

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
SEPTEMBER 20, 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 Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, and Commissioner Tom Brady. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**2 West Hollow**

**Present in Interest: John Noonan**

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

Public Hearing on a Request for Determination of Applicability filed by Irving Rogers, III under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a barn at **2 West Hollow**.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law. Flagging of the wet meadow was confirmed, but not ruling on it due to numbers missing from the flags. Waivers for the tree line are requested. Only 2 trees will be removed as a result of this project. The work is over 50 feet from the closest stake. The work consists of a free standing barn, lean to, driveway and infiltration trench along the drip line.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to approve the waivers; it was seconded by Commissioner Driscoll and unanimously approved. Vice Chairman Porter made a Motion to Approve as Pos.2b and Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

**2 Worthen Place**

**Present in Interest: Matt Buoncontri**

*Staff Recommendation: Approve as Neg.3*

Public Hearing on a Request for Determination of Applicability filed by Matt Buoncontri under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a screen room at **2 Worthen Place**.

Agent Cleary presented this to the Commission. The application is under the WPA only with the work being greater than 50 feet from the wetland and only a small portion is within the flood plain. Work had begun by the homeowner as he believed the work was exempt. He stopped work and filed an application immediately upon notification. No erosion control necessary as the sona tubes are in place. Construction vehicles will access through the driveway and there is no change to grading.

Vice Chairman Porter asked that the following be added to the special conditions “Not approving work outside the existing sona tubes”.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Approve as Neg. 3 with the changes discussed; it was seconded by Commissioner Townson and unanimously approved.

### **57 Harold Parker Road**

*Staff Recommendation: Approve Withdrawals Without Prejudice*

Public Hearing on a Request for Determination of Applicability filed by Matthew and Valerie Previte under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of an addition at **57 Harold Parker Road**.

Agent Cleary presented this to the Commission. The applicant is requesting to withdraw without prejudice to allow the filing of a Notice of Intent. DA2016-001 and DA2016-048 to be withdrawn.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to approve withdrawal without prejudice for both filings; it was seconded by Commissioner Townson and unanimously approved.

### **9 Spencer Court**

**Present in Interest: Dana Dalton**

*Staff Recommendation: Continue*

Continued Public Hearing on a Request for Determination of Applicability filed by William John Dalton under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of a pool and fence at **9 Spencer Court**.

Mr. Douglas presented this to the Commission. This application was continued for receipt of a better plan and we are making great progress. The proposed work is for a 16'x32' pool to be placed on a lawned area which is separated from the wetland by a retaining wall. The Town topo is not correct, as the wetland is further away than shown and the retaining wall will act as a limit of work. The erosion control will be placed along the retaining wall.

Vice Chairman stated that the plan provided could not be recorded if the wetland line does not reflect what is on the ground. He asked to put distances from the retaining wall to the stream and the pool to the stream on the plan.

Chairman Cooper asked how the pool is from the wetland. The pool is approximately 40-50 feet from the stream. Chairman Cooper stated that the plan should show where the wetland is located, the retaining wall and pool drawn to scale and labeled with the distances shown. The applicant asked to continue to October 4, 2016 for plan revisions.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to October 4, 2016; it was seconded by Commissioner Townson and unanimously approved.

Chairman Cooper stated that they would have to provide a slope that is satisfactory to the Commission and construction is contingent upon obtaining all building permits necessary. Vice Chairman Porter requested an engineered plan showing the slope and wall placement. Chairman Cooper agreed and asked that the plan include a slope of 3:1.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to October 4, 2016; it was seconded by Commissioner Townson and unanimously approved.

### **11 Trevino Circle**

**Present in Interest: Doug Lees and Bob Golledge**

*Staff Recommendation: Close Public Hearing*

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: Doug Lees and Bob Golledge**

*Staff Recommendation: Close Public Hearing*

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**.

**Both items were opened simultaneously.**

Mr. Douglas presented these to the Commission. Both projects meet our setbacks and the wetland flagging has been confirmed. The only remaining concern was the stabilization of the steep slope from the sites to the wetland.

Bob Golledge agreed that all setbacks under the WPA and By-Law have been met and erosion controls were added to the plan to address concerns regarding runoff.

Doug Lees informed the Commission about the stabilization of the slope. A biodegradable jute mat will be installed. The slope will naturalize to stabilize the slope and the mat will be maintained until the sites are stabilized.

Chairman Cooper asked if the mat would be sufficient to do what is intended. He would like the slope to be 3:1. He asked staff to contact another engineer to confirm the use of the jute mat as stabilization would work.

Commissioner Driscoll asked as if this was the same situation as 211 Andover Street. These slopes are less steep and the soil does not migrate as quickly.

Vice Chairman Porter asked to see the walls to be constructed on the plans. There are no specific walls to be built and if they are built, the applicant will come back for an insignificant change. Chairman Cooper asked that the note regarding the wall be removed from the plans.

