

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JUNE 7, 2016**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:49pm

Conservation Members in Attendance:

Chairman Donald 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:

78 Pine Street

Present in Interest: Greg Johnson

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by Joanne Nowak under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a 16'x16;' addition at **78 Pine Street**.

Agent Cleary presented this to the Commission. The filing is under the WPA and waivers have been requested for plan requirements. The project is for 2 additions on existing lawn area. This is a historically disturbed area and the entire lot is grassed. It is confirmed that there will be no raising of the roof, all existing walls will remain intact and there will be no alteration to the existing foundation other than the addition of a slab and crawl space. The work is 80 feet from the wetland area.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to approve the waiver requests; it was seconded by Commissioner Greenwood and unanimously approved. Vice Chairman Porter made a Motion to Approve as Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

90 Bellevue Road

Present in Interest: Jay Henshall

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by Gibraltar Pools Corp. under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of a 12'x20' above ground swimming pool, deck and railing at **90 Bellevue Road**.

Agent Cleary presented this to the Commission. The filing is under the WPA only and waivers are requested. Erosion control will be determined by staff on site. Yard waste was found in the southeasterly rear corner and will be removed prior to the commencement of work. The pool was not staked out on the lot when staff made a site visit, however the garage is 13 feet closer to the street than on the plan.

Commissioner Honea asked if markers could be installed to prevent further encroachment. There will be plantings along the edge of the lawn and will continue in a horizontal line acting as a buffer with no further encroachment of lawn.

Special Condition 4 will be amended to state that pool to be staked to meet regulatory setbacks. A Satisfactory Completion of Work request has been filed and needs to be approved prior to the approval of this project.

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

Commissioner Townson made a Motion to accept the waivers; it was seconded by Vice Chairman Porter and unanimously approved.

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

22 Blueberry Hill Road

Staff Recommendation: Continue to a date uncertain

Continued 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**.

The Applicant has requested to continue to a date uncertain.

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

7 Leah Way

Present in Interest: Joe Benson and Jeff Bridge

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by Joe Benson under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed planting of white pine trees at **7 Leah Way**.

Mr. Douglas presented this to the Commission. There is an open Order of Conditions on this property. The plantings will be used as screening for these units.

Jeff Bridge, the site monitor for the ongoing Order of Conditions, informed the Commission that the 2 areas of white pines behind the building are consistent with what is growing there now.

The other 7 trees to be planted near the rain garden could shade out the plantings in the rain garden and the slope is made up of fill and with the shallow root system of the white pine they may be subject to wind flow. There are other trees that would work better at the top of the slope such as arborvitae. Staff will work with the applicant and Jeff Bridge to determine the number of trees and type.

Jeff Bridge also let the Commission know that there is yard waste being dumped behind Building 2 within the 25 foot buffer that needs to be removed and stopped. Staff agreed to make this a condition of permit.

Also, snow storage could damage the rain garden if snow is put there, as was the practice in the past. This will also be added as a condition of the permit.

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

Prospect Hill and Wood Hill Water Storage Tank Rehabilitation Project

Present in Interest: Keith Saxon, Angela Donnelly, Marc Fournier, Magdalena Holfstedt and Heather Lauten

Staff Recommendation: Approve

Public Hearing on a Request for Determination of Applicability filed by the Town of Andover Department of Public Works under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed draining, cleaning and painting of interior and exterior of the **Prospect Hill and Wood Hill Water Storage Tanks**.

Mr. Douglas presented this to the Commission. The Wood Hill water tank is roughly 600 feet from a resource area and the Prospect Hill water tank is located roughly 1200 feet from a resource area. Both are located upgradient and outside our jurisdiction. There is an intermittent

stream, which is a manmade ditch with no vegetation and does not connect to any other wetland. Commissioner Greenwood expressed his concern that if a tank was to leak, it would run into the wetland. However, the Commission only has jurisdiction over wetlands and buffers, and if the entire project is outside our jurisdiction the Commission can only assert jurisdiction when something happens to impact the wetlands or buffer.

Keith Saxon stated that there are 5 conservation properties near the Wood Hill tank. Chairman Cooper clarified that the conservation properties are to the east of the tanks.

Angela O'Donnely presented the project to the Commission. The Town will drain half of the tank and then will be isolated from the system. The tank water will be sampled and then the tank drains will be used to drain the remainder of the tank. Haybales and erosion controls will be used and the Town will be able to control the flow from the tanks. The draining will take up to 3 days. The last 12 inches of water will have about 1 inch of sediment which will be tested for 14 different metals. If the tests come back below the thresholds, the tanks will be drained by a 12" pipe into an infiltration system and haybales further down to catch any sediment.

