

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JUNE 21, 2016**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
8:15pm

Conservation Members in Attendance:

Vice Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Floyd Greenwood and Commissioner Phil Sutherland (8:38). Staff member present was Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

2 Willard Circle

Present in Interest: Julianne Stoughton

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by Julianne Stoughton under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a 2 story garage and master bedroom addition with relocation of a gravel or stone dust driveway and turnaround at **2 Willard Circle**.

Mr. Douglas presented this to the Commission. The filing is under the WPA only meets our setbacks. The erosion control shown on the plan will not work and a drip line infiltration or gutters to a properly sized French drain should be done. The Applicant provided plans at the meeting with the dimensions of 30'x 24', erosion control which will be inspected by staff and agreed to adding gutters to the addition.

A Satisfactory Completion of Work Certificate needs to be issued for a prior filing.

Vice Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to the Satisfactory Completion of Work Certificate; it was seconded by Commissioner Townson and unanimously approved. Commissioner Honea made a Motion to approve as Neg.3 with amendments discussed; it was seconded by Commissioner Driscoll and unanimously approved.

17 Gould Road

Present in Interest: Aliya Barsegov

Staff Recommendation: Approve as Neg.3

Public Hearing on a Request for Determination of Applicability filed by Valeri Barsegov under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a 14'x20' deck at **17 Gould Road**.

Mr. Douglas presented this to the Commission. The work consists of a 14'x20' deck on sona tube construction to be hand dug. The limit of work will be determined by staff on site and here is no need for hay bales.

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

Frederick Drive

Present in Interest: Tom Urbelis, Bill MacLeod, Don Borenstein, Steve Cooper

Staff Recommendation: Continue to a date uncertain

Public Hearing on a Notice of Intent filed by F. Mark D'Annolfo and Phillip W. D'Annolfo 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 subdivision roadway with stormwater management facilities at **Frederick Drive**.

Agent Cleary presented this to the Commission. The filing is subject to the WPA and our By-Law and is utilizing the ORAD line the Commission voted on. Wetland series D and E are being contested in Superior Court. New plans will be submitted based on comments from the IDR. Replication of 1:1 has been made for the filling of Wetland Series D but not for the portions of Series E to be filled for the roadway. Series E fits the description of an isolated wetland under the By-Law regulations. The issue for the Commission is that the Wetland Series E portion to be filled is not being replicated. Dan MacRitchie will do the stormwater peer review. The Commission may consider having Tom Peragallo of LEC do a review for the selection of plantings.

Bill MacLeod presented the project on behalf of the applicants. Bill confirmed the use of the LEC wetland line on the plan. There were test pits dug in Series E and no hydric soils were present. He also informed the Commission that the applicants would like to be notified in advance of any site visits and that Bill accompany all site visits.

Vice Chairman Porter asked why Series E was not being replicated. Bill responded that the replication is as large as possible and the quality will far exceed any existing wetland.

The Commission wanted calculations on Series E being filled and replication for the same.

Steve Cooper, Rocky Hill Road, informed the Commission that this area is very wet in the spring. He asked how the replicated wetland will impact the abutter. He also asked if there would be any standing water in the detention basin.

Commissioner Greenwood asked for an estimate on how many days there would be standing water in the detention basin. It will vary per season.

Commissioner Driscoll made a Motion to approve Dan MacRitchie and Tom Peragallo doing peer reviews and providing calculations; it was seconded by Commissioner Honea and unanimously approved.

Vice Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to continue to September 6, 2016; it was seconded by Commissioner Greenwood and unanimously approved.

15 Trevino Circle

Continued 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**.

11 Trevino Circle

Continued 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**.

Mr. Douglas presented these to the Commission. Both projects were continued for filing of a revised plan showing slope stabilization. The projects are both permissible, however the slope is a concern. The revised plans were not received.

Vice Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to deny without prejudice for lack of information; it was seconded by Commissioner Greenwood and unanimously approved.

353 Salem Street

Present in Interest: Bill MacLeod, Nicholas and Joan Orrick, Pamela Gourley, David Gourley, Annette Fitzgerald, Sue Cashman and Joe Schneider

Staff Recommendation: Close Public Hearing

Continued Public Hearing on a Notice of Intent filed by Nicholas and Joan Orrick 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, sewage disposal system and associated site construction at **353 Salem Street**.

Agent Cleary presented this to the Commission. The filing is under both the WPA and the By-Law. Waivers have been requested for disturbance within the 25 foot non-disturb and the 50 foot no-build. The wetland line has been determined by Jeff Bridge. Commissioner Honea had requested the calculations for disturbance within both the 25 and 50 foot encroachments. This disturbance has more than been remediated.

Bill MacLeod presented the project on behalf of the applicants. The wetlands have been flagged and reviewed by Jeff Bridge with a few flags changed. This change made the clearing for the driveway too close and will be replicated. Bill reminded the Commission when the By-Law was originally passed it was stated that lots with an approval would be given consideration to not being able to meet the new setbacks. There is a total of 817 square feet of disturbance and the 3 mitigation areas total 1317 square feet. A post and rail fence will be installed as a visual barrier and bounds will be placed. The house and septic system have been placed as close to the street as possible and the footprint has been reduced.

