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**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
VIA TELECONFERENCE
September 15, 2020 7:00pm**

APPROVED

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Porter, Commissioner Tom Brady, Commissioner Ellen Townson, Commissioner Alix Driscoll, Commissioner Floyd Greenwood 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:

493 South Main Street

Present in Interest: David Dargie

Staff Recommendation: Approve

Commissioner Greenwood recused himself from this hearing.

Public Meeting on a Request for Determination of Applicability filed by **AVIS** 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, planting of native species and removal of mature trees at **493 South Main Street**.

Mr. Douglas presented this to the Commission. The application is for an enhancement project under the WPA and By-Law. AVIS is looking to create an Arbortorium of native plants with the removal of invasive species and a few trees. The actual area of disturbance is a 10'x10' area. David Dargie reviewed the project for the Commission.

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

Rollcall Vote:

J. Honea - yes

T. Brady – yes

K. Porter – yes

E. Townson – yes

A. Driscoll - yes
F. Greenwood - yes

D. Cooper – yes

50 Bartlet Street

Present in Interest: Janet Nicosia, Robert White, Samuel Campbell, Lindsey DiTonno, Janet Bernardo

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Continued 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 proposed construction of a new parking lot, pathway, central park and playstead at **50 Bartlet Street**.

Mr. Douglas presented this to the Commission. This was continued for a peer review, which is complete. There is an increase of 26,020 square feet of impervious area, with mitigation provided in the basin and forebay and impervious pavement. The parking lot is considered new development and must be constructed in full compliance with the stormwater management standards and the by-law.

Janet Bernardo presented her peer review to the Commission. The Applicant has agreed to add an infiltration basin, sediment forebay and educational signage along the walkway. The stormwater standards are being met with a reduction in stormwater runoff, it is minimally reduced but is not increasing runoff.

Commissioner Honea asked that the non-disturb bounds be placed at the 25' no-disturb buffer and shown on the plan.

Lindsey DiTonno agreed to revise the plan to show the no-disturb bounds. Janet Nicosia agreed to add the signage to the project.

Commissioner Porter would like a further reduction of the flow to Rogers Brook.

Areas closer to Rogers Brook are being improved beyond stormwater management.

Janet Nicosia informed the Commission that there is not enough separation to use porous pavement.

The emails received by Jane Kobelski were read into the record.

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

K. Porter – yes

E. Townson – yes

A. Driscoll - yes
F. Greenwood - yes

D. Cooper – yes

Commissioner Townson made a Motion to issue the Order of Conditions with the addition of the 25' no-disturb bounds and educational signage, it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes
T. Brady – yes
A. Driscoll - yes
F. Greenwood - yes

K. Porter – yes
E. Townson – yes
D. Cooper – yes

2-3 Dundee Park

Staff Recommendation: Withdraw Without Prejudice

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 the 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 Applicant has requested to Withdraw Without Prejudice.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to allow the withdrawal without prejudice, it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes
T. Brady – yes
A. Driscoll - yes
F. Greenwood - yes

K. Porter – yes
E. Townson – yes
D. Cooper – yes

400 Federal Street

Staff Recommendation: Table to October 6, 2020

Public Hearing on a the 3rd Amendment to the Order of Conditions 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 placement of air intake units on a concrete slab with associated grading at **400 Federal Street**.

Mr. Douglas presented this to the Commission. Table to October 6, 2020 for an error in abutter notification.

Chairman Cooper asked or a Motion. Vice Chairman Porter made a Motion to table until October 6, 2020, it was seconded by Commissioner Greenwood and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll - yes

D. Cooper – yes

F. Greenwood - yes

100 Federal Street

Present in Interest: Mark Johnson, Larry Beal, Matthew Costa and Janet Bernardo

Staff Recommendation: Close the public hearing and issue the Order of Conditions

Continued Public Hearing on a Notice of Intent filed by **Robert Fay, Sarepta Therapeutics** 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 repaving of the northeastern parking area, installation of new irrigation well, new lighting poles and conduit, new lighting at site entrance and flags; installation of emergency blue phone and conduit, installation of dual vehicle charging station and conduit and upgrades to existing stormwater system at **100 Federal Street**.

Mr. Douglas presented this to the Commission. This was continued for a peer review of the stormwater by Janet Bernardo. The peer review is complete. This is considered a redevelopment project in previously disturbed areas. A limit of work will be established and erosion controls will be installed. The Applicant has complied with the By-Law and Stormwater regulations.

Janet Bernardo presented her peer review to the Commission. She has done 2 peer reviews. The entire stormwater system is covered in the O&M Plan and she is satisfied with the project.

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

Rollcall Vote:

J. Honea - yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood - yes

K. Porter – yes

E. Townson – yes

D. Cooper – yes

87 Lowell Junction Road

Staff Recommendation: Withdraw Without Prejudice

Continued 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 presented this to the Commission. Mr. Douglas requested to Withdraw Without Prejudice.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to approve the Withdrawal without Prejudice; it was seconded by Commissioner Greenwood and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

T. Brady – yes

A. Driscoll - yes

F. Greenwood - yes

K. Porter – yes

E. Townson – yes

D. Cooper – yes

ACTION ITEMS:

66 Chestnut Street

Request for an Insignificant Change. This is an after the fact request for an insignificant change which included the removal of an existing patio area and expansion of a rounded area on the new patio.

