

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
VIA TELECONFERENCE
July 7, 2020 4:00pm**

APPROVED

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Tom Brady, Commissioner Ellen Townson, Commissioner Alix Driscoll, Commissioner Jon Honea 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:

Water Main Replacement

Present in Interest: Jeff Crane

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability 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 proposed water main replacements in various street in Andover.

Mr. Meade presented this to the Commission. The proposed scope of work includes the replacement of water mains in segments of the named streets, along with select replacement of water services, hydrants and side street connections in some of these areas. The majority of the work will be done in areas outside of our jurisdiction, and/or within existing pavement and landscaped areas. The Open Trench Method will be used with catch basin protection.

Vice Chairman Porter asked if the plans could identify the resource areas and provide distances. Mr. Meade added that a power point had been sent to staff which contained specific information and staff used GIS to map the distances and confirmed with a site visit.

Chairman Cooper asked staff to follow up for an updated plan.

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

Rollcall Vote:

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

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

6 Wabanaki Way

Present in Interest: Stephen Martone

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Stephen Martone** 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 trees at **6 Wabanaki Way**.

Mr. Douglas presented this to the Commission. The project involves the removal of 3 large trees in the back yard of the home located on a lawned area. The wetland is protected by a mound and a stand of smaller trees. Stumps to be removed and the area will be graded and stabilized with seed. Staff to determine erosion controls.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Approve; it was seconded by Commissioner Driscoll and approved by Rollcall Vote:

Rollcall Vote:

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

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

38 Sheridan Road

Present in Interest: Anne and Steve Hinds

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Anne and Steve Hinds** 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 replacement septic system and abandonment of the existing septic system at **38 Sheridan Road**.

Mr. Meade presented this to the Commission. The proposed project is the abandonment of the existing septic system and installation of a replacement septic system. The new system will be

located in the front of the home on maintained lawn area. The Board of Health has approved the plans provided. The work is almost 100 feet from the BVW.

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

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

70 Wild Rose Drive

Present in Interest: Meg Bennett

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Megumi Bennett** 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 an existing deck and construction of a replacement deck at **6 Wabanaki Way**.

Mr. Douglas presented this to the Commission. The extension of the replacement deck will be further away from the resource area. The resource area is at a higher elevation than the deck footings. All excavated soil will be reused or removed from site. Staff to determine erosion controls/limit of work.

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

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

23 Buttonwood Drive

Present in Interest:

Staff Recommendation: Table to July 21, 2020 meeting

Public Meeting on a Request for Determination of Applicability filed by **Kevin Casey** 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 400 sq. ft. pool cabana, removal of trees and brush, grading and relocation of a fence at **23 Buttonwood Drive**.

Mr. Meade presented this to the Commission. The Applicant has requested to table this hearing until July 21, 2020 to obtain additional information for the application, including wetland flagging and grading.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Table until 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

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

21 Shipman Road

Present in Interest: Rick Dodge

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Richard and Heather Dodge** 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 a privacy fence at **21 Shipman Road**.

Mr. Meade presented this to the Commission. This is an after the fact filing for the installation of a cedar privacy fence around the property limits at the edge of existing lawn. Based on Staff's observations, any impacts to the resource area are extremely negligible. The closest point to the wetland is at minimum 60 feet. There was no new land clearing as a result of the installation of the fence.

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

Rollcall Vote:

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

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

10 Black Horse Lane

Present in Interest: Dave Feld

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **David Feld** 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 above ground pool with a deck at **10 Black Horse Lane.**

Mr. Douglas presented this to the Commission. The project is for the installation of an above ground pool which will be over 75 feet from the resource area, separated by a stone wall and a large fence. The existing fence will serve as the limit of work and erosion controls at staff discretion.

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 by Rollcall Vote:

Rollcall Vote:

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

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

38 Woodland Road

Present in Interest: Stephen Anderson

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Stephen Anderson** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover

Wetlands Protection By-law, Article XIV, for proposed tie into Town sewer and abandonment of existing septic system at **38 Woodland Road**.

Mr. Meade presented this to the Commission. The proposed project is the abandonment of the existing septic system and tie into town sewer. The sewer connection will extend from under the house, under the driveway into a pump tank and out to Woodland Road. An 18” culvert extends under the driveway that connects wetlands on both sides. All of the work for the sewer connection will take place within the footprint of the existing driveway. A pre-construction meeting has been included in the Special Conditions.

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

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

10 Lancaster Place

Present in Interest: Peter and Shari Traub

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Shari and Peter Traub** 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 a septic system at **10 Lancaster Place**.

Mr. Meade presented this to the Commission. The project is for the construction of a replacement leach field. The existing septic tank, pump chamber and pipes will remain. The Health Dept. has reviewed and approved the plans. The work area is maintained lawn in the front of the residence. The wetland resource area is located behind the house with the closest point to the work as measured by staff is 75 feet. Staff to determine erosion controls.

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

Rollcall Vote:

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

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

207 High Street

Present in Interest: Olena Tokareva

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Olena Tokareva** 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 a chain link fence at **207 High Street**.

Mr. Douglas presented this to the Commission. The fence will be installed at the existing tree line. The soil will be removed from the site.

Vice Chairman Porter asked if the fence would be long existing no-disturb markers.

