

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JANUARY 7, 2020**

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

APPROVED

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Tom Brady, Commissioner Ellen Townson, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Conservation Director and Ben Meade Conservation Agent.

SCHEDULED ITEMS:

Bald Hill/Dog Park Land Swap

Present in Interest: Joe and Stacey Albuquerque, Craig Liversidge, John Hess, Dorothy McGlinsky, Susan Stott, Amy Janovsky, Mike Pfendler, Tom Urbelis, Michael Lindstrom, Chris Cronin, Art Martineau and Carlos Jaquez

Vote to approve land swap.

Michael Lindstrom reviewed the discussions that have taken place since the last meeting. The Town is now able to meet the restrictions discussed at the last meeting.

Tom Urbelis reviewed the issues behind the need for the land swap of the composting facility and dog park in exchange for the property at 126 Tewksbury Street. The conditions the Town can agree to are that the Dog Park will remain a Dog Park; composting only organic materials; any change in the use would cause the land to revert back to the Conservation Commission. All of the restrictions will need legislative approval.

Chairman Cooper read the proposed Motion to the audience.

Commissioner Greenwood stated that the proposed Motion accomplishes the objectives the Commission wanted while allowing the Town to meet the current needs of the residents but still protect the land around the composting facility. The Agreement will be memorialized.

Commissioner Brady would like the runoff contained, a copy of the best management practices and the hours of operation.

Chairman Cooper was not in favor of this as the Commission does not have jurisdiction over managing the day to day operations.

Commissioner Honea is concerned with the runoff and would like a commitment from the Town to deal with it.

Carlos Jaquez did a site visit and he did observe runoff from the pile of compost closest to the road and put hay bales in place. Internally they are working on best maintenance practices to address these issues.

Bob Douglas added that he had been at the site today and did not see any runoff, but a dike to protect the site would be beneficial.

Carols Jaquez agreed that extending the dike to contain the runoff could be done.

Stacey Albuquerque asked who would enforce the current use to make sure it is used in conjunction with the agreement.

Tom Urbelis informed the Commission that the enforcement would be addressed in the documentation.

Chairman Cooper asked how this would be addressed as most arrangements like this do not have enforcement provisions.

Michael Lindstrom confirmed that 5 Campanelli Drive has room to store any millings.

Amy Janovski asked if DPW had an alternative storage site.

Chris Cronin stated that the leaf composting site will remain a leaf composting site. Millings were stored there to save the Town money for the landfill closure, however the millings have been removed.

Joe Albuquerque asked for a provision to the Motion to make sure the Town can't sell the Bald Hill land or construct houses on it. He also pointed out that in the original MOU the acreage is 7.4 and in the amended MOU the acreage is 8.6. He also asked if the swap was equal or greater in value. 126 Tewksbury Street has been owned by the Town for 10-15 years and never built out. Joe also stated the soil is contaminated when dug down 4-12" down.

Joe Albuquerque also asked that the enforcement of the provisions of the Agreement be contained in the Agreement and that catch basin cleanings and street sweeping not be dumped at Bald Hill.

Mark Baldwin stated the land swap was a "win/win" with the added restrictions. He asked if the state could take the property by eminent domain once it was out of the custody of the Conservation Commission. Tom Urbelis advised that the state could take the land under eminent domain at any time, not matter who the land owner is.

Bob Dalton asked to make public the final wording in the agreement and asked that if be enforceable by the Conservation Commission.

Craig Liversidge offered that the Conservation Commission owns the surround property of the leaf composting facility and it is frequently used so if anyone sees something it can be reported.

Susan Stott stated she is in favor of the land swap because the land on Tewksbury Street offers good protection of the River.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to approve the land swap of the Bald Hill facility for 126 Tewksbury Street (Map 182, Parcel 17) property on the conditions that:

1. The dog park only be used as a dog park;
2. The current leaf composting site only be used for composting of organic material such as leaves, sticks, grass clippings, wood chips and the like;
3. Should either use no longer be necessary, that specific parcel of land shall revert back to the Conservation Commission;
4. Appropriate documentation to the satisfaction of the Conservation Commission is established to accomplish the foregoing.

And amended to include the Map and Parcel number; it was seconded by Commissioner Townson and unanimously approved.

50 Bartlet Street

Present in Interest: Sam Campbell, Janet Nicosia, Ron Headrick and Bob White

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Town of Andover** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for the two exploratory borings at **50 Bartlet Street**.

Mr. Douglas presented this to the Commission. Two borings will be done south of Rogers Brook and west of Chestnut Court within the 100' buffer and 200' riverfront of Rogers Brook. Access to the site will be off Chestnut Court. The work is for the soil borings only and they will be 2"x2" cylinder to assist with project development. There will be minimal disturbance, the soil will be replaced or removed and the area reseeded.

Janet Nicosia added that this will assist with the proposed project for additional parking.

Susan Stott asked that the Master Plan be shared with the community for this project.

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

ACTION AGENDA:

Merrimack College

Request for Temporary Cessation of Site Monitoring.

Commissioner Townson made a Motion to Approve; it was seconded by Commissioner Brady and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from December 30, 2019.

203 Haggetts Pond Road

Request for a Satisfactory Completion of Work Certificate.

12 Highland Avenue

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.

DISCUSSION ITEMS/LATE ITEMS:

77 Lowell Junction Road – Discussion regarding updated existing conditions plan. Tabled to January 21, 2020.

Documents:

50 Bartlet Street

- Plan entitled, “Proposed Borings for DMCC Phase 2-Playstead Parking” dated 1/7/2020

Minutes

- Draft Minutes of December 30, 2019

The meeting was adjourned at 7:22 pm by Motion of Commissioner Townson; seconded by Commissioner Brady and unanimously approved.

The next meeting is scheduled for January 21, 2020 at 7:45pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**