Commissioner Honea made a Motion to find the change Insignificant under the WPA with the addition of the 25' non-disturb markers; it was seconded by Commissioner Townson and approved by Rollcall vote with Vice Chairman Porter abstaining:

Rollcall Vote:

J. Honea - yes

T. Brady – yes

E. Townson – yes

A. Driscoll – yes
F. Greenwood – yes

D. Cooper - yes

73 Lovejoy Road

Request for an Insignificant Change. A fountain was constructed in the newly reshaped pond. The fountain will increase aeration, less algae growth, and increased water circulation.

Commissioner Honea asked if the pond is jurisdictional.

Mr. Meade replied that the pond has been in existence before the WPA and close to BVW with recent dredging and reshaping which is jurisdictional. Chairman Cooper added that it is jurisdictional as Land Under Water Body.

Commissioner Honea made a Motion to find the fountain Insignificant under the WPA, it was seconded by Commissioner Driscoll and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes
T. Brady – yes
A. Driscoll - yes
F. Greenwood - yes

K. Porter – yes
E. Townson – yes
D. Cooper – yes

CONSENT AGENDA:

Minutes

Approval of Minutes from September 1, 2020.

158 Summer Street

Request for a Satisfactory Completion of Work Certificate.

24 Pomeroy Road

Request for a Certificate of Compliance. Continue to 10/6.

Vice Chairman Porter made a Motion to approve the Consent Agenda, excepting 24 Pomeroy Road; it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes
T. Brady – yes
A. Driscoll – yes
F. Greenwood - yes

K. Porter – yes
E. Townson – yes
D. Cooper - yes

Vice Chairman Porter made a Motion to continue 24 Pomeroy Road to October 6, 2020; it was seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

T. Brady – yes

A. Driscoll – yes

F. Greenwood - yes

K. Porter – yes

E. Townson – yes

D. Cooper - yes

DISCUSSION ITEMS:

Overseer Appointment

Discussion regarding Open Space Task Force Appointment.

Chairman Cooper reviewed the history of the Open Space Task Force and advised that the appointment will be one year from July 1st to June 30th.

Vice Chairman Porter nominated Commissioner Greenwood; seconded by Commissioner Honea and unanimously approved by Rollcall vote:

Rollcall Vote:

J. Honea - yes

T. Brady – yes

A. Driscoll – yes

F. Greenwood - yes

K. Porter – yes

E. Townson – yes

D. Cooper - yes

Overseer Nominations

Appoint Jonathan Monderer as an Overseer.

Commissioner Greenwood made a Motion to approve the appointment; seconded by Commissioner Townson and unanimously approved by Rollcall vote:

Rollcall Vote:

J. Honea - yes

T. Brady – yes

A. Driscoll – yes

F. Greenwood - yes

K. Porter – yes

E. Townson – yes

D. Cooper - yes

Castle Heights

Present in Interest: Paul Finger

Update and discussion regarding CIP Project. Paul Finger presented the plan and explained that the funds for this project have been allocated through Town Meeting. There will be designated handicapped parking and access to the platform. There is excessive flow from the subdivision and a portion of the site is eroding into the river. This needs to be addressed in the discharge of

stormwater. DPW and Conservation can work together and ZBA approval will be needed as well.

Commissioner Driscoll expressed her concern with the use of recycled millings on the pathway. Paul Finger responded that the recycled millings do not contain petroleum products, however he is open to other options. The pathway needs to be a stable surface for wheelchairs to travel. Commissioner Greenwood asked who would maintain the platform and if a canoe launch could be included in the project.

Paul Finger stated that the river does not reach the platform, it cantilevers over the river, but will be underwater in a 100 year flood.

Commissioner Townson asked that no asphalt be used or crushed stone as the pathway would not be ADA compliant. There should be public input on this project. The Commission will be setting a precedent for future projects on the river with this filing.

Enforcement Order

Present in Interest: Mohammad Khusro

An EO was issued for building activities near a wetland at 180 Jenkins Road and ratified at the September 1, 2020 meeting. We have received the request for an RDA which will be on our next regularly scheduled Agenda.

Staff Updates

Commissioner Townson advised that MACC classes are online. She also asked for an update on the NOI for 39 Dale Street.

The meeting was adjourned at 8:35 pm by Motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved by Rollcall Vote:

Rollcall Vote:

J. Honea - yes

K. Porter – yes

T. Brady – yes

E. Townson – yes

A. Driscoll – yes

D. Cooper - yes

F. Greenwood - yes

The next meeting is scheduled for October 6, 2020 at 7:00pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**

Documents:

Consent Agenda

- Draft Minutes of September 1, 2020