

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES**  
**VIA TELECONFERENCE**  
**August 18, 2020 7:00pm**

**APPROVED**

**Conservation Members in Attendance:**

Chairman Donald Cooper, Commissioner Tom Brady, Commissioner Ellen Townson, Commissioner Alix Driscoll, and Commissioner Jon Honea. 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:**

**34 Linwood Street**

**Present in Interest: Ralph Arabian**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Ralph Arabian** 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'x14' deck at **34 Linwood Street**.

Mr. Meade presented this to the Commission. The application is under the WPA only for the construction of an 18'x14' deck on sono tubes on existing lawn and landscaped areas. The project is over 50 feet from the wetland and a chain link fence surrounds the yard. No tree removal is necessary for this project and there will be no disturbance to the wetland.

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

Rollcall Vote:

J. Honea - yes

T. Brady – yes

A. Driscoll - yes

K. Porter – yes

E. Townson – yes

**9 Green Meadow Lane**

**Present in Interest: Gregory Minasian**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Gregory Minasian** 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 10'x20' replacement deck at **9 Green Meadow Lane**.

Mr. Meade presented this to the Commission. The application is under both the WPA and local By-Law. This same project was approved in 2007 by the Commission even though it did not meet the 50 foot setback. The deck was never constructed. This new application is basically identical to the 2007 project with an increase in the deck size and relocation of the stairs. Due to the relocation of the stairs, the project will extend less into the 50 foot no-disturb zone. The closest point is 35 feet to the wetland boundary. The proposed deck will be placed on maintained lawn.

Chairman Cooper stated that Commission members change and have different opinions. This new project betters the existing conditions by being further from the wetland.

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

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

**Iroquois Avenue**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Columbia Gas of MA** 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 gas main at **Iroquois Avenue**.

Mr. Meade presented this to the Commission. The project is for the replacement of an existing gas main within the existing right of way of Iroquois Avenue or Indian Ridge parking lot, from Cherokee Circle to a building adjacent to the Indian Ridge Country Club parking lot. The open

trench method will be used so there is no overnight stock piling. The applicant provided a flagged wetland boundary. Erosion controls are proposed along the limit of work. Commissioner Honea expressed his concern with the remnants of erosion controls being left behind when projects are completed. He asked that a Special Condition be added to include removal of erosion controls upon completion of the work.

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

Rollcall Vote:

J. Honea - yes

T. Brady – yes

A. Driscoll - yes

K. Porter – yes

E. Townson – yes

#### **45 Hidden Road**

**Present in Interest: Ken Davis**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Ken Davis** 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 grading and utilities at **45 Hidden Road**.

Mr. Meade presented this to the Commission. The filing is under the WPA only for the installation of an above ground pool in the backyard which is existing lawn encircled by a chain link fence. The work is further away from the BVW than shown on the MiMap.

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:

J. Honea - yes

T. Brady – yes

A. Driscoll - yes

K. Porter – yes

E. Townson – yes

## **87 Lowell Junction Road**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed by **Andover Conservation Commission** 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 stone canoe launch, construction of a kiosk and picnic table at **87 Lowell Junction Road**.

Mr. Douglas asked that this be tabled without discussion to September 15, 2020.

## **5 Tucker Road**

**Present in Interest: Dennis Griecci, Patrick Nysten**

*Staff Recommendation: Close and Issue Order of Conditions*

Continued Public Hearing on a Notice of Intent filed by **Anton Miller, SAI Builders, LLC** 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 single family home with appurtenant lot grading, utilities, septic system and landscaping at **5 Tucker Road**.

Mr. Meade presented this to the Commission. A revised plan showing 3 additional non-disturb markers was received together with a letter responding to questions raised by Tom Carbone, Public Health Director. The proposed project meets the setbacks under the By-Law, however the foundation of the proposed house is 50.4 feet from the wetland boundary. Staff has concerns, both short term and long term with this setback and this has been conveyed to the Applicant. Chairman Cooper stated the setback are important and would like the site monitor to inspect the layout of the foundation prior to construction beginning. He asked that a Special Condition be added that the setbacks cannot be encroached upon in the future.

