



ANDOVER CONSERVATION COMMISSION MEETING MINUTES
MAY 7, 2019

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 Ellen Townson, Commissioner Jon Honea and Commissioner Alix Driscoll. Staff members present were Robert Douglas, Conservation Director and Ben Meade Conservation Agent.

SCHEDULED ITEMS:

134 Chandler Road

Present in Interest: Michael Pritchard

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Michael Pritchard** 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 20'x40' inground pool, fencing and decking made of pavers at **134 Chandler Road**.

Mr. Douglas presented this to the Commission. The property is within the Fishbrook Watershed Protection District and meets all the standards. The setback for a pool is 60 feet and this project is 61.3 feet from the wetland. Construction access to the site shall be through the west driveway side of the house.

Commissioner Brady expressed his concern with the proximity to the landfill and if any contamination is found during excavation for the pool. Mr. Douglas stated that if any contamination is found, it will be reported to staff and the Board of Health.

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

4 Robinswood Way

Present in Interest: Michael Boness

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Michael Boness** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed replacement of an existing railroad tie retaining wall with a keystone block wall of the same dimensions at **4 Robinswood Way**.

Mr. Douglas presented this to the Commission. Staff has received a revised plan for replacement of the existing retaining wall. Staff will work with the Applicant to place the erosion controls.

Chairman Cooper is any lateral stability will be lost when the existing wall is taken down. Mr. Boness responded that the existing retaining wall has been there for 35 years and the soil is compacted so he does not expect to lose any stability.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to approve s Pos.2b, Neg.2; it was seconded by Commissioner Driscoll and unanimously approved.

120 Salem Street

Present in Interest: Matt Hosmer

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Matthew and Kristina Hosmer** 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 18'x 36' inground pool and decking at **120 Salem Street**.

Mr. Meade presented this to the Commission. The property is located in the WPOD and is subject to our local By-Law. The setback requirement is 35 feet under both the WPOD and the By-Law and this project is proposed to be greater than 50 feet from the wetland boundary. The area proposed for the pool is currently maintained lawn and is relatively level. Staff's biggest concern is soil management during excavation of the pool. Staff has recommended hay bales at the limit of work and around all stock piles. The steep slope will act as the limit of work for heavy equipment, access will be from the front of the house and driveway. Staff has also included a Special Condition limiting discharge of chlorinated water into the wetland resource area.

Vice Chairman Porter asked if there would be a drywell instead of pumping the pool water over the lawn. Mr. Meade informed the Commission that a drywell was noted on the plans provided. Staff will work with the applicant regarding the location of the stock pile and with erosion control placement.

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

5 Marie Drive

Present in Interest: Andrew Berman and Beth Rasmussen

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Andrew Berman** 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 18'x 36' inground pool with paved landscaping between house and pool at **5 Marie Drive**.

Mr. Meade presented this to the Commission. This project is subject to the WPA only. The proposed pool will be in an area that is currently maintained lawn. The pool will be surrounded by a hardscaped deck, however the area between the house and the pool will be maintained as lawn. The project is 80 feet from the wetland. Due to the topography and distance to the wetland, minimal erosion controls are needed and will also act as the limit of work.

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

57 Chestnut Street

Present in Interest: Angie Allen

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Michael and Jessica DiGiorgio** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of invasive species and planting of 6 hemlocks and 9 arrowwood viburnum at **57 Chestnut Street**.

Mr. Meade presented this to the Commission. This project is subject to the WPA only. The scope of the work proposed will take place in the rear of the yard. This is a landscaping project in the rear of the yard which Rogers Brook is at the back of the lot. Rogers Brook is shown as a perennial stream on the USGS topographical map. This proposed project will take place within the Riverfront Resource Area, however due to the scope of the work proposed, Staff is of the opinion that a detailed RDA is sufficient. The project consists of the removal of a large existing stand of Japanese knotweed by shallow machine excavation and careful hand removal, closer to Rogers Brook. All knotweed will be disposed of properly and monitoring for reestablishment of knotweed will be continued in the future. After the removal of the Japanese knotweed, it is

proposed to plant native trees and shrubs for landscaping and visual screening and seeding the area between the plantings. Staff has received a detailed planting plan.