Sue Cashman, an abutter, is concerned about runoff and the impact on her property. 75% of the lot will remain naturalized and the large wetland area will accept diminimous runoff. Because this is a single family dwelling it is not subject to stormwater management.

Annette Fitzgerald, an abutter, asked if the waivers for this project would set a precedence for future projects. Vice Chairman Porter explained that each project is taken on a case by case basis and this would not set any precedence for future projects.

Joe Schneider, an abutter, asked if the wetland line is correct considering how dry it has been and what "natural state" is. The wetland line has been reviewed by an independent reviewer and it is based on soils and vegetation which are present regardless of a drought. The runoff from the driveway will go onto the lawn area then the wooded area and then towards the wetland.

Commissioner Driscoll made a Motion to approve Jeff Bridge conducting a peer review; it was seconded by Commissioner Townson and unanimously approved.

Commissioner Townson made a Motion to approve the waivers requested; it was seconded by Commissioner Driscoll and unanimously approved.

Commissioner Townson made a Motion to close the public hearing; it was seconded by Commissioner Greenwood and unanimously approved.

1 Burtt Road

Present in interest: Karen Cote, Rob Dowling, Curtis Quitzau and Scott Tereshak

Staff Recommendation: Approve

Public Hearing on an Amendment to 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 temporary widening of the limit of disturbance within the wetland buffer to provide safe access to the southeast corner of the building and better sight lines for vehicles at **1 Burtt Road**.

Mr. Douglas presented this to the Commission. The applicant wishes to widen the area of work to allow for safety sightlines around the building. This area will be restored and revegetated after the steel work but prior to the completion of the building. Need restoration plan with suitable mitigation.

Curtis Quitzau informed the Commission that the area between the fence and the wetland is needed for construction access and deliveries. This will be a temporary disturbance for 2 years. Commissioner Greenwood was concerned that after being compacted the area would not be brought back to its existing condition. This area needs to be fully restored to its original condition.

Commissioner Honea asked if there was anything that could be put on top of the vegetation to protect it during access by the heavy vehicles.

Vice Chairman Porter asked for a Motion. Commissioner Townson made a Motion to close the public hearing and approve the Amendment with the change as discussed; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

53-83 River Street Sidewalk Project

Issuance of Order of Conditions.

Commissioner Driscoll made a Motion to issue the Order of Conditions; it was seconded by Commissioner Sutherland and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from June 7, 2016.

73 Lovejoy Road

Request for an Extension to an Order of Conditions.

5 Campanelli Drive

Request for a Certificate of Compliance.

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Request for a Certificate of Compliance.

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Request for a Certificate of Compliance.

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

LATE DISCUSSION ITEMS

4 Charles Circle

Present in Interest: Bill Manuel, Imran and Laura Ali, and Mark Zuckerman and Lori Hunt

Update on Enforcement Order issued. Planting plans have been received to restore the area where several trees and underbrush were cut along the stone wall. This area will be monitored for 2 growing seasons and bounds will be placed along the stone wall. The homeowners would like to stabilize Area E on said plan by grading and planting grass for a lawn area.

Commissioner Honea asked if test pits could be done to determine if Area 3 is a wetland. Vice Chairman Porter stated they could proceed with revegetation/mitigation and would like them to leave Area 3 until further review or a new Notice of Intent filing for that work.

During the discussion it was determined that a non-disturb marker is indicated on the building plans, located in the backyard and south of Area 3, and that the marker may indicate a no-build zone that extends into the backyard. The discussion then centered on why that marker exists, and whether a prior Conservation Commission has reason for this to be placed in this location.

Commissioner Sutherland asked if the topography would be changed. It is irregular now and the homeowners would like to fill it out and smooth the area. Because the applicant could not provide any evidence as to the significance of the marker, there was a consensus among Commissioners that the applicant and staff attempt to find any evidence of significance.

Mark Zuckerman, an abutter, was concerned with the size of the trees being replanted and asked if larger trees could be planted. The shrubs will be 2-3 feet and the trees will be 4-6 feet tall and will grow to 30-40 feet tall. "That is a long time for me to endure a clearing like that". Large mature trees would buffer the property, however larger trees require more care and ultimately more disturbance to the resource area.

There was a non-disturb marker found near the pool, however the house was existing prior to the subdivision and markers were never in place. Staff will check subdivision plan and old Order of Conditions to see if non-disturb markers are indicated.

Commissioner Driscoll made a Motion to approve the planting/mitigation plan for Area 2 and obtain more information on Area E; it was seconded by Commissioner Townson and unanimously approved.

The next meeting will be held on July 5, 2016 at 7:45pm.

The meeting was adjourned at 10:05pm to by Motion of Commissioner Driscoll; seconded by Commissioner Greenwood and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**