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**ANDOVER CONSERVATION COMMISSION SPECIAL MEETING MINUTES
VIA TELECONFERENCE**

September 23, 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:

7 Tantallon Road

Present in Interest: Ann Marton, Janet Bernardo, Ken Feyl, Lorayne Black, Bob Lavoie, Dwight Dunk, Kate Enright, Neil Rosenberg, Jim Piemonte and Eric Daum

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed by **Neil Rosenberg** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed redevelopment of an existing industrial building into 24 residential housing units at **7 Tantallon Road**.

Mr. Douglas presented this to the Commission. This was continued for peer reviews of the stormwater management system and environmental impacts. Mr. Douglas reviewed the history of the filing and the project to date. This is a large project with a number of jurisdictional areas. Due to the datum error, an Amendment was requested. This datum error changed the entire project from the one that was previously approved.

Janet Bernardo presented her peer review of the stormwater management. Her peer review letter dated September 8, 2020 was reviewed. The O&M Plan and the stormwater management as redevelopment meet the stormwater standards. Janet expressed her concern about flooding and the ability to keep the water quality. There should be nothing in the parking lot that could flow into the river when it floods.

Janet also reviewed the floor drains in the parking garage being tied into the sanitary system with an oil and water separator. If the river floods and overflows into the parking garage, the river water will enter the municipal sanitary line.

Janet also addressed the dumpster to be located on site. The dumpster will be difficult to keep closed and clean so there needs to be a system to keep the area clean. The parked cars will also be a problem during flooding. The O&M plan contains the necessary information to reduce the likelihood of oils and trash getting into the river when it floods. Residents need to be aware of the situation and conditions.

Katie Enright reviewed the changes to the project to date. The proposed building is now out of the floodway. The existing pavement has no stormwater management and the pavement will be moved further away from the river with a riverwalk constructed along the river. Stormwater will be collected in deep sump catch basins, cleaned then into the river. The pervious surface is increased by 1300 square feet. The O&M plan includes landscaping, street sweeping, garage drains, dumpster, etc. A Pollution Prevention Plan to protect the river will be produced. The signage recommended by Ann Marton will be followed.

Ann Marton reviewed her peer review. Ann suggested the use of potted plants instead of plugs; signs increased to 6 signs closer to the curb; increased signage in the garage and stairway; 2 off-site parking spaces; place additional parking off-site to reduce parking in the floodway; and move the dumpster and recycling inside the building.

Chairman Cooper stated that doubling the parking spaces in the flood zone cannot be characterized as improving the situation under standard #1. Cars are a known source of pollution. Increasing the parking in the flood zone does not make things better. The standard does not mean maximum development of the site then meet the maximum extent practicable. There are alternatives that would make this project substantially better.

Commissioner Greenwood believes the additional signage would be unworkable in practice. Vice Chairman Porter added that pollutants from the parking areas located within the floodway is a problem, it does not comply with the 50' setback under the by-law. There are 21 parking spaces within the 50' buffer. Vegetation could be placed there to improve infiltration of pollutants from the parking area. He asked if parking could be relocated outside the 50' buffer or the number of units reduced. Currently this area is not being used daily as a parking lot.

Commissioner Driscoll agreed with Vice Chairman Porter. She also added that there have been 3 major floods within the past 13 years and higher flooding is expected in the future. Cars parked in the flood zone cause displacement of water which can make flooding worse for the neighbors.

Commissioner Brady acknowledged the movement of the building 6" to get it out of the flood way. He stated the O&M Plan does not have a provision for the transfer of ownership to make sure conditions are complied with. The floor drains in the garage draining into the municipal system is unacceptable as is the outside dumpster. He believes a 3 year growth cycle is needed instead of a 2 year cycle. He is concerned with soil storage during construction within the flood plain and the fueling of heavy equipment on site.

Mr. Douglas agreed that all of Ann Marton's questions need to be answered, answer the concerns regarding the parked cars, and provide an alternatives analysis for parking and downsizing the building, off site locations for parking and the dumpster. He also added that it would be beneficial to review moving the new building back and utilizing the lot behind this lot.

Lorayne Black advised that the use of plugs instead of potted plants was because more plants and shrubs could be planted. There will be 300 plugs planted. The ground cover mix will be plugs as well to have a more dense installation, planted closer together and a greater number.

Katie Enright agreed that additional signed and the placement of the signs will comply with Ann Marton's recommendation. She will review the dumpster location. The off-site visitor parking was at the recommendation of the Planning Board. She also stated that an alternatives analysis of an equivalent economic alternative has been submitted with the application. She did agree to review the alternatives analysis since it was 18 months old.

Ken Feyl agreed that the trash receptacle could be placed inside the building.

Dwight Dunk stated that under the WPA this project meets the standards. He reviewed the wild life habitat in the lower flood plain. The pavement was pulled further away and vegetation added to address the by-law concerns. He also stated that water dependent projects, like their upsizing of the drain line, makes this a water dependent activity.

Vice Chairman Porter stated that the by-law setbacks are clearly written and this project has more than 4 cars parked which is required to meet the 50 foot setback.

Janet Bernardo stated that the standards have been met, however cars are added volume in the flood zone with no guarantee of moving them during a rain event. She also added that the dumpster should not be in the garage, but inside the building.

Attorney Bob Lavoie stated that this a project that had already been approved with an Order of Conditions issued on a previously disturbed area in the riverfront until a small survey error. Chairman Cooper stated that the survey error makes this an entirely different project than the one previously approved.

Katie Enright acknowledged the Commission's macro concerns which are integral to the project and will work to submit an Alternatives Analysis.

Commissioner Greenwood asked if the Applicant was willing to rethink the entire project.

Dwight Dunk stated that they would relook at the project and the Alternatives Analysis would be done.

Vice Chairman Porter asked if the project had been before the Planning Board and ZBA and if they could ask for a waiver for less parking spaces.

Katie Enright replied that they would look at less parking within the 50' setback.

Mr. Douglas reviewed the items needed from the Applicant

- Alternatives Analysis since the project is different than previously approved
- Waiver for parking within the 50 foot setback.

Chairman Cooper asked for a Motion. At the Applicant's request Commissioner Townson made a Motion to continue to October 20, 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

D. Cooper – yes

F. Greenwood – yes

The meeting was adjourned at 8:30 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

D. Cooper - yes

F. Greenwood - yes

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**