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

**90 Beacon Street**

**Present in Interest: Doug Lees and Bob Golledge**

*Staff Recommendation: Continue to October 4, 2016*

Public Hearing on an Amendment to 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, to construct the third tee smaller than proposed and lower the grade level 2 feet; construction of the retaining wall at the third tee to be 100 feet longer than approved; moving of the outlet pipe and rip rap for the pond #2 to be located 20 feet northwesterly from the approved location; the addition of a grass berm; the middle 4<sup>th</sup> tee to be relocated about 10 feet further away from the wetland; the shortest 4<sup>th</sup> tee to be relocated about 30 feet closer to the wetland; the retaining wall by the 4<sup>th</sup> tee to be 10 feet longer than approved; and the cart path at the 4<sup>th</sup> tee to be relocated at **90 Beacon Street**.

Mr. Douglas presented this to the Commission. The abutters were not notified. Please open and continue to October 4, 2016 without discussion.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to continue to October 4, 2016; it was seconded by Commissioner Driscoll and unanimously approved.

### **18 Red Spring Road**

**Present in Interest: Dennis Griecci**

*Staff Recommendation: Approve.*

Public Hearing on an Amendment to a Notice of Intent filed by **Dundee Red Spring, LLC** 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 1,050 square foot permeable paver patio and removal of 160 square feet of proposed concrete sidewalk at **18 Red Spring Road**.

Mr. Douglas presented this to the Commission. The proponent is looking to install a patio at the side of the mill building using permeable pavers and removal of 160 square feet of sidewalk. The Commission discussed the riverfront exemption for historic mill buildings 310CMR 10.58(6)(k), "activities within the historic mill complex are exempt from riverfront requirements". All of the work is within the 50 foot no-build and a small portion within the 25 foot no-disturb.

Dennis Griecci presented the project to the Commission. He compared the prior approved plan to the revised plan being presented for this Amendment. Prior to construction the edge of pavement went down to the fence along the river. The patio will be permeable pavers with washed crushed stone underneath, allowing almost no runoff from the patio. It will be placed on a historically disturbed area. Also included in the request is the installation of a 4 inch sewer line drain running from the building connecting to the 6 inch sewer line so that a floor drain can be installed. The parking lot has been constructed and is stable and renovations of the mill building are ongoing.

Commissioner Driscoll inquired about a walking path as part of the Shawsheen Riverwalk in the future. A park, benches and a bridge were previously permitted for this property and can be incorporated into the Shawsheen Riverwalk in the future.

Chairman Cooper asked the difference between the runoff between the previously approved plan and the plan presented for the Amendment. There is almost no difference in runoff.

Commissioner Honea asked if the parking spaces are required by another board and if the patio could be moved and parking reduced. The existing parking spaces are already below what is required, which required a Special Permit.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to close the public hearing; it was seconded by Commissioner Townson and approved with a vote of 5-1 with Commissioner Driscoll against.

Vice Chairman Porter made a Motion to approve the Amendment; it was seconded by Commissioner Driscoll and approved by a vote of 5-1 with Commissioner Driscoll against.

### **ACTION ITEMS:**

#### **85 Porter Road**

Discussion of further Enforcement Order and fines. Homeowner continues to mow beyond the fenced area which is a no-disturb area; As-Built Plan submitted in inaccurate.

Commissioner Townson made a Motion to issue an Enforcement Order and daily fines of \$200.00 per day beginning September 21, 2016 and continuing until the site is in compliance; it was seconded by Vice Chairman Porter.

### **CONSENT AGENDA:**

#### **Minutes**

Approval of Minutes from September 6, 2016.(with corrections)

#### **14 Greybirch Road**

Request for a Certificate of Compliance.

#### **3 Bedford Circle**

Request for a Satisfactory Completion of Work Certificate.

#### **16 Upland Road**

Request for a Satisfactory Completion of Work Certificate.

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

### **LATE DISCUSSION ITEMS**

#### **89-93 Main Street**

##### **Present in Interest: John Fenton**

An Enforcement Order was issued for trash in the wetland, erosion control in disrepair and possible drainage of parking lot not in compliance with permit issued. John Fenton informed the Commission that the parking lot had been repaved and that the catch basin may not be working properly. He would speak with the new property manager and provide an update to staff.

#### **254 Lowell Street**

##### **Present in Interest: Heather Lauten**

An updated on the appeal was provided. The appeal to DEP has been withdrawn.

**Overseer Nominations**

Vice Chairman Porter provided a new appointment for approval, Caroline Pooler.

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

**54 North Street**

Ratification of an Emergency Certification for septic failure.

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

**Historic Mill District Task Force**

Ellen Townson has volunteered to represent the Conservation Commission on the Historic Mill District Task Force.

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

**The next meeting will be held on October 4 at 7:45pm.**

**The meeting was adjourned at 10:20pm to by Motion of Vice Chairman Porter; seconded by Commissioner Honea and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**