

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

APPROVED

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

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Tom Brady, Commissioner Jon Honea, and Commissioner Alix Driscoll. Staff member present was Robert Douglas, Conservation Director.

**SCHEDULED ITEMS:**

**4 Belle Haven Drive**

**Present in Interest: Lisa Solomon**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by the **Lisa Solomon** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed filling of an existing swimming pool at **4 Belle Haven Drive**.

Mr. Douglas presented this to the Commission in Mr. Meade's absence. This application is under the WPA only. The pool will be drained, the liner and existing structure removed the hole will be filled and compacted. The closest point to the wetland is 30 feet. The work area is surrounded by a wrought iron fence and is elevated above the grade of the wetland. Commissioner Honea asked where the pool water would be drained to. The pool is partially drained and the remainder will be drained away from the wetland towards the upper level of the yard.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to approve the waiver for engineered plans and to approve the project; it was seconded by Commissioner Driscoll and unanimously approved.

**70 Chestnut Street**

**Present in Interest: Masoud Mahazzab and Jack Sullivan**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by the **Masoud Mahazzab** 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 2 story addition, extension of existing paved driveway and construction of a 2'x2' crushed stone trench at **70 Chestnut Street**.

Mr. Douglas presented this to the Commission in Mr. Meade's absence. The filing is under the WPA only. The scope of work for this project is the construction of a 24'x24' 2 story addition to the rear of the residence, extension of the existing asphalt driveway to reach the addition, and construction of a 2'x2' wide/deep trench to be lined with stone to collect and infiltrate driveway runoff. The closest point to the wetland is 65 feet. The area of the proposed addition and driveway are currently a deck, landscaped areas and maintained lawn.

Jack Sullivan, representing the Applicant, explained to the Commission that a Determination for the same project was issued in 2009 but the work was never done. The drip trench will provide drainage mitigation. No trees will be removed and there will be no grading change. Erosion controls will be put in place.

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

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

- Plot Plan of Land #70 Chestnut Street
- USGS Map

### **27 Balmoral Street**

**Present in Interest: Janet Nicosia, Peter Ellison and Georgeann Kerr**

*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. This was continued for staff to gather further information regarding the No-Rise Certificate and Flow Way. Staff reached out to Eric Carlson of FEMA and asked him to review the project. He advised that the grading does not present an encroachment and the loss of flood storage between elevations 34 and 35 is inconsequential. The playground equipment would not be considered an encroachment.

Building Inspector, Chris Clemente, provided a memo stating that the playground structure will not require a building permit as it is not considered a structure.

Peter Ellison advised the Commission that the surface under the playground structure will be porous, allowing water to flow through it. The impervious area will be reduced as the existing stone ground 10' pathway will be a 5' wide asphalt walkway.

Commissioner Brady asked about the No-Rise Certificate. Staff spoke with Eric Carlson of FEMA and there is an exception for minor projects that are not creating additional fill which allows for no-rise certificate exemption. A minor project does not require an in depth engineering process or increase storm damage.

Commissioner Driscoll inquired about the project being located in the Floodway. The Floodway is regulated by ZBA. Staff was informed by Eric Carlson that a playground structure will not impede the flow of water in the event of a flood.

Chairman Cooper asked if the Floodway was more or less extensive than the 100 year flood zone. It is less extensive.

Commissioner Brady stated that under the Rivers Protection Act the Commission is within their jurisdiction to look at the 100 and 200 foot Riverfront Area and the type of uses within the Riverfront Area.

Vice Chairman Porter views this project as redevelopment in kind or improvements of the existing playground. The Applicant has done as much as possible to meet our criteria. This area is previously disturbed and they are increasing flood storage.

Chairman Cooper added that this has more flood storage than the existing playground.

Commissioner Honea agreed with Commissioner Brady in that there is an alternative location for the playground.

Georgeann Kerr of 5 York Street expressed her concern about the impervious surface due to the amount of flooding in their neighborhood. She asked if the surface would be cleaned and what the lifespan of the surface is. Peter Ellison agreed that the surface will be clogged and that it would be vacuumed as part of maintenance. Janet Nicosia added that the surface will last between 15 and 20 years then will need to be replaced. There will be a yearly inspection for clogs.

Vice Chairman Porter asked that a Special Condition be added regarding the yearly maintenance.

Vice Chairman Porter asked why the playground could not be relocated to the other side of the park. Georgeann Kerr responded that with soccer traffic is already a nightmare and this open area is used by teams for warm-ups and other activities.

Vice Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to Close the Public Hearing; it was seconded by Chairman Cooper.

Commissioner Driscoll made a Motion to issue the Order of Conditions as discussed; it was seconded by Chairman Cooper and approved by a vote of 3-1 with Commissioner Brady opposed.

**400 Federal Street**

**Present in Interest: Steve Lewis, Mark Beaudry and David Alberts**

*Staff Recommendation: Continue to a Date Uncertain for Peer Review*

Public Hearing on a Notice of Intent filed by **Vicor Corporation** 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 a 2 story addition, reconfigure parking, stormwater management, utilities and appurtenant site grading at **400 Federal Street**.

Mr. Douglas presented this to the Commission. This project is large in scope, 43,000 square foot footprint. The Application is under both the WPA and the local By-Law.

Steve Lewis presented the project on behalf of the Applicant. The addition will be 87,000 square feet and 2 floors. Parking will be to the west with a new entrance on the north side.

