

ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
JANUARY 3, 2019

APPROVED

Town of Andover  
36 Bartlet Street  
2nd Floor Conference Room  
7:45PM

**Conservation Members in Attendance:**

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

**SCHEDULED ITEMS:**

**17 Kathleen Drive**

**Present in Interest: Dana Altobello**

*Staff Recommendation: Approve*

Continued 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 gas service connection at **17 Kathleen Drive**.

Mr. Meade presented this to the Commission. This an "after the fact" filing for the gas connection to a generator that we had previously approved. The work was done without permission from the Conservation Commission. There are no outstanding violations regarding wetland disturbance. The wetland did not appear to be impacted. This was more a breach of our protocol than a violation.

Dana Altobello, representing Columbia Gas, advised the Commission that there has been a change in procedure at Columbia Gas for permitting. A wetlands check is done and if there are wetlands on or near the property, the information is sent to Merrill Engineers who will then do the filing for the permitting. The timing of this project was during the gas disaster and the filing was forgotten.

Commissioner Brady would like to send a letter to Columbia Gas expressing our concerns about the lack of management control with permitting. Twice in the past year Columbia Gas has done work without a permit.

Commissioner Townson added that she would like a written response from them acknowledging our letter and what adjustments they have made with regard to permitting.

Chairman Cooper advised that this is a fineable offense and if it happens again, fines will be levied.

Mr. Meade informed the Commission that if any further work was to be done on this property by Columbia Gas, a new permit would be needed.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to draft a letter to Columbia Gas; it was seconded by Commissioner Driscoll and unanimously approved.

Commissioner Townson made a Motion to hold the Determination of Applicability until a response was received. This motion was withdrawn.

Commissioner Townson made a Motion to Approve the Determination of Applicability; it was seconded by Commissioner Driscoll and unanimously approved.

### **39 Prospect Road**

**Present in Interest: Sara Martin, Eliot Jacobowitz and Krisoula Varoudakis**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Sara Martin** 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 deck at **39 Prospect Road**.

Mr. Meade presented this to the Commission. This application is for the construction of a deck in the rear of the property on a lawned area. The deck will be placed on helical pilings to minimize disturbance. The deck is 80 feet from the wetland. Erosion controls will be placed for equipment access. Staff will work with the homeowner to determine placement of the erosion controls.

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

### **203 Haggetts Pond Road**

**Present in Interest: Leo and Cheryl Goyette**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Leo and Cheryl Goyette** 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 and a deck at **203 Haggetts Pond Road**.

Mr. Meade presented this to the Commission. The application is for the construction of an addition on the front of the dwelling and a deck and addition on the rear. The lot is mostly maintained lawn and landscaped areas. MIMAP GIS showed a small isolated wetland near Gavin Circle. Upon site visit by staff, it was observed that no wetland exists. A small pipe outlets from under the lawn to this area and it appears to collect drainage from below the lawn. No minimal standing water was observed and no evidence of wetland hydrology nor evidence of wetland vegetation were observed. The proposed work is well over 100 feet away from other wetlands observed.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Approve as Neg.1; it was seconded by Commissioner Driscoll and unanimously approved.

### **18 Chester Street**

**Present in Interest: Donna and Mark MacLean and Mark Yanowitz**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Donna MacLean** 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 and a deck at **18 Chester Street**.

Mr. Meade presented this to the Commission. This application is for the construction of a porch and addition and a deck on sona tubes. The porch is outside the 100 foot buffer. All of the areas for this proposed project are landscaped areas or maintained lawn. The closest point to the wetland is 75 feet based on onsite observations. Due to the excavation and earthwork required for this project, staff recommends the use of straw wattles/silt fence as erosion control and limit of work boundaries and around all soil stockpiles. Staff will work with the Applicant to show the erosion controls on the plan submitted.

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

### **100 Federal Street**

**Present in Interest: Mark Johnson and Larry Beals**

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

Continued Public Hearing on a Notice of Intent filed by **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 construction of two building additions, rear

parking lot, reconfiguration of internal circulation and widening of existing driveways at 100 Federal Street.

Mr. Douglas presented this to the Commission. The test pits have been completed and staff has received the requested changes to the Special Conditions.

Larry Beals agreed to exclude fertilizer use within 100 feet of the wetland and to add the exclusion of pesticides and herbicides to the O&M Plan.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to approve the revision of the O&M Plan and close the Public Hearing; it was seconded by Vice Chairman Porter and unanimously approved.