Olena Tokareva stated that the no-disturb markers are in place and the fence would run along them.

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

Rollcall Vote:

Rollcall Vote:

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

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

2 Penbrook Circle

Present in Interest: Duane Bragg

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Duane Bragg** 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 an existing deck and construction of a replacement deck at **2 Penbrook Circle**.

Mr. Meade presented this to the Commission. The new deck will be 3 feet wider, which would extend it 3 feet closer to the wetland. The closest point to the manmade pond is 42 feet from the new construction. There will be minimal ground disturbance, new footings only. Erosion controls at staff discretion.

Vice Chairman Porter asked staff to work with the applicant to add the new deck and distances to the MiMap provided.

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 by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea – yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

19 Sugarbush Lane

Present in Interest: Joseph Matara

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Joseph Matara** 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 inground pool and paver patio at **19 Sugarbush Lane**.

Mr. Douglas presented this to the Commission. The project is for an inground pool and paver patio which will tie into an existing paver patio and is 72 feet from the wetland. A limit of work at the edge of the existing patio, which is 70 feet from the wetland, will be sufficient. Staff will determine erosion controls with applicant.

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 by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea – yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

117 Chestnut Street

Present in Interest: Robert Castro

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Robert Castro** 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 an addition at **117 Chestnut Street**.

Mr. Meade presented this to the Commission. This project consists of 2 parts. The first is the construction of a 10'x12' addition in place of the existing deck on the side of the residence. The second is the construction of a 10'x20' deck and stairs off the rear of the residence. Both the deck and addition will be constructed on pilings over maintained lawn. The proposed work is 80 feet from Rogers Brook, which is perennial. The topography of the property slopes upward toward a heavily vegetated upland berm between the maintained yard and Rogers Brook.

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

Rollcall Vote:

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

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

15 Gould Road

Present in Interest: Ann Marton and Dennis Griecci

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed by **15 Gould Road, 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 of a single family home with barn, pool, sports court, grading, landscaping and utilities and a driveway crossing at **15 Gould Road**.

Mr. Meade presented this to the Commission. The project is for the construction of a single family home, barn, pool, sports court on a 4.5 acre wooded lot. This is subject to the WPA and By-Law. The wetland flagging was done by Norse Environmental. The existing wetland crossing is in poor condition, a 3'x3' precast box culvert is proposed. Ann Marton has done a

peer review of the wetland line and overseen revisions to the wetland restoration area and site plans. The changes made to decrease impacts to the wetland and come into compliance with the WPA and By-Law were reviewed by Mr. Meade.

Chairman Cooper asked if the setbacks were met. The setbacks are met, they were very tight prior to the peer review. As a result of the peer review, the setback line was pulled back. Ann Marton reviewed the peer review with the Commission. There are 955 square feet of impact due to the driveway. The driveway is a limited crossing via Gould Road. The only other access would be from the Andover By-Pass which would result in more disturbance in the wetlands. The wetland replication area meets the requirements and answers DEP's questions. Mr. Meade informed the Commission that this is a sizeable residence on a large lot. The setbacks are met, the limited project standards are met and there is a clearly delineated limit of work.

Vice Chairman Porter expressed his concern with the amount of clearing and tree removal. Will this have any effect on the wetlands and ground water levels?

Ann Marton stated that any clearing of a large forested area will have impacts, however infiltration for the house and barn are included.

Commissioner Greenwood asked if a site visit could be scheduled safely. Staff will schedule the site visit.

Ann Marton asked Dennis Griecci to stake out the limit of work and limit of the driveway prior to the site visit.

Dennis Griecci informed the Commission that the stakes are already in and that he would like to avoid a site walk if possible.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue 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

J. Honea – yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

361 River Road

Present in Interest: Heidi Graf

Staff Recommendation: Close and Issue Order of Conditions

Continued Public Hearing on a Notice of Intent filed by **MA Electric 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 installation of approximately 341 feet of new underground cable and conduit to connect to Pole 3218 to P151 at **361 River Road**.

Mr. Douglas presented this to the Commission. This was continued for the Applicant to obtain and record an Easement from the homeowners. The work will be in a previously disturbed area with temporary impacts and no tree removal or trimming. The trench will be 3'x3' for the conduit and then it will be seeded and left to regrow.

Heidi Graf confirmed stormwater will not enter the conduit and there is no need to prevent subsurface flow.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to close the public hearing and issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Honea – yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

CONSENT AGENDA:

Minutes

Approval of Minutes from June25, 2020.

8 Foster's Pond Road

Request for a Satisfactory Completion of Work Certificate.

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

J. Honea - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

DISCUSSION ITEMS/ LATE ITEMS:

12 Pleasant Street

Discussion of Enforcement Order issued May 4, 2020. Table to July 21 2020 the homeowners have filed an RDA.

The meeting was adjourned at 6:47 pm by Motion of Commissioner Greenwood; seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

D. Cooper – yes

T. Brady – yes

A. Driscoll - yes

J. Hone - yes

K. Porter – yes

E. Townson – yes

F. Greenwood – yes

The next meeting is scheduled for July 21, 2020 at 7:00pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**

Documents:

Consent Agenda

- Draft Minutes of June 25, 2020