Vice Chairman Porter asked if there would use of herbicide. Angie Allen informed the Commission that there is trained staff in invasive removal and they try to avoid the use of herbicides and there will be ongoing management.

Commissioner Honea asked if any trees would be removed. Angie Allen stated that no mature trees would be removed.

Commissioner Brady was concerned with the rhizomes, which can be 6-10 feet deep. Angie Hall explained that shallow digging with the excavator will be done then staff will hand pull any rhizomes remaining and dispose of them properly in black trash bags. Her company has a permit with North Andover where they will be dried out then burned.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Approve as Pos.2b, Neg.3 with the added condition that no herbicide be used and if needed, they need to come back before the Commission for permission; it was seconded by Commissioner Driscoll and unanimously approved.

7 Athena Circle

Present in Interest: Dana Hayward and Amanda Preston

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Dana Hayward and Amanda Preston** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed replacement of an existing screen porch with new stairs, landing and raising of the porch floor at **7 Athena Circle**.

Mr. Meade presented this to the Commission. The project is under the WPA for an in-kind replacement of an existing screened porch. The proposed porch will be within the same footprint with the exception of a set of stairs and landing leading to the backyard. The floor level of the porch will be raised. There will be minimal excavating since helical piers will be used for the footings. The project is 50 feet from the wetland resource area. Staff recommends erosion controls be placed at the base of the chain link fence and the steep slope will act as the limit of work for the contractors.

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

7 Pettingill Road

Present in Interest: Andrew Pojasek and Scott Smith

Staff Recommendation: Continue to a date uncertain for peer review

Commissioner Tom Brady recused himself from this hearing and left the room as he is an abutter to this project.

Public Hearing on an Amendment to the Order of Conditions filed by **Scott Smith and Kristen Meyers** 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 single family house, driveway and associated site grading at **7 Pettingill Avenue**.

Mr. Meade presented this to the Commission. The property is located in the GWPOD. The filing is under both the WPA and our By-Law for the construction of a single family home. The lot contains one Isolated Vegetated Wetland and one Bordering Vegetated Wetland. During a site visit by staff, a significant volume of standing water was observed in the BVW along with leaf staining and buttressed roots. The proposed driveway is located within 10 feet, more or less, of the flagged wetland boundary. Under both the By-Law and GWPOD, the setback for a driveway is 55 feet from the wetland boundary. The house will be located outside the 100 foot buffer. The application provided does not include a description of the wetland resource area(s), no wetland field data sheets, minimal grading and construction information and no description of how work within the buffer zone will be done with no impacts to those wetland resource areas. There is also no commitment to adhere to performance standards in the By-Law or WPA. A waiver request for the By-Law was received.

Andrew Pojasek presented the project on behalf of the Applicant. This is a Form A lot with the only access from the street is between the property line and the wetland. There will be minimal grading for the driveway. There will be several trees removed for the installation of the driveway. The driveway will be 200 feet long with 6800 square feet of permanent disturbance in the 25 foot no-disturb buffer.

Commissioner Townson inquired if the utilities and water and sewer would be brought in through the driveway and how the driveway would be maintained in the winter with salt or sand so close to the wetland.

Commissioner Honea advised the homeowner to look into whether use of the nearby Town roadway could permit access further away from the wetland.

Staff recommended a review of the wetland line and the impacts of the having the driveway so close to the wetland, the impact of the trees to be removed and the amount of square footage in the buffer disturbed.

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

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

- Proposed Site Plan-Proposed Single Family House – 7 Pettingill Avenue-Andover, MA dated 4/17/19

0 Chapel Avenue/80 Bartlet Street

Present in Interest: Jennifer Smith, Jack Enos, Steven Ventresca, Maddie DeClerck, Debb and Bill Putnam and Elsie and Michael Miles

Staff Recommendation: Continue to a date uncertain for peer review

Public Hearing on an Amendment to the Order of Conditions filed by **Philips Academy** 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 Rabbit Pond outlet control structure and overflow pipes, removal of debris from intermittent stream downstream of Rabbit Pond and replacement of existing drainage outfall at **0 Chapel Avenue/80 Bartlet Street**.

Mr. Douglas presented this to the Commission. This is a major project which has been in the works for the last decade.