Commissioner Townson made a Motion to Issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

### **ACTION ITEMS**

#### **146 Dascomb Road**

**Present in Interest: Rick Friberg**

Request for a 3 year Extension to the Order of Conditions and temporary cessation of site monitoring.

Commissioner Driscoll made a Motion to issue the 3 year Extension to the Order of Conditions and issue a temporary cessation of site monitoring; it was seconded by Commissioner Townson and unanimously approved.

### **CONSENT AGENDA:**

#### **Minutes**

Approval of Minutes from December 18, 2018.

#### **199 Salem Street**

Request for Satisfactory Completion of Work Certificate.

#### **199 Salem Street**

Request for Satisfactory Completion of Work Certificate.

#### **4 Seten Circle**

Request for a Certificate of Compliance.

Vice Chairman Porter made a Motion to approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

**DISCUSSION ITEMS:**

**77 Lowell Junction Road**

Tabled to future meeting.

**0 Fleming Avenue**

**Present in Interest: Ann Marton, Julia Higginbottom, Dennis Griecci and George Hughes**

Ben Meade reviewed the timeline and background information to the Commission beginning with the Inspection Report dated November 1, 2018 indicating the 2<sup>nd</sup> stormwater basin had undermined the berm/culvert and was discharging dirty water past the limit of work with some sediment reaching the vernal pool. This leaking resulted from the storm on 10/29/18. His review ended with a review of the working session onsite on January 2, 2019 with staff, site monitor, Planning, DPW, Engineering, George Hughes, Bill Henderson and Dennis Griecci, and a number of inspections and emails in between explaining the condition of the site and remedies needed.

Two attempts to fix the 2<sup>nd</sup> detention basin were attempted in mid-December, neither were successful. Chairman Cooper asked the current status, what needs to be done and was there any damage done that needs to be fixed?

Ann Marton reviewed the few remaining items to be done.

Julia Higginbottom, site monitor for LEC, informed the Commission of what was happening. The outfall structure in the 2<sup>nd</sup> detention basin was leaking and sediment and dirty water were settling in the wetland. A small amount of sediment made it to the vernal pool. On the second occasion of failure, there was sheet flow to the vernal pool and a lot of sediment in the vernal pool.

Ann Marton added that at the first pre-construction meeting with the developer it was made very clear that there could not be any discharge into the vernal pool.

Dennis Griecci informed the Commission that the weak point in the 2<sup>nd</sup> detention basin was found. He presented an engineered solution for the repair of the 2<sup>nd</sup> detention basin. The plan includes excavation of a portion of the berm to the center of the berm, placing impermeable core and HDPE plastic geomembrane between the existing material and the newly placed impermeable core material, all as shown on plan entitled, "Basin Berm Repair, Fleming Avenue, Andover, Mass."

Vice Chairman Porter asked if the repair was able to be done this time of year. The repair will be weather dependent and the hope is to get it done ASAP. With the ground being frozen, then thawing and making more mud the contractor does not want to make the issue worse.

Ann Marton informed the Commission that the ground is not frozen yet and 4 days of good weather in a row will be needed to make the repair. Work may have to be done on the access which may cost more money.

Dennis Griecci informed the Commission that onsite material to be used, however there will be no stock piling onsite. Ann Marton recommended that the material should not be the onsite material as it has a high silt content.

Commissioner Townson agreed that this project is at a critical point and it is imperative that Dennis Griecci be involved moving forward. Dennis will provide specification for the soils to be used.

Chairman Cooper asked if it was possible to get going on the remaining items and the repair ASAP. George Hughes indicated the new erosion control installation would take about 10 days. Both Ann Marton and Chairman Cooper advised that it would be done much sooner than that, preferably by the end of the week.

Chairman Cooper advised Mr. Hughes that if the repair was not completed and other outstanding items were not completed in a timely manner, the Commission would take enforcement action and begin fining at the rate of \$200 per day. Chairman Cooper asked Mr. Hughes to "use all due haste to get this done" and if he is delaying in any way, staff will advise the Commission immediately.

Per the Open Meeting Law, the list of documents used for this hearing is:

- Basin Berm Repair, Fleming Avenue, Andover, Mass dated 1/2/19

The meeting was adjourned at 9:15pm by Motion of Commissioner Townson; seconded by Commissioner Driscoll and unanimously approved.

The next meeting is scheduled for January 15, 2019 at 7:45pm.

Respectfully Submitted,

Lynn Viselli,  
Recording Secretary