

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
FEBRUARY 19, 2019**

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

APPROVED

Conservation Members in Attendance:

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

SCHEDULED ITEMS:

90 Lovejoy Road

Present in Interest: Janet Nicosia and Marissa Valentino

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by the **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 drainage improvements including adding an 8" perforated sub drain around the building; area drains to collect surface runoff; an replacing 2 existing catch basins at **90 Lovejoy Road**.

Mr. Douglas presented this to the Commission. The Sanborn School has water in the basement and this project will correct this problem. An 8" perforated sub drain will intercept the water before it can get into the basement. The majority of the work is outside the 25' no- disturb buffer, and all of the work is within the 50' buffer. The 2 existing catch basins are not functioning and will be replaced and tied into the existing sewer.

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

27 Balmoral Street

Present in Interest: Janet Nicosia, Scott Parish, Peter Ellison and Josh Millonig

Staff Recommendation: Approve

Public Hearing on a Notice of Intent 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 proposed improvements to the Lower Shawsheen Playground including new play equipment with rubber safety surfacing, an ADA compliant walkway to access both the playground and the existing asphalt tract and designated Ada compliant parking at the park entrance at **27 Balmoral Street**.

Mr. Douglas presented this to the Commission. The improvements will be built at the site of the current playground, of which about 60% is within the Riverfront. A portion of the work will take place within the 25 foot no-disturb area. Work will also take place in BLSF and the 100 year flood plain. The project will increase flood storage by 781 cubic feet.

The Town Engineer has reviewed the project. He found nothing negative regarding this project. There is more compensatory flood area and there is now a written O&M plan.

Peter Ellison presented the project on behalf of the Town. The project will be altering land between the 35 and 36 contour lines, which will result in minimal flood storage changes. There is stone dust on the existing pathway which will be paved and pitched toward the grassed area and the width reduced.

Vice Chairman Porter stated the entire playground is within the FEMA Floodway. There will be an increase in impervious surface, and an increase in peak flows. He asked if an alternatives analysis had been provided. Vice Chairman Porter also asked if the playground could be moved to the east. There is less shade on that side of the park and it would need to be completely fenced in.

Janet Nicosia informed the Commission that there is an existing play structure with mulch and there is a need for ADA accessibility.

Commissioner Brady asked if the proposed structures would stop the flow of water as this is a floodway encroachment. He also asked if the Town had obtained a No Rise Certificate from FEMA.

Vice Chairman Porter added that there are regulations as to what can be done within the floodway.

Staff agreed to research the criteria needed for a No Rise Certificate and advise Janet Nicosia.

Commissioner Honea asked for more details regarding the alternative analysis.

Vice Chairman Porter reviewed the information needed:

- Regulation concerning activities within the floodway;
- No Rise Certificate from FEMA;
- Decrease impervious area;
- Work within 100 year flood plain

Staff requested to be continued to the March 5, 2019 meeting. The Commission urged the Applicant to continue to March 19, 2019 meeting.

Vice Chairman Porter asked for a Motion. At the request of the Applicant, Commissioner Driscoll made a Motion to continue to March 19, 2019; it was seconded by Commissioner Brady and unanimously approved.

ACTION ITEMS

Merrimack College Athletic Project

Request for temporary cessation of site monitoring.

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

CONSENT AGENDA:

Minutes

Approval of Minutes from February 5, 2019. **Table to next meeting**

0 High Plain Road

Request for a Satisfactory Completion of Work Certificate.

11 Ellsworth Road

Request for a Certificate of Compliance.

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

DISCUSSION ITEMS:

Elm Street Conservation Restriction

Present in Interest: Carol McGravey and Stephanie Kiefer

The Conservation Restriction has been approved by EOEa.

Commissioner Greenwood is concerned with the language "does not prohibit public access". He feels it should be clearer that public access is allowed for everyone.

Carol McGravey and Stephanie Kiefer discussed altering the language to read "shall allow".