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

Rollcall Vote:

J. Honea - yes

T. Brady - yes

A. Driscoll - yes

K. Porter - yes

E. Townson - yes

**15 Gould Road**

**Present in Interest: Dennis Griecci and Ann Marton**

*Staff Recommendation: Close Public Hearing and Issue Order of Conditions*

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 proposed construction of a single family home with barn, pool, sports court, grading, landscaping and utilities and a driveway crossing a portion of a wetland resource at **15 Gould Road**.

Mr. Meade presented this to the Commission. As a follow up to the July 21, 2020 meeting, the Applicant surveyed all trees 10” caliper or larger within the 100 foot buffer zone and provided a revised plan showing this addition. The property owners may be interested in keeping some specific trees. The Order of Conditions has been modified to encompass the revised plan and the Applicant’s statement.

Ann Marton added that narrowing the width of the driveway and behind the barn has saved more trees.

Chairman Cooper stated that the Applicant has worked with staff and he is happy with the result. Chairman Cooper asked for a Motion.

Commissioner Townson made a Motion to close the public hearing; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

Commissioner Townson made a Motion to issue the Order of Conditions as drafted; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

**2-3 Dundee Park**

**Present in Interest: Dennis Griecci**

*Staff Recommendation: Continue to September 15, 2020*

Continued Public Hearing on a Notice of Intent filed by **Dundee Office Park, LLC c/o Ozzy Properties, Inc.** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40

and/or the Andover Wetlands Protection By-law, Article XIV, for proposed reconstruction and repaving of a portion of an existing paved parking lot at **2-3 Dundee Park**.

Mr. Meade presented this to the Commission. The filing is for the resurfacing of a parking lot within 200 feet of Rogers Brook. This is a redevelopment, however it still needs to meet the stormwater standards to the maximum extent practicable. However, based on site observations made by Staff, more can be done to improve the stormwater situation. Staff observed a large volume of stormwater sheet flowing across the parking lot and entering the buffer along Rogers Brook. The revised design includes stabilization of the 900 square foot pavement removal area with jute mat and plantings.

Dennis Griecci stated that the pavement within the 50 foot buffer is being removed with a total of 900 square feet of pavement being removed. The loam, seed and plantings will provide treatment.

Commissioner Brady stated that the maximum extent practicable is not being met and it is the Applicant's obligation to provide this to the Commission.

Tom Urbelis reminded the Commission that a peer review can be considered.

Mr. Meade agreed that stormwater is a unique science and this is worth considering.

Chairman Cooper asked for a Motion. At the Applicant's request, Commissioner Townson made a Motion to continue to September 15, 2020; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

### **8 Brundrett Avenue**

**Present in Interest: Sivaram Yamajala and Chris Sparages**

*Staff Recommendation: Close Public Hearing and Issue Order of Conditions*

Continued Public Hearing on a Notice of Intent filed by **Sivaram and Ramani Yamajala** 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 single family home and sports court at **8 Brundrett Avenue**.

Mr. Meade presented this to the Commission. This was continued from February 18, 2020. Mr. Meade reviewed the concerns of the Commission and most of them have been addressed. The sport court does not comply with the 60 foot WPOD setback, it is at 35 feet.

Chairman Cooper stated the 25 foot waiver for the sports court is difficult. The house is in compliance with the setbacks. The prior house did not have the sports court. He stated he is in favor of approving the house without the sports court.

Chris Sparages stated in 2005 the Order of Conditions allowed the sports court, but it was never built. There will be a stone filled infiltration trench around the side of the court for runoff. The 25' buffer will be restored that was maintained as lawn and the driveway will be pulled away from the wetland area and it will be restored. The house meets all the setbacks.

