

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JANUARY 21, 2020**

APPROVED

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

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Tom Brady, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Alix Driscoll and Commissioner Floyd Greenwood (7:50). Staff members present were Robert Douglas, Conservation Director and Ben Meade Conservation Agent.

SCHEDULED ITEMS:

27 Cuba Street

Present in Interest: Janet Nicosia, Joe Sasso, Todd and Donna Richardson

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 proposed park renovation including removal and installation of park equipment, pavement, site furnishings and landscaping. The basketball court will be reconfigured and extend into the end of the developed area. A rain garden with native shrubs will be added at **27 Cuba Street**.

Mr. Douglas presented this to the Commission. The closest point to the wetland is 72 feet and he existing chain link fence will act as the limit or work. The playground equipment will be replaced, the basketball court reconfigured and a rain garden to catch the runoff from the basketball court. Erosion controls will be placed along the chain link fence.

There are stairs outside of the project that need to be repaired and will be addressed possibly through a scout project.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve the project as discussed; it was seconded by Commissioner Townson and unanimously approved.

40 Rocky Hill Road /1 Black Horse Lane

Present in Interest: Tom Peragallo, Curt Young, Mark Johnson

Staff Recommendation: Approve

Continued Public Meeting on a Request for Determination of Applicability filed by **Arthur Brussard** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, to determine if there are any jurisdictional resource areas at **40 Rocky Hill Road**.

Mr. Douglas presented this to the Commission. No work is proposed with this application. A peer review was conducted to Tom Peragallo from LEC Environmental. Tom Peragallo presented his peer review to the Commission. While there are no wetland resource areas on this property, there may be wetland resource areas on abutting properties which will throw buffers onto this property. "As a result, the 100 foot buffer zone, protectable as a wetland resource area under the By-Law, extend on both subject parcels." "Any future work or activity on the subject properties is likely to occur within the 100 foot buffer zone requiring the accurate mapping of these buffer zones on Parcels 12 and 14."

Curt Young asked that the wetland map be adjusted. Staff will speak with the person who handles the GIS updates.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve the project as discussed; it was seconded by Commissioner Townson and unanimously approved.

ACTION AGENDA:

CONSENT AGENDA:

Minutes

Approval of Minutes from January 7, 2019.

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

DISCUSSION ITEMS/ LATE ITEMS:

77 Lowell Junction Road

Present in Interest: Tom Urbelis, Matt Watsky, Jake Anderson and Rachel Watsky

Discussion regarding updated existing conditions plan.

Matt Watsky reviewed the revised existing conditions plan with the Commission. The changes included the wetland flagging and swale and removal of the large pile within the flood plain area. Matt Watsky informed the Commission that there was no fill remaining in the flood plain;

erosion controls are in place; storm water is being managed as it always has been; the vehicles stored closest to the river have been removed; and materials stored along the fence are able to be moved in case of a flood emergency.

Chairman Cooper asked Matt Watsky if he thought the sight was in compliance with the WPA. Matt Watsky responded yes, he believes the sight is in compliance.

**Bald Hill/Dog Park Land Swap
Present in Interest: Tom Urbelis**

Tom Urbelis reviewed the land swap. The Commission was looking for an enforceable mechanism for the restrictions requested. Special legislation has been drafted that will be signed by Governor Baker and become a law. House Counsel has approved the form for Town Meeting. The compost facility and dog park will remain as such and the land acquired will remain for passive conservation uses.

Commissioner Greenwood agreed that this achieves exactly what the Commission was seeking with regard to the restrictions.

Commissioner Greenwood made a Motion that the Commission vote to approve the draft Town Meeting Warrant Article in the form as discussed for special legislation to authorize the land swap of land at 126 Tewksbury Street and Bald Hill; it was seconded by Commissioner Driscoll and unanimously approved.

Staff Updates

Mr. Douglas reminded the Commission that Winterfest was scheduled for January 26, 2020 from 10am-2pm.

Mr. Douglas informed the Commission that an appeal to DEP was received for 39 Dale Street from a 10 resident group represented by Keith Saxon. A copy of the Appeal was provided.

The meeting was adjourned at 8:37 pm by Motion of Commissioner Townson; seconded by Commissioner Brady and unanimously approved.

The next meeting is scheduled for February 4, 2020 at 7:45pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**

Documents:

27 Cuba Street

- Plan entitled, "Indian Ridge Playground, 27 Cuba Street, Andover, MA" dated 1/7/2020

40 Rocky Hill Road

- Plan entitled, "Plan of Land in Andover, Mass," revised 5/25/05

Minutes

- Draft Minutes of December 30, 2019

Staff Updates

- Appeal to DEP by Keith Saxon for 39 Dale Street