

**ANDOVER CONSERVATION COMMISSION  
SPECIAL MEETING MINUTES  
FEBRUARY 5, 2019**

APPROVED

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

**Conservation Members in Attendance:**

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

**SCHEDULED ITEMS**

**3 Beacon Street**

**Present in Interest: Elliott Brundage**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **David and Courtney Bassi** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed installation of an additional driveway; installation of a 3' wood post and rail fence; repair to existing stacked boulder retaining wall; construction of stone steps and natural boulder checkwalls; and minor tree pruning and brush clearing with repairs to grassed areas disturbed by these improvements at **3 Beacon Street**.

Mr. Douglas presented this to the Commission. This application is under the WPA only. The proposed work is 80 feet from the wetland. Elliott Brundage presented the project to the Commission. The additional driveway will consist of 370 square feet of pervious pavers.

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

Per the Open Meeting Law, the list of documents used for this hearing is:

- Permitting Plan Bassi Residence dated December 18, 2018

**1 Andover Country Club Lane**

**Present in Interest: Russell Stott**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Adam and Emily Harder** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed renovation of an existing deck, stairs and retaining wall; replacement of existing paving under the deck; installation of a new patio, retaining wall, plantings and grading at **1 Andover Country Club Lane**.

Mr. Meade presented this to the Commission. The filing is under the WPA only.

The project consists of renovation of existing deck, attached stairs and replacement of existing dry-laid stone patio under the deck. The new patio under the deck is 560 square feet and made of bluestone which will require a 2.5' tall retaining wall with minor grading. The wetland has been flagged by Norse Environmental. Staff is in agreement with the flagging. The wetland area borders Hussey's Brook which has previously been determined to be an intermittent stream in this area. The closest point of the project to the wetland is 65 feet as measured by Staff.

Commissioner Townson questioned the possible expansion of the lawn since 2012 and asked how close the lawn is to the wetland.

Commissioner Driscoll asked if this property is located in the Flood Plain. Staff will research to determine this.

Staff has spoken with the Applicant's representative and they have agreed to the installation of non-disturb markers to protect the BVW corridor along Hussey's Brook. Staff will work with the Applicant regarding the placement of the markers.

Chairman Cooper suggested placing the non-disturb markers 25 feet from the wetland edge. Based on the distance to the wetland and the nature of the project, Staff believes there would be no impact on the resource area.

Chairman Cooper stated that the landscaping project is on a previously disturbed area.

Commissioner Greenwood measured the distance from the stream to the edge of the lawn on Google Earth and it appears to be 15 feet.

Commissioner Driscoll recommended pesticides not be used on the lawn. Russell Stott, the Applicant's representative, stated they may agree to 25 feet from the wetland and allow that area to naturalize.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Approve providing the non-disturb markers are placed 25' from the wetland and the homeowner will abide by the restrictions of the 25' non-disturb zone; Staff will check the flood plain; BVW marked on plan as identified by staff; and Approval to call out perennial nature of the stream not being ruled on; it was seconded by Commissioner Driscoll and unanimously approved.

Per the Open Meeting Law, the list of documents used for this hearing is:

- As-Built Engineering Plan with Proposed Landscape Improvements, dated January 21, 2019
- Cross Sectional Diagram

### **350 and 366 Lowell Street**

**Present in Interest: Ann Marton, Daniel Thompson, Scott Doty**

*Staff Recommendation: Close the Public Hearing and Issue the Order of Conditions*

Continued Public Hearing on a Notice of Intent filed by **Raytheon Company** 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 construction of sanitary sewer pipes and manholes and delineation of bordering vegetated wetland in the area of the proposed work at **350 and 366 Lowell Street**.

Mr. Douglas presented this to the Commission. This project has been peer reviewed and the path of the sewer pipes relocated. The Applicant has requested a revision to the Dewatering Finding to add the word “closed” and staff and Ann Marton are in agreement with this change.

Commissioner Townson asked if the sewer flows to the sewer connected with Powder Mill. This flows to Lowell Street.

The Applicant is requesting a waiver for work within the 25’ non-disturb for work on an existing driveway.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Approve the waiver request; it was seconded by Commissioner Townson and unanimously approved. Vice Chairman Porter made a Motion to close the public hearing; it was seconded by Commissioner Townson and unanimously approved. Vice Chairman Porter made a Motion to issue the Order of Conditions; it was seconded by Commissioner Towson and unanimously approved.

### **1 Minuteman Road/161 River Road**

**Present in Interest: Tom Rebull, Matt Mombari and Jeff Spagat**

*Staff Recommendation: Continue for peer review*

Public Hearing on a Notice of Intent filed by **One Minuteman, LLC** 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 construction a multi-use commercial development consisting of 3 buildings along with associated parking, landscaping and other appurtenant structures at **1 Minuteman Road/161 River Road**.

Mr. Douglas presented this to the Commission. The filing is under our By-Law only because the project is adjacent to an isolated wetland which is jurisdictional under our By-Law, but not under

the WPA. A Determination of Applicability was issued in 2018 for delineation of the wetlands on site. The relative building area on the property is very tight. The parcels are small and constricted by the wetland area and surrounding roadways and adjacent lots. No work is proposed within the isolated wetland, however most of the work will be within the by-law buffer, approximately 29,000 square feet. The Applicants have received a variance for side setbacks to allow them to meet our 25 foot no disturb. All the proposed buildings meet the 50 foot setback. Waivers will be requested for: the 50 foot setback for parking lots for 4 or more vehicles; 35 foot setback for access roads; and the 30 foot setback for a retaining wall.