Commissioner Honea agreed with the infiltration trench around the sports court not meeting the setback was less of an issue.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to approve the sports court with the infiltration trench. There was no second and the Motion failed.

Commissioner Townson made a Motion to close the public hearing and issue the Order of Conditions as presented, except for the sports court, which is not approved; it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

### **3, 3R and 4 Executive Place**

**Present in Interest: Ann Marton, Peter Ellison and Scott Kelly**

Continued Public Hearing on a Notice of Intent filed by **Ballardvale, LLC** 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 2 buildings with parking, landscaping, utility and stormwater management at **3, 3R and 4 Executive Place**.

Mr. Douglas presented this to the Commission.

Peter Ellison presented a power point of the “5<sup>th</sup> Option” and he is in agreement with Ann Marton that this is the best option. The “5<sup>th</sup> Option” provides maximum buffer to the vernal pool and staying within the access easement through the National Grid easement. The access road is 49 feet from the vernal pool. There will be 4,103 square feet of pavement within the 85’ setback and a retaining wall on the north side of the access road. Mitigation includes full restoration to the C Series wetland and expanding an isolated wetland to double in size by 2500 square feet. Commissioner Honea expressed his concern with that the Commission is not approving a plan, only stating a particular option is better.

Ann Marton agreed that option 5 is the best option. She is concerned with the alteration of 9,000 square feet within the setback to the vernal pool. She questioned how much of the 9000 square feet will be altered; how much square footage of mitigation is being offered?

Peter Ellison stated that 4,103 square feet of pavement will be within the 85 foot buffer of the vernal pool and 6,000 square feet of pavement. The shoulder can be revegetated.

Chairman Cooper stated that 2:1 mitigation is not unusual.

Ann Marton had 2 recommendations, use the Army Corp Standards and clean up the buried plastic trash within the buffer zone as part of the mitigation.

The Commissioners agreed that Option 5 is the best, however there are many variables that need to be addressed in the future.

### **CONSENT AGENDA:**

#### **Minutes**

Approval of Minutes from August 4, 2020.

#### **0 By-Pass Road**

Request for a Satisfactory Completion of Work Certificate.

#### **450 South Main Street**

Request for a Satisfactory Completion of Work Certificate.

#### **28 Salem Street**

Request for a Certificate of Compliance.

#### **66 Chestnut Street**

Request for a Certificate of Compliance.

#### **9 Green Meadow Lane**

Request for a Satisfactory Completion of Work Certificate.

Commissioner Driscoll made a Motion to approve the Consent Agenda, excepting 66 Chestnut Street; it was seconded by Commissioner Brady and unanimously approved by Rollcall Vote:

Rollcall Vote:

E. Townson - yes

K. Porter – yes

T. Brady – yes

A. Driscoll – yes

J. Honea – yes

**66 Chestnut Street**

**Present in Interest: Dennis Griecci**

Request for a Certificate of Compliance.

Commissioner Brady stated that the patio was over built and exceeded the approval.

Mr. Douglas stated that there is 75 square feet of additional impervious area.

Chairman Cooper added that this is not in compliance with the Order of Conditions and questioned if it was appropriate procedurally to deal with this under a Certificate of Compliance.

Dennis Griecci provided 2 illustrations with the existing patio removed and the new patio rounded out.

Commissioner Honea stated the removal of the existing patio done to compensate for the work outside what was approved. He believes an Insignificant Change will be needed. Chairman Cooper agreed.

Commissioner Honea made a Motion to deny the Request for a Certificate of Compliance and file for an Insignificant Change; it was seconded by Commissioner Brady and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

**The meeting was adjourned at 9:23 pm by Motion of Commissioner Townson; seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:**

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

**The next meeting is scheduled for September 1, 2020 at 7:00pm.**

**Respectfully Submitted,**

**Lynn Viselli,  
Recording Secretary**

Documents:

Consent Agenda

- Draft Minutes of August 4, 2020