Commissioner Greenwood questioned if the sediment caught in the haybales would be released when the haybales are allowed to dissipate. At the end of the project, the haybales will be properly disposed of with the sediment intact.

Commissioner Driscoll asked if there are any regulations by either MA or DEP for disposing of the haybales. The place of disposal will depend on the materials contained in the haybales.

Marc Fournier confirmed that the Town landfill will not be accepting anything from this project, it will be disposed of out of town.

Chairman Cooper read the WPA 10.05d to the Commission reasserting that assertion of jurisdiction has to come after the fact.

Marc Fournier advised the Commission that the plan is to make the flow go away from the wetlands. The Town will be able to control the flow of the water so the ground does not become saturated. The Town is working with CDM Smith who has experience with this type of project. There is no intent to drain the tanks into the wetlands.

Bob Douglas stated that there will not be a direct discharge into the wetlands. If there is an incident where that occurs, a cease and desist order will be issued. He also plans on being at the site daily with strict monitoring.

Keith Saxon again, pointed out that there are 5 conservation properties and a drainage ditch close to these tanks. The Bancroft Enforcement Order is still open. This activity can alter a wetland and he would like a procedure to view the downstream wetlands prior to the draining and after. There are 2 trails that could be impacted by the flow from the tanks. Keith also asked that tight tanks be used for dewatering since there has been no determination of there are hazardous materials in the sediment. He also questioned the disinfection and cleaning of the tanks and that procedure.

Chairman Cooper asked if staff could be notified 24 hours in advance of the draining and view the wetlands before the draining and post draining.

Commissioner Townson requested the Commission receive the testing results of the sediment prior to draining the last 12 inches of water from the tanks.

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

28 Karlton Circle

Commissioner Driscoll abstained.

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by Matthew and Rebecca Rogers under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of an addition at **28 Karlton Circle**.

Agent Cleary presented this to the Commission. The filing is under the WPA only with waiver requests for an addition with a full foundation. All work is greater than 50 feet from the BVW. Staff recommended no further extension of rear yard.

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

53-83 River Street Sidewalks

Present in Interest: Brian Moore, Richard Kaminski, Jeff Bridge, Marc Fournier

Staff Recommendation: Close Public Hearing

Continued 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 issues brought up at the May 17, 2016 hearing which included parking for canoe launch, turtle crossing, signage and better erosion controls in certain areas.

Marjorie Ballou, of 67 River Street asked how the curve in the roadway will be handled and the impact the sidewalks will have on the driveways. The stretch between her driveway and the rear properties will have a curb cut to allow for access and the sidewalk will be flush with the roadway for driveways in that stretch.

Commissioner Driscoll inquired about the debris behind 73 River Street.

Jeff Bridge informed the Commission that there is substantial debris behind 73 River Street in the buffer consisting of metals and tires. This is on private property and cannot be addressed in this application.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to close the public hearing; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

6 Acorn Drive

Present in Interest: Mike Igo

Request for Insignificant Change. Marc Fournier viewed the trees as requested.

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

344 River Road

Request for temporary cessation of reporting changed to Request for Certificate of Compliance.

Commissioner Driscoll made a Motion to Approve the Certificate of Compliance; it was seconded by Commissioner Townson and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from May 17, 2016 and May 25, 2016.

50 Bartlet Street – Youth Center

Request for a Certificate of Compliance.

22 Foster's Pond Road

Request for a Satisfactory Completion of Work Certificate

29 River Street

Request for a Satisfactory Completion of Work Certificate.

5 Campanelli Drive

Request for a Certificate of Compliance.

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

LATE DISCUSSION ITEMS

5 Black Horse Lane

Present in Interest: Brian and Stacie McLean

Update on Enforcement Order issued. Erosion control in place and Determination of Applicability recorded. Staff recommends lifting the Enforcement Order.

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

Achievement of CC Member

Acknowledgement of Commissioner Ellen Townson for her completion of all ten wetland courses with MACC.

Granli Drive

Approval of Grant of Easement from the Conservation Commission to the Town of Andover.

Olympic Village Subdivision

Al French to speak. **Table to next meeting.**

Lawn Chemical Survey

Commissioner Honea asked that the comments and responses continue to be sent to him.

The next meeting will be held on June 21, 2016 at 7:45pm.

The meeting was adjourned at 9:45pm to enter into Executive Session and not return to open session but adjourn for the evening by motion of Vice Chairman Porter; seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**