Maddie DeClerck presented the project on behalf of the Applicant. The project consists of replacing the 12 inch clay pipe with an 18 inch pipe and rip rap for stabilization. There will be work within the 25 foot, 50 foot, 100 foot buffer zones and within the wetland area. Two overflow devices will be placed in the stream bed and the 8 inch intake pipe will be replaced in kind to improve the quality of the pipe. There will be no excavation of Rabbit Pond. The work is planned to take place during the dry season. The three sets of pipes behind the weir wall are to be replaced as well. Debris will be hand removed from the stream as well as fallen limbs to improve the flow in the intermittent stream. At the bottom of the intermittent stream the inlet will be replaced with a dome grate instead of a flat grate. This will stop the overflow of water over the grate. This is connected to the Andover sewer system. During the work, the outfall will be kept open and functioning, the pipes will be replaced adjacent to the existing pipes. Erosion controls will be placed downstream of all disturbed areas.

Mr. Douglas stated that Phillips Academy has been looking to make these repairs for about 15 years. The infrastructure is crumbling. Rabbit Pond is a man-made pond which floods during major storm events causing flooding downstream. It is our hope that these repairs will relieve the downstream flooding.

Maddie DeClerck responded that these repairs will allow stormwater to function as it is supposed to and the new grate structure will help alleviate the flooding.

Vice Chairman Porter asked where this drains into and in a heavy rain event would the 18 inch pipe make the pond level increase? These are all questions to be answered by the peer reviewer. Maddie DeClerck informed the Commission that the outlets are controlling structures and the domed grate will help control the flow.

Jennifer Smith informed the Commission that there is a wheel that controls the weir. Phillips Academy will work with Staff to develop a long range plan to drawn down Rabbit Pond prior to large storm events.

Michael Miller, an abutter, informed the Commission that there is a catch basin abuts his property, water overflows the grate and water floods his driveway about twice a year. There are

broken pipes in the streambed. The pipe under his driveway and he is concerned if the pipe size increases his pipe may not be able to handle the increase in flow.

Staff and the Commission will schedule a site visit at a later date with the peer reviewers and abutters.

Bill Judson, an abutter agreed that once the intermittent stream is free of debris it will help avoid the overflow problem.

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

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

- Rabbit Pond Maintenance Project Phillips Academy, Andover, MA dated 11/9/18

ACTION ITEMS:

Harold Parker State Forest

Present in Interest: Pat Keck and Andy Sherman

Request for a 3 year Extension to the Order of Conditions. MA DEP issued a Superseding Order of Conditions and the Extension must be issued by DEP. No action taken.

Pomps Pond

Present in Interest: Kara Sliwoski

Request for a 3 year Extension to the Order of Conditions. There have been no significant changes to the treatment plan. Commissioner Townson asked that alternatives to chemicals be looked at.

Commissioner Honea made a Motion to approve the 3 year Extension; it was seconded by Commissioner Townson and unanimously approved.

28 Salem Street

Present in Interest: Jennifer Smith

Request for an Insignificant Change. A “bump out” modification and slight change in grading all which comply with our setbacks.

Vice Chairman Porter found the changes insignificant to the Wetlands Protection Act; it was seconded by Commissioner Brady and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from April 16, 2019.

Chairman Cooper provided amendments to the minutes and Vice Chairman Porter abstained from the vote.

23 Sunset Rock Road

Request for a Certificate of Compliance.

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

DISCUSSION ITEMS/ LATE ITEMS:

Public Lands Preservation Act

Andover Conservation Commission was a charter member of the PLPA which would prohibit green space from being sold off. All of our local Representatives have signed on in support.

Eagle Scout Project

Present in Interest: Ely Remes; Richard Remes, Pat Keck and Andy Sherman

The project consists of construction of a bridge in Harold Parker Forest to connect trails on both sides of the pond. It will connect trails on the northern side of the pond to the southern side. The project will also move the existing trail away from the wetlands on the westerly side.

Mr. Douglas added that shifting the trail out of the wetland is a bonus. There will be little or no impact on the wetland and the bridge placement is at the narrowest portion of the pond. There will be no cutting of wood onsite.

Vice Chairman Porter asked if his troop would be helping out. Ely's troop will be assisting and he will be fundraising to purchase supplies.