Commissioner Driscoll asked if new trails could be cleared. Any changes would need prior written permission from the property owner. There was a discussion regarding "reasonable rules" that would apply. The basis of any new trails or work would be that it not result in degradation of the property.

Staff will send Stephanie a copy of the Conservation rules for our properties to review.

Stephanie and Carol will work to revise the CR and come back before the Commission at the next meeting on March 5, 2019.

Shawsheen River Greenway/Andover Trails

Present in Interest: Steve Golden, Keith Saxon and Sam Kefferstan

Commissioner Jon Honea recused himself from this hearing and left the meeting room.

Approval for the placement of canoe/kayak racks at Abbott Bridge, Dale Street and Serio's Grove. Staff and the Inspector of Buildings do not believe the racks are structures.

Steve Golden provided the history of the program for the Commission. The first year was very successful at Shawsheen Pines and they believe it will be more successful if the program is free and include volunteer paddle days. 2 racks will be moved to Serio's Grove and 1 rack placed at both Abbott Bridge and Dale Street. All the Conservation areas have open areas so there will be no impact on vegetation. The same waivers the participants signed last year will be used again and will be posted on the Andover Trails website with the forms. Serio's Grove will be used with 2 volunteers and they would like to erect additional signage on Lowell Junction Road for Serio's Grove. Seeking permission for the program in 2019 and to move 2 racks to Serio's Grove and 1 rack each at Abbott Street and Dale Street.

Commissioner Greenwood asked if there was really a need for the racks if the fees are waived. Vice Chairman Porter asked why the racks could not be left at Shawsheen Pines. Mr. Golden responded that there would still be some volunteer paddle days held at Shawsheen Pines, however Serio's Grove is so attractive and a good spot for beginners and families to put their canoes and kayaks into the River.

There is also a concern regarding the access to Serio's Grove which crosses not only private property but MBTA property and railroad tracks without gates.

Commissioner Driscoll stated that she was uncomfortable with people crossing over the tracks and private property.

The Commission requested a copy of the easement with Watson and MBTA and was uncomfortable with the liability of crossing the railroad tracks.

Commissioner Greenwood was not in favor of adding infrastructure at Serio's Grove, but the other 2 sites are fine as they are closer to the road and easier to monitor.

Vice Chairman Porter expressed his concern about parking at Serio's Grove.

Commissioner Townson questioned the use of storage containers at Serio's Grove and Shawsheen Pines for paddles and PFDs. This could destroy vegetation. She was also concerned with the access and parking at Serio's Grove. She asked that a plan be provided with the placement of the storage boxes and area to be regraded.

Steve Golden added that they wish to regrade a portion of the entrance at Serio's Grove. Vice Chairman Porter informed him that would require a filing with the Commission.

Keith Saxon believes the road grading and anchoring of the racks would both require a filing for an RDA. The storage boxes would prohibit growth of vegetation. Work at Dale Street is within the BVW and Riverfront. The work at Abbott Street is also within BVW, Riverfront and a potential vernal pool. The work at Serio's Grove is within the Riverfront and within the 100 year flood plain. Mr. Saxon also stated that without a filing for an RDA, the abutters would not be notified and there would be no ability to appeal to DEP. Mr. Saxon brought to the Commission's attention that last year if a \$500 donation was made, a free canoe was made available. Regarding the access to Serio's Grove, he could not find a Right of Way and he believes the railroad

crossing is for residential access only. Mr. Saxon also mentioned a document existing that states the Town will erect a fence along the Lynch property. Staff to follow up with him about such document.

Pine Forest Park Subdivision

Approval to release bond held for erosion controls.

Commissioner Driscoll made a Motion to approve the release of the bond; it was seconded by Commissioner Brady and unanimously approved.

Ice Fishing Derby

70 people attended the demonstration today at Poms Pond. Bob Dalton, Craig Liversidege and Bruce Belbin were instrumental in the success of this program.

The meeting was adjourned at 9:22pm by Motion of Commissioner Townson; seconded by Commissioner Driscoll and unanimously approved.

The next meeting is scheduled for March 5, 2019 at 7:45pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**