

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
JULY 19, 2016**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
8:00pm

**Conservation Members in Attendance:**

Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea (acting Chairman) and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**366 River Road**

**Present in Interest: Patrick Seekamp**

*Staff Recommendation: Approve as Neg.3*

Continued Public Hearing on a Request for Determination of Applicability filed by Mark Guziejka under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed restoration of unpermitted encroachment within a resource area and its buffer with most of the restoration taking place on an adjacent property at **366 River Road**.

Mr. Douglas presented this to the Commission. There are 2 standalone plans for the restoration on each property. There was a site visit in November, 2015 which resulted in changes to the sketch. The restoration is mostly complete at 28 Boutwell Road. The slope has changed, trees will be added, as native shrubs. The wetland has started to come back. At 366 River Road, a 15 foot wide buffer zone area with increased plantings to provide a buffer is proposed. A berm as a physical barrier to 28 Boutwell Road with a planting plan is proposed.

Chairman Honea asked for a Motion. Commissioner Greenwood made a Motion to approve the plans and issue the Determination of Applicability as a Neg. 3; it was seconded by Commissioner Townson and unanimously approved.

**11 Trevino Circle**

**Present in Interest: Bob Gollledge**

*Staff Recommendation: Reopen Public Hearing and Continue*

Continued Public Hearing on a Notice of Intent filed by 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, associated grading and utilities at **11 Trevino Circle**.

### **15 Trevino Circle**

**Present in Interest: Bob Golledge**

*Staff Recommendation: Reopen Public Hearing and Continue*

Continued Public Hearing on a Notice of Intent filed by 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 under, associated grading and utilities at **15 Trevino Circle**.

11 Trevino Circle and 15 Trevino Circle were opened at the same time.

These two items were denied error at the June 21, 2016 meeting. An email was sent requesting a continuance prior to the June 21, 2016 meeting.

Commissioner Townson made a Motion to reopen the Notice of Intent public hearings for both 11 Trevino Circle and 15 Trevino Circle and rescind the denial without prejudice decision which was made in error at the June 21, 2016 meeting of the Conservation Commission; it was seconded by Commissioner Driscoll and unanimously approved.

Commissioner Townson made a Motion to continue to September 20, 2016; it was seconded by Commissioner Driscoll and unanimously approved.

### **168 Haverhill Street**

**Present in Interest: Bill MacLeod and Denise Johnson**

*Staff Recommendation: Close and Issue if DEP # received*

Continued Public Hearing on a Notice of Intent filed by **Andover Community 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 and associated grading at **168 Haverhill Street**.

Agent Cleary presented this to the Commission. The filing is under the WPA only for the construction of an affordable home (40B). Tom Peragallo reviewed the pinch points of the wetland line. He concurs with the flagging. The applicant has moved the 10 foot non-disturb line to 15 feet per the Commission's policy for filing under the WPA.

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

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

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

#### **4 Charles Circle**

**Present in Interest: Bill Manuel, Imran Ali, Laure Ali and Florence Feldman-Wood**

*Staff Recommendation: Allow applicant to withdraw application.*

Public Hearing on a Notice of Intent filed by **Imran Ali** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed landscaping in the buffer zone and construction of a deck at **4 Charles Circle**.

Mr. Douglas presented this to the Commission. The applicants wish to level the upland and fence in the area as a yard, reserving a 6 foot planted 3 to 1 slope. The wetland area is restoring itself with trees regenerating. The isolated wetland is not a state jurisdictional wetland as it does not meet the size qualifications. The house is pre-1999 which makes it pre-bylaw. After consulting with Town Counsel, the Commission does not have jurisdiction for the reasons stated previously.

Florence Wood, an abutter, asked about the wetland in front of the house being a designated wetland. She was referring to a different wetland than 4 Charles Circle.

Commissioner Townson made a Finding of Fact that there is no jurisdictional wetland under the WPR or the By-Law; it was seconded by Commissioner Driscoll and unanimously approved.

