

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
VIA TELECONFERENCE
June 25, 2020 4:00pm**

APPROVED

Conservation Members in Attendance:

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

Chairman Cooper opened the Meeting with stating the protocol for remote participation and questions from the public.

SCHEDULED ITEMS:

West Elementary School 54, 54R and 60 Beacon Street and 0 High Plain Road

Present in Interest: Janet Nicosia and John Hart

Staff Recommendation: Table

Public Hearing on the Abbreviated Notice of Resource Area Delineation filed by Town of Andover School Department under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, to confirm the wetland boundary at 54, 54R and 60 Beacon Street and 0 High Plain Road.

Mr. Douglas presented this to the Commission. There was an error in abutter notification which will be resent for the July 21, 2020 Agenda. Please table without discussion.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Table to July 21, 2020 it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote.

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

50 Bartlet Street – Downtown Municipal Complex Connectivity Improvements
Present in Interest: Janet Nicosia, Michael Lindstrom, Samuel Campbell, Jemma Lambert, Ronald Headrick, Robert White and Robin Wilson

Staff Recommendation: Continue to a Date Uncertain for Peer Review

Public Hearing on a Notice of Intent filed by Janet Nicosia, Director of Facilities, 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 construction of a new parking lot, pathway, central park and play stead at 50 Bartlet Street.

Mr. Douglas presented this to the Commission. The project is within the Riverfront Resource Area with work within the 25' and 50' buffers. The project proposes a permanent 37,200 square foot alteration within the Riverfront Area. This is a large scale project which includes the removal of a softball field, parking and a foot path near Rogers Brook.

Ron Headrick reviewed the project with the Commission. The project came from the Town Master Plan. There is a lack of parking for the ball fields and overflow for Doherty School and the Senior Center. The project will improve both passive and active recreation and allow for greater visibility of Rogers Brook. There will be shade trees planted and plantings within the buffer.

Samuel Campbell reviewed the flagging of the Riverfront Area of Rogers Brook with the Commission. The proposed work within the 25' buffer is temporary disturbance for enhancement. The currently lawned area will be replanted per the planting plan and an improvement to the Stormwater Management. Mr. Campbell also broke down the square feet of disturbance, both temporary and permanent.

Mr. Douglas informed the Commission that staff has received emails from abutters with concerns, some of which are outside our jurisdiction. He would like to send this out for peer review to Janet Bernardo and have an Alternatives Analysis provided.

Chairman Cooper reminded the audience that the Conservation Commission is only looking at this from the wetlands point of view.

Commissioner Greenwood asked if pervious material could be used for the parking lot and no pesticides used next to Rogers Brook.

Samuel Campbell informed the Commission that the pathway will be pervious.

Ron Headrick added that due to the topography and high water table, this is not a great fit for the parking lot to be pervious.

Commissioner Greenwood added that he would like no recycled asphalt used in the parking lot. Vice Chairman Porter stated that parking within the 50' buffer does not meet our setback; he is looking for substantial stormwater improvements. The 1.3% provided between pre and post could be improved.

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

Rollcall Vote:

D. Cooper – yes
T. Brady – yes
A. Driscoll - yes

K. Porter – yes
E. Townson – yes
F. Greenwood – yes

ACTION ITEMS:

10 Ledge Road

Present in Interest: Andy Miller

Request for a 3 year Extension to the Order of Conditions. Andy Miller informed the Commission that the Army Corp review wasn't completed until March 2020 and they need to go back to Town Meeting.

Vice Chairman Porter made a Motion to approve the 3 year Extension; it was seconded by Commissioner Townson and approved by a 5-1 Rollcall Vote:

Rollcall Vote:

D. Cooper – yes
T. Brady – yes
A. Driscoll – no

K. Porter – yes
E. Townson – yes
F. Greenwood – yes

90 Beacon Street (Frenchman's Reserve)

Present in interest: Doug Lees

Request for an Insignificant Change. The applicant is requesting to change the project back to what was originally approved under the original Order of Conditions.

Vice Chairman Porter made a Motion to find the change insignificant to the WPA; it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote

Rollcall Vote:

D. Cooper – yes
T. Brady – yes
A. Driscoll – yes

K. Porter – yes
E. Townson – yes
F. Greenwood – yes

CONSENT AGENDA:

Minutes

Approval of Minutes from June 18, 2020.

88 Lowell Street

Request for a Certificate of Compliance.

Vice Chairman Porter made a Motion to approve the Consent Agenda, it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

DISCUSSION ITEMS/ LATE ITEMS:

2 Hitchcock Farm Road

Present in Interest: Peter Blaisdell

Discussion of Enforcement Order issued April 14, 2020 and review of restoration plan. The Enforcement Order was issued for cutting and clearing of trees within a wetland and wetland buffer. The restoration plan was submitted and includes 2 years of monitoring and a 75% survival rate.

Vice Chairman Porter made a Motion to accept the restoration plan and implementation as soon as possible; it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

85 Porter Road

Present in Interest: Maureen Herald and Andrew Betts

Discussion of Enforcement Order issued April 14, 2020 and review of restoration plan. The Enforcement Order was issued for removal of trees within a resource area and buffer zone to a vernal pool. The restoration plan has been submitted. The details of the plan were reviewed. The trees removed were white ash and were dead or dying.

Vice Chairman Porter made a Motion to accept the restoration plan and implementation as soon as possible; it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

F. Greenwood – yes

0 Lowell Street

Present in Interest: Dan Berberian

Discussion of Enforcement Order issued May 11, 2020 for excavation and ruts within a wetland adjacent to a stream flowing into a large wetland. Since the ratification of the Enforcement Order, staff has heard from the property owner. The Enforcement Order required a cease and desist all work; no earthwork; no alteration or removal of vegetation; and no driving of motorized vehicles in the wetland resource area. The area is growing back nicely since left to renaturalize.

Dan Berberian informed the Commission that he observed the 2 channels dug from the stream in March. He informed the Commission that the damage was caused by the neighbor and he would like it returned to its original condition.

Chairman Cooper stated that the channels are still there. The alteration occurred and the revegetation has occurred naturally which satisfies the Commission. The Commission cannot require the neighbor to restore property, as it has already revegetated. The Commission will not be an enforcement agent for returning the property to its original state. Chairman Cooper suggested Mr. Berberian post a No Trespassing sign on his property.

Mr. Berberian asked if he could fill in the tire tracks and fill in the channels.

Mr. Meade explained that he could grade out the area by hand and it would be best done in the fall.

Mr. Meade suggested leaving the Enforcement Order open until the grading is complete.

Chairman Cooper tabled the discussion for 2 months.

83 Porter Road

Present in Interest: Jason Ardizzone

Discussion of Enforcement Order issued April 14, 2020 and review of restoration plan.

Large trees were removed and there was a bobcat in the wetland and buffer. There were hazard trees removed by working with staff. Staff is working with the homeowner on the restoration plan and would like to table this until the restoration plan is received.

Commissioner Townson wants a deadline for the submittal of the restoration plan.

Staff agreed to table until July 21, 2020 as did the homeowner.

Staff Update:

Chairman Cooper updated the Commission that the Enforcement Order for 39 Dale Street was issued and included a statement of censure.

The meeting was adjourned at 5:35 pm by Motion of Vice Chairman Porter; seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

The next meeting is scheduled for July 7, 2020 at 4:00pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**

Documents:

Consent Agenda

- Draft Minutes of June 18 2020