Herbicides will be used to control infestation and then hand harvesting by divers will be done and algaecide used if necessary. The herbicide used will be Sonar which is effective against both species. Diquate will be used to weaken the milfoil and reduce the amount of herbicide used. Invasives have infested the ponds from shoreline to shoreline. If not controlled, they could become marshes. There will be a follow up treatment in August and at the end of the 5 years, a full assessment will be done to determine if the program needs to continue.

Vice Chairman Porter would like the sequencing and a map of the invasives in the ponds to determine if this is necessary.

Carl Neilsen stated that Solitude Lake Management will apply the herbicides and they can provide the map and treatment plan to the Commission.

Commissioner Honea asked the proponents to clarify the balance between the herbicide treatment and hand harvesting. Diquate will weaken the milfoil and then the Sonar herbicides will kill and then they can hand pull the invasives for spot populations. Spot treatment of milfoil could be considered instead of treating the entire pond.

Commissioner Greenwood asked if the invasives could become resistant to the herbicides. There is no scientific proof of this happening.

Commissioner Driscoll asked if there were any endangered species in the ponds. There are none.

Pat Keck, an abutter and representing Friends of Harold Parker State Forest, stated that she believes Field Pond is a habitat, not a pond for recreational use. The impact of the herbicides will kill all the plants leaving behind their seeds which will make the infestation worse in the future. The habitat will be destroyed if the plants are removed. The runoff from lawns can be controlled and mats could be used for heavy infestation. If the dam were repaired, there could be a draw down of the water in the winter months and the plants could be hand harvested then.

Sue Tucker, an abutter, is in favor of the treatment. She believes the pond will turn into a marsh if not treated and herbicides are the only treatment that will work and has a history of working state wide.

Angelica Weis, an abutter, also agreed with the treatment plan stating that this is the only option and there is no evidence that the herbicides hurt any other species.

Chairman Cooper suggested a subcommittee be formed. Commissioner Honea, Commissioner Greenwood and Commissioner Townsend formed the subcommittee to further discuss and research the treatment and make a recommendation to the Commission.

A Special Meeting of the Conservation Commission was scheduled for 8:15am on May 25, 2016 in the 3rd Floor Conference Room A to continue this public hearing.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to May 25, 2016; it was seconded by Commissioner Townson and unanimously approved.

11 Trevino Circle

Present in Interest: Bob Galledge

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed by Yvon Cormier, CA Investment Trust 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 single family dwelling, grading and utilities at **11 Trevino Circle**.

15 Trevino Circle

Present in Interest: Bob Galledge

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed by Yvon Cormier, CA Investment Trust 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 single family dwelling, deck with patio underneath, grading and utilities at **15 Trevino Circle**.

Mr. Douglas presented these to the Commission. The wetland line has been flagged and both houses meet setback requirements. The amount of grading is large and the slopes are both very steep. The potential for a washout is great. The applicant is working on the slope stabilization and will ask for a continuance.

Bob Galledge asked for a continuance to June 17, 2016.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to June 17, 2016; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

83 Porter Road

Commissioner Townson recused herself and left the room.

Request for Insignificant Change and 1 year Extension.

Applicant would like to extend planting beds and construct retaining wall of boulders.

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

6 Acorn Drive

Present in Interest: Mike Igo

Request for Insignificant Change. Staff visited the site and found the trees to be dead and a hazard to the home. As mitigation the applicant is proposing management of invasives on site.

Vice Chairman Porter expressed his concern that an arborist did not make the determination that the trees were dead and Commissioner Greenwood agreed. The Commission asked the applicant to obtain an arborist to provide a determination.

Vice Chairman Porter made a Motion to find the change significant; it was seconded by Commissioner Greenwood and approved by a vote of 5-2 with Chairman Cooper and Commissioner Sutherland against.

CONSENT AGENDA:

Minutes

Approval of Minutes from May 17, 2016.

5 Westminster Road

Request for a Certificate of Compliance.

54 Lupine Road

Request for a Certificate of Compliance

9 Greybirch Road

Request for a Certificate of Compliance.

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

LATE DISCUSSION ITEMS

Lawn Chemical Survey

Discussion regarding sending the survey electronically and through social media and the different target groups. Continue to June 7, 2016 for discussion.

Deer Hunt 2016

Approval of 2016 Deer Hunt and add Bellevue Reservation for the Archery Program.

2 Bancroft Road

Discussion regarding lifting of Enforcement Order.

Scout Project

Present in Interest: Brian Major, and John Donovan

The project consists of constructing 4 kiosks at Pole Hill and other locations with the assistance of younger scouts in his troop. The kiosks will be pre-assembled off site and brought to the site to be installed. The kiosk design is the design used by Andy Menezes. John asked the Commission to match his fundraising up to \$150.00.

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

Scout Project

Present in Interest: Brian Major, Brian Bondaruk

The project consists of constructing 8 to 10 screech owl boxes to be placed at Hammond Reservation, Serio's Grove, Haggetts Pond and the Retelle Reservation. They will be mounted

on trees or poles for the owl's protection. Chairman Cooper will assist Brian with the placement of the screech owl boxes. Brian asked the Commission to match his fundraising up to \$150.00. Vice Chairman Porter made a Motion to approve the project; it was seconded by Commissioner Driscoll and unanimously approved.

4 Charles Circle

Update on restoration plan. A site visit was conducted with Commissioners Townson, Driscoll and Porter. A plan will be filed with staff.

5 Black Horse Lane

Ratify Enforcement Order issued for noncompliance with Determination of Applicability issued.

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

The meeting was adjourned at 10:20pm by motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**