Bill Manuel asked to withdraw the Notice of Intent without prejudice.

Commissioner Driscoll made a Motion to withdraw without prejudice; it was seconded by Commissioner Townson and unanimously approved.

#### **CONSENT AGENDA:**

##### **Minutes**

Approval of Minutes from July 5, 2016.

##### **51 Hidden Road**

Request for a Certificate of Compliance.

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

Request for a partial Certificate of Compliance. **Tabled.**

**244 South Main Street**

Request for a Certificate of Compliance.

**11R Lowell Junction Road**

Request for a Certificate of Compliance.

**2 Meadowbrook Drive**

Request for a Satisfactory Completion of Work Certificate.

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

**LATE DISCUSSION ITEMS**

**Eagle Scout Project**

**Present in Interest: Bob DeCelle**

Phil Amoesoder's Eagle Scout project is constructing a pocket park on Weathersfield Drive. It will take 6 days to complete with 10-15 volunteer scouts. The brush will be removed and loam and seed spread. Two benches will be constructed and one picnic table. All will be built off site and transported to the site. A kiosk will also be built. Poison ivy will be removed having no contact with the skin. .

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

**Eagle Scout Project**

**Present in Interest: Charlie and Lauren Duerr, Bob DeCelle**

Mitchell Duerr's Eagle Scout project is the construction of a tool shed at the Community Garden. It will be 8'x10' and be built off site with final assembly done on site.

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

**Eagle Scout Project**

**Present in Interest: Rick Davidsen and Buzz Stapczynski and Bob DeCelle**

Matt Davidsen's Eagle Project is the construction of a replacement bridge at Bakers Meadow. The existing bridge is laying on the ground and is too narrow and too short. This is a maintenance project and the new bridge will be wider and above the ground. AVIS has granted permission and this meets their requirements for a structure and a maintenance project.

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

### **85 Porter Road**

Issuance of Enforcement Order for non-compliance.

Photographs were received showing growth in the mitigation areas; site monitoring funds to be received by weeks' end.

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

### **90 Beacon Street**

#### **Present in Interest: Bob Golledge and Ann Marton**

Work began on site without the site monitor or the Commission notified. Trees were cleared for the entire project and the relocation of the fairways and tee boxes at holes 3 and 4 are done.

Since the onsite meeting with Ann Marton, all of the pre-construction requirements have been met and the construction sequencing has been received.

An As-Built Plan for current conditions is required to move forward.

Ann Marton's inspection report cited 5 items done not in compliance with the Order of Conditions issued:

1. The retaining wall at the 3<sup>rd</sup> tee was constructed 100 feet longer than approved by the Commission;
2. The outlet pipe from Pond #2 is within the original limit-of-work line, but 20 feet closer to the BVW;
3. The shortest 4<sup>th</sup> tee is 30 feet closer to the BVW, not 10 feet as described in Doug Lee's letter;
4. The retaining wall at the longest 4<sup>th</sup> tee is 10 feet longer than approved by the Commission;
5. The 4<sup>th</sup> tee cart path has been shifted into the buffer zone and much closer to the BVW than approved by the Commission.

Items 2-4 would require at a minimum a request for an insignificant change revision. Items 1 and 5 would require a request for an Amendment to the Order of Conditions.

Commissioner Greenwood expressed his frustration with this regularly happening with this applicant.

Bob Golledge admitted there was a miscommunication when work began, however everything that has been requested has been done as quickly as possible. There is no work occurring now. The day lighting of the stream will take place mid-November.

Ann Marton added that the work done while it does exceed what was approved, it did not impact the wetlands.

Commissioner Greenwood made a Motion to issue a cease & desist and enforcement order asking for filing of an Amendment and insignificant changes; it was seconded by Commissioner Driscoll and unanimously approved.

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

**The meeting was adjourned at 9:25pm to by Motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**