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

Haggetts Pond Trail

Present in Interest: Pat Keck

Update on dog waste and off leach dogs. Staff has spoken with Chris Cronin, and he is disturbed by this situation. Chief Keefe has extra overtime hours he can use for animal control to increase patrolling of this area. Staff will add more signage. Vice Chairman Porter added that overseers and volunteers should not have to clean up dog waste, and overseers could be lost over this situation.

Chairman Cooper suggested the Commission write a letter to Chief Keefe, Chris Cronin and the Town Manager indicating that based on our agreement, the Conservation Commission acts as managers of the property, the situation should be described and suggest a timeline for the additional signage to be posted. Also include the overtime for animal control and we could also suggest wording and placement of the signage. Commissioner Townson will work with Bob to

draft the letter. Commissioner Townson added that the state will be coming out with regulations regarding dog waste within the next year.

Overseer Nominations

Approve Ken Meissner and Frank Groosman as Overseers.

Vice Chairman Porter made a Motion to approve Ken Meissner and Frank Grossman as Overseers; it was seconded by Commissioner Honea and it was unanimously approved.

24R Pomeroy Road

Present in Interest: Frank MacMillan

Ratification of Enforcement Order issued for as stone wall built in the pond floor and backfilling behind the wall to expand the island. Mr. MacMillan believed that when he paid the earlier fine, he was all set to keep the wall. He also added that this was an old stone wall in disrepair and he pulled rocks out of the pond to rebuild it. Staff advised Mr. MacMillan that even though he paid the fine, the wall is still remains a violation because no permit was issued for the work.

Chairman Cooper informed Mr. MacMillan that he needs to file an application for the work that was done to construct the wall or remove it. Mr. MacMillan indicated that he would file the application for a Notice of Intent and staff would provide him with a list of consultants to choose from. Vice Chairman Porter would like to specify a timeframe for the filing of the application or the removal of the wall.

Vice Chairman Porter made a Motion to ratify the Enforcement Order and follow up within 2 months for a status report on the application to be filed on July 2, 2019; it was seconded by Commissioner Driscoll and unanimously approved.

Andover Community Garden

Present in Interest: Anne Knowles and Katie Rasmussen

Approval of expansion of the Community Garden.

Katie presented the Commission with a power point presentation of the Community Garden and the proposed expansion. The Commission has previously approved an expansion for additional raised beds. There is a continuing demand from the community for plots. Some of the plots are dedicated to the Senior Center and Neighbors In Need. This is also a teaching garden where the gardeners are taught how to garden organically. The proposal is for 24 additional raised beds, which would expand the total area of the Community Garden to half an acre. Additional compost bins and water stations would be added as well.

Mr. Douglas informed the Commission that the demand is high within the community and the gardeners have done everything the Commission has asked.

Anne Knowles added that the expansion would happen in stages on an as needed basis, not all at once. Also, some of the existing raised beds and some of the proposed raised beds will be higher than usual for the elderly or others who have a hard time bending over.

Vice Chairman Porter asked how the ground around the beds will be handled. Anne stated that prior seasons wood chips were used, but they will be letting the area remain grassed and will mow it.

Chairman Cooper asked if the required funds for the removal of the garden are sufficient now that the size of the garden has increased. Anne informed the Commission that there is \$1,200.00 in an account and it will be increased. People who use the garden pay a fee and some of that money will be transferred. Chairman Cooper stated that he believed \$1,600.00 would be sufficient to cover the increase in size. Staff will check with DPW to confirm the amount of additional funds needed.

Commissioner Driscoll made a Motion to approve the expansion of the Community Garden with an increase in the escrow account to \$1,400.00; it was seconded by Commissioner Townson and unanimously approved.

DCR Land Purchase

Present in Interest: Pat Keck and Andy Sherman

27 Acres of the property owned by Khusro will be purchased by DCR and added to Harold Parker State Forest. This portion of his property is not accessible by the existing roadway. Staff supports the purchase as additional land will be protected from development.

Commissioner Honea made a Motion to endorse the purchase by DCR; it was seconded by Commissioner Townson and unanimously approved.

The meeting was adjourned at 10:10 pm by Motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.

The next meeting is scheduled for May 21 2019 at 7:45pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**