


ANDOVER CONSERVATION COMMISSION MEETING MINUTES
APRIL 16, 2019

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:50PM

 APPROVED

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Tom Brady, Commissioner Ellen Townson, Commissioner Floyd Greenwood (8:05pm), Commissioner Jon Honea and Commissioner Alix Driscoll. Staff members present were Robert Douglas, Conservation Director and Ben Meade Conservation Agent.

SCHEDULED ITEMS:

128 Wildwood Road

Present in Interest: Robert Price

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Robert Price** 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 leach field at **128 Wildwood Road**.

Mr. Meade presented this to the Commission. The filing is under the WPA only for the replacement of an existing leach field in the same location. Upon checking with the Health Department, this work is standard and follows their regulations. Staff has requested an updated plan to include erosion control. The closest point to the BVW is 80 feet from the leach field, which exceeds the 50 foot setback requirement.

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.

1 Manning Way

Present in Interest: Dennis Griecci

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Gerald Welch** 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 a fence and installation of a new fence; planting of 6 Apple Serviceberry trees and a lawn at **1 Manning Way**.

Mr. Douglas presented this to the Commission. For clarification purposes, a new fence will not be installed as part of this project.

Dennis Griecci presented the project to the Commission. There is existing lawn within the chain link fence. A portion of the no-disturbance zone will be allowed to revegetate. New grass, shrubs and trees will be planted, however the lawn area will not be expanding.

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

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

- Site Plan | Manning Way, Andover, Mass

7 Tantallon Road

Present in Interest: Katie Enright

Staff Recommendation: Continue to a date uncertain for peer review

Public Hearing on an Amendment to the Order of Conditions filed by **Neil Rosenburg** 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 redevelopment of an existing industrial building into 24 residential housing units at **7 Tantallon Road**.

Mr. Douglas presented this to the Commission. The engineer for this project made an error in the datum with regard to the elevation levels and the Applicant is seeking an Amendment to correct the plan.

Katie Enright presented the project on behalf of the Applicant. The wrong datum was used on the original plan which effects everything vertical on this project. Everything vertically has to be lowered by 6.13 feet. Originally the site was not believed to be in the flood zone, however based on this new datum, the site is within the flood zone. The new survey provided as the updated elevations and increase in flood storage to meet the requirements. More volume is provided for every one foot contour on the revised plan.

Chairman Cooper stated that this change puts the building in a different situation now that is located within the flood plain. There can be no net loss of flood storage in a 100 year storm.

Katie Enright responded that the first floor is open with grates for the water to flow through and more material will be removed. They have received as plumbing variance for the additional flood storage. There will be 3,000 square feet less of impervious area than exists now and the stormwater management meets the 80% TSS removal.

Contour 38 is still the flood level. With this new datum, the 100 year flood level is substantially lower than originally thought.

Commissioner Greenwood asked if anything horizontally would change since potentially the first floor could be 4 feet under water. Katie Enright responded that there is no net loss from the existing conditions.

Commissioner Brady asked if the Rivers Protection Act is addressed. Katie Enright stated the Rivers Protection Act was addressed in the original application. Commissioner Brady asked that Janet Bernardo review the corner of the building that is located within the regulated floodway as part her peer review.

Commissioner Driscoll asked if any variances were needed. Katie Enright responded that all approvals and variances required have been received. Katie will check to determine if this change effects the variances.

Commissioner Driscoll asked if the polluted overflow had been addressed. Katie Enright