Matt Bombari presented the project on behalf of the Applicants. He provided the history of this site, including the wetlands being delineated by the Determination of Applicability issued. The proposed buildings will include a daycare center, bank and retail spaces with 145 parking spaces. A portion of the parking is within the 50 foot no-build area. A variance was granted by the ZBA to move the buildings closer to the side lot lines in order to move the project further out of the wetland. There will be 3 underground systems and deep sump catch basins. There will be no work within the 25' no-disturb area; some parking within the 50' no-build buffer; and a retaining wall 27 feet from the wetland. The paved areas will drain away from the wetland.

Commissioner Driscoll asked what type of soils in this area? B soils, sandy loamy sand good for drainage.

Bob Douglas stated Horsley Witten Group is conducting the peer review for the Planning Board and suggested we use them as well. He also suggested LEC Environmental conduct an environmental peer review. There is no mitigation offered.

Chairman Cooper added that convincing evidence will be needed that parking cannot be placed otherwise on the property.

Chairman Cooper asked for a Motion. At the Applicant's request, Commissioner Driscoll made a Motion to Continue to Date Uncertain; it was seconded by Commissioner Greenwood and unanimously approved.

## **ACTION ITEMS**

### **The Legends – Phase I & II**

Request for a temporary cessation of site monitoring.

Commissioner Townson made a Motion to approve the temporary cessation of site monitoring; it was seconded by Commissioner Driscoll and unanimously approved.

## **CONSENT AGENDA:**

### **Minutes**

Approval of Minutes from January 8, 2019 and January 15, 2019.

**Lot 11 Pine Forest Park**

**3 Candida Way**

**Present in Interest: Carmen Petrosino**

Request for a Certificate of Compliance.

**Lot 9 Pine Forest Park**

**7 Candida Way**

**Present in Interest: Carmen Petrosino**

Request for a Certificate of Compliance.

**Lot 7 Pine Forest Park**

**12 Candida Way**

**Present in Interest: Carmen Petrosino**

Request for a Certificate of Compliance.

**Lot 6 Pine Forest Park**

**10 Candida Way**

**Present in Interest: Carmen Petrosino**

Request for a Certificate of Compliance.

**Pine Forest Park Roadway and Stormwater System**

**Present in Interest: Carmen Petrosino**

Request for a Certificate of Compliance.

**21 River Street**

Request for a Certificate of Compliance.

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

**DISCUSSION ITEMS:**

**Raytheon Enforcement Order Update**

**Present in Interest: Paul Finger and Daniel Thompson**

Paul Finger provided the Commission with an update on the restoration at Raytheon. The ACOP was finalized in November. There is growth happening already. While the ground is frozen, limbs and slash will be removed, photographs will be taken and Conservation Staff will be notified 48 hours prior to the work beginning.

- O&M Plan required by DEP
- Inspections done semi-annually
- Beaver Solutions is addressing the beaver activity

- May be early spring for planting, excavation of 2 depressions and planting by hand will take place
- Red maple swamp is naturally regenerating itself.

Commissioner Greenwood asked if slash could remain to become habitat. DEP wants it all removed, however a few stumps will remain.

Mitigation will be done under the local By-Law. There is a parcel owned by Raytheon that connects to land owned by the Conservation Commission. 0 Osgood Street is a 2 acre parcel surrounded by conservation land. Raytheon is open to gifting the parcel to the Conservation Commission.

Commissioner Greenwood made a Motion to support the conveyance of the parcel as mitigation; it was seconded by Commissioner Driscoll and unanimously approved.

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

### **0 Fleming Avenue**

**Present in Interest: Ann Marton, George Hughes and Bill Manuel**

Ben Meade reviewed the timeline and background information and then presented the Applicant's request to proceed with outside work on the homes.

Chairman Cooper stated that Staff needs to make sure there is still leverage to make sure the site comes into compliance.

Ann Marton commended Bill Manuel on being very responsive to emails and requests from Staff. The day after the Enforcement Order was issued, he came on board and substantial improvements were made on site. The requests for exterior work on Lots 2, 13, and 14 will not have any impact on site stabilization.

Commissioner Brady inquired about the condition of the wetlands and how much damage had been done. Ann Marton stated that is hard to know right now. Bill Manuel will do an evaluation and provide the report to Staff and LEC. It is imperative that the site be under control and in compliance prior to breeding season for the vernal pool.

Commissioner Greenwood asked if the continuation of exterior work will take away from the resources needed for what we need to be done. Subcontractors are working on the houses so this will not take away from work on the resource areas.

Bill Manuel informed the Commission that he conducted a site visit today and followed the flow to the vernal pool. There is a fine layer of dust on the leaves. Once there is ice out, he will have a better evaluation.

Vice Chairman Porter made a Motion to ratify the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

**Jenkins Road Emergency Certification**

Ratify Emergency Certification issued for a blocked culvert at Jenkins Road and Mortimer Drive. Flooding was causing icing.

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

**The meeting was adjourned at 9:30pm by Motion of Commissioner Townson; seconded by Commissioner Driscoll and unanimously approved.**

**The next meeting is scheduled for February 19, 2019 at 7:45pm.**

**Respectfully Submitted,**

**Lynn Viselli,  
Recording Secretary**