

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
FEBRUARY 4, 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 Jon Honea, Commissioner Alix Driscoll and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Conservation Director and Ben Meade Conservation Agent.

**SCHEDULED ITEMS:**

**58 Juniper Road**

**Present in Interest: Mike Wilson**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Mike Wilson** 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 4 season room off the second floor to be built on sona tubes for footings at **58 Juniper Road**.

Mr. Meade presented this to the Commission. The filing is under the WPA only for the construction of a 25'x25' four season room. The room will be elevated to the second floor and will be mounted on sona tube footings. The area below is currently maintained as a patio and lawn. The closest point to the wetland exceeds 35 feet from staff observation. Erosion controls will be placed at the existing fence line which will also act as the limit of work.

Chairman Cooper asked for a construction plan showing the exact measurements of the room. Mike Wilson informed the Commission that the dimensions of the room are to be 16'x22' and agreed to provide an updated plan.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Pos. 2b, Neg.3 as discussed with a revised plan; it was seconded by Vice Chairman Porter and unanimously approved.

## **Hacienda Way cul-de-sac**

**Present in Interest: Peter Ogren**

*Staff Recommendation: Continue to a date uncertain*

Public Hearing on a Notice of Intent filed by the **LNS, Inc.** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for the proposed replacement of the existing damaged corrugated metal pipe and associated headwalls located within the paved road cul-de-sac at **Hacienda Way cul-de-sac**.

Mr. Douglas presented this to the Commission. Peter Ogren advised the Commission that the Town conducted a video inspection of the culvert and it is worn along the flow line. The metal corrugated pipe will be replaced with an oval concrete pipe which is hydraulically equivalent. In order to get Hacienda Way accepted as a street, the culvert must be replaced.

Mr. Douglas asked about a perennial stream as shown on the USGS, however it is shown as an intermittent stream on the application.

The existing water main goes under the pipe so the pipe can only be replaced in kind.

Mr. Douglas also asked about the depth of the utilities and asked if the stream crossing standards could be met.

Mr. Meade stated that determination of the stream will be important to this decision.

Commissioner Brady stated that he had seen a dike off the cul-de-sac going into the wetland.

Chairman Cooper asked staff to review the prior filing to make sure what is in the ground now is what was approved.

The issues to be addressed:

1. Is this a limited crossing and if so, does it matter;
2. Peer review of design and hydraulics;
3. Require stream crossing standards to be met or can they be waived;
4. Determination of the stream status;
5. Mechanics of the construction and sediment controls.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to a date uncertain; it was seconded by Commissioner Greenwood and unanimously approved.

## **5 Tucker Road**

**Present in Interest: Dennis Griecci, Patrick Nysten, Tina and Andrew Girdwod**

*Staff Recommendation: Approve*

Continued Public Hearing on the Abbreviated Notice of Resource Area Delineation filed by **Anton Miller, SAI Builders, LLC** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 to confirm the wetland boundary at **5 Tucker Road**.

Mr. Meade presented this to the Commission. The peer review has been completed and the revised plan has been submitted with one revision. The ANRAD is issued only for the wetland flagging series:

BVW Wetland Area 1: Wetland Flags 1A through 18A and 1B through 11B;

It is noted that the flagged extent of BVW Wetland Area 1 extends off of the property (labeled as Lot 1 on the plan) and onto two abutting properties.

This ANRAD does not permit any work or activities that will dredge, fill, alter or disturb jurisdictional wetland resource areas and/or buffer zones on the parcel.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Approve, it was seconded by Commissioner Driscoll and unanimously approved.

### **ACTION AGENDA:**

#### **Mass Trail Grant**

Vote to endorse letter supporting Mass Trail Grant submitted.

The Conservation Commission has issued a letter supporting the Grant.

Commissioner Greenwood made a Motion to Approve; it was seconded by Vice Chairman Porter and unanimously approved.

### **CONSENT AGENDA:**

#### **Minutes**

Approval of Minutes from January 21, 2020.

#### **3R Executive Place**

Request for a Satisfactory Completion of Work Certificate.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Brady and approved with Vice Chairman Porter abstaining on the Minutes vote.

### **DISCUSSION ITEMS/ LATE ITEMS:**

#### **Bald Hill/Dog Park Land Swap**

A new survey has been received and is being reviewed.

#### **7 Pettingell Avenue**

**Present in Interest: Mark Johnson and Scott Smith**

Applicant's request to discuss site monitoring, scope and expense.

**Commissioner Brady recused himself and left the room.**

Mr. Meade reviewed the permit process for the peer review and Order of Conditions. He also presented the email correspondence between the Applicant and himself regarding the site monitoring process. The Applicant does not wish to have the site monitor on board for the construction of the entire project, only the driveway work.

Mark Johnson, representing the Applicant, presented to the Commission that the work within the jurisdiction of the Commission is only the construction of the driveway. Site monitoring will take place only during the construction of the driveway and once the driveway is complete a Certificate of Compliance will be issued and site monitoring will cease. The house will be built at a later date.

Ben Meade reminded the Commission that the Application for the Order of Conditions was not only for construction of the driveway, but construction of a single family home with a septic system, utilities and grading. A portion of this work also falls within 100 feet of the wetland resource area.

Chairman Cooper stated that the Commission issued a permit for work inside and outside the Commission's jurisdiction. The site monitor will maintain monitoring until the entire project is complete.

Mark Johnson stated that the Applicant is unable to obtain a copy of the proposal. Ben Meade responded that staff is unable to obtain a proposal due to the Applicant not communicating with the site monitor and not providing the pertinent information required to obtain the proposal for site monitoring. Staff has continually communicated with the Applicant, as evident by the number of emails provided. The site monitor cannot obtain the timeframe for construction from the Applicant in order to prepare the proposal.

Mark Johnson stated the Applicant would like to know the cost of the proposal and frequency of inspections.

Scott Smith stated he was refused by staff to be provided a copy of the proposal. Ben Meade reminded the Commission that staff does not have a proposal due to lack of information from the Applicant.

Vice Chairman Porter stated that upon review of the emails, it appears there was a lot of communication between staff, the site monitor and Mr. Smith.

Chairman Cooper informed Mark Johnson and the Applicant, Mr. Smith that they were to work with staff and the appointed site monitor to provide the necessary information to obtain a proposal for site monitoring.

### **Staff Updates**

Ben Meade updated the Commission on a diesel spill which occurred on Route 93 at Dascomb Road. A staff member of DEP happened to be driving by when the accident occurred and

stopped immediately. 180 gallons of diesel was contained to the breakdown lane and catch basin but it did not exit the catch basin.

Mr. Douglas informed the Commission that a site visit with DEP at 39 Dale Street took place and the Town team is responding to the Appeal.

Winterfest was a big success with roughly 300 people attending.

Staff attended the Merrimack River Watershed State of the Waters Conference at Northern Essex Community College.

A meeting will take place within the next few weeks with John Lavoie regarding public safety access at Heffron Right of Way.

**The meeting was adjourned at 8:50 pm by Motion of Commissioner Driscoll; seconded by Commissioner Brady and unanimously approved.**

**The next meeting is scheduled for February 18, 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