Mark Beaudry presented the wetlands portion of the project. The entire site is 16 acres, with 7.5 acres being wetlands and a pond. A portion of the existing building is within the 25 foot no-disturb area. The expansion of the building and parking meet the 50 foot no-building setback. The impervious area within the 25 foot NDZ will be reduced by 1500 square feet, however there will be an increase in impervious area of 50,000 square feet within the buffer.

The stormwater improvements inside the 25' NDZ include grading; 58,000 square feet of impervious area for parking which will drain to catch basins/manholes to underground chambers. Two 18" pipes currently join together in the pond, one pipe will be upgraded to 24". The velocity at the outfall will be reduced. The DEP Stormwater Regulations being met are: 1. reducing impervious area within the 25' NDZ; 2. Alteration within 25' DZ for outfall; and 3. decreasing peak flow into the pond...

Staff requested a stormwater peer review and environmental peer review to address alternatives to the alteration within the 25' NDZ; and review of the wetland line as the proposed addition is right at the 50' line.

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

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

- Site Development Plans-Vicor Corporation dated 2/20/19

## **ACTION ITEMS**

### **100 Federal Street**

Request for temporary cessation of site monitoring.

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

### **73 Lovejoy Road**

Request for a 3 year Extension to the Order of Conditions.

Vice Chairman Porter made a Motion to approve the Extension; it was seconded by Commissioner Driscoll and unanimously approved.

## **CONSENT AGENDA:**

### **Minutes**

Approval of Minutes from March 5, 2019.

### **350 Lowell Street**

Request for a Partial Certificate of Compliance.

### **70 Chestnut Street**

Request for a Satisfactory Completion of Work.

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

## **DISCUSSION ITEMS:**

### **Shawsheen River Greenway/Andover Trails**

**Present in Interest: Steve Golden, Craig Liversidge**

**Commissioner Jon Honea recused himself from this hearing and remained in the audience as a citizen of Andover.**

Approval for the placement of canoe/kayak racks at Abbott Bridge, Dale Street and Serio's Grove. Vice Chairman Porter reviewed the last meeting issues discussed:

- Road improvement would need a permit
- Shawsheen Pines, Dale Street and Abbot Street are OK
- Serio's Grove has a number of issues with access, the railroad crossing, going over private property and parking.

Mr. Douglas stated that we have the right to cross Watson's property and the MBTA tracks to access Serio's Grove. The crossing of an active railway is a concern and he will check with Town Counsel regarding the unsignaled crossing.

Steve Golden addressed the Commission. The program is expanding and Serio's Grove will have adult supervision and be mainly used on Sunday afternoons. This access is better for young families and beginners. The racks will be placed in spots approved by Conservation Staff, no vegetation will be removed and there will be no impact on the wetlands. He would like storage boxes for storage placed on the property as well.

Bob Douglas added that he is concerned with the use of Serio's Grove.

Vice Chairman Porter expressed his concern about parking at Serio's Grove. He does not want cars parking in the meadow.

Commissioner Driscoll also expressed her concern about the use of Serio's Grove. She is concerned with the crossing of the unsignaled tracks, even with the use of volunteers.

Chairman Cooper informed the Commission that we have deeded rights to access Serio's Grove across the tracks, which is different than the safety of this access. Any crossing of private property will require specific permission from the property owners.

Commissioner Brady suggested advising the railway of the dates of outings.

Joel Blumstein informed the Commission that he stored his kayaks at Shawsheen Pines last year and he got more use out of it.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to approve the use of Shawsheen Pines, Dale Street and Abbot Street for the kayak program; it was seconded by Vice Chairman Porter and unanimously approved.

Vice Chairman Porter made a Motion to approve the use of Serio's Grove with staff to investigate the rail crossing and check with legal counsel; it was seconded by Commissioner Brady and approved by a vote of 3-1 with Commissioner Driscoll opposed.

### **DPW Maintenance RDA**

#### **Present in Interest: Marc Fournier**

Discussion regarding town wide Notice of Intent or RDA application for roadway maintenance.

Chairman Cooper asked if DEP has weighed in on this yet. Is it even possible under our regulations? Other towns, such as North Andover are using this model with great success.

Marc Fournier stated that there is a lot more maintenance that needs to be done and it takes a lot of time to do the filings for the repair work. With a town wide permit, the repairs could be done much faster, especially the repairs that need immediate attention. Marc has spoken with other towns using this model and we will use North Andover's model. DPW will notify staff prior to any work by filling out a form and meeting with staff regarding erosion controls, work timeline and staff inspection upon completion.

This will save staff time and protect the resource areas as well as allow for paving, cleaning of stormwater systems, clearing of vegetation and erection of guardrails and signage in a much more efficient manner. Most of the work is within the right of way, or within 10 feet of the edge of the right of way.

Chairman Cooper asked if the Order of Conditions is issued generally for this work. It is then extended every 3 years.

### **Overseer Nominations**

Approval of Matt Lennon as an overseer.

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

**The meeting was adjourned at 9:42pm by Motion of Commissioner Driscoll; seconded by Commissioner Honea and unanimously approved.**

**The next meeting is scheduled for April 2, 2019 at 7:45pm.**

**Respectfully Submitted,**

**Lynn Viselli,  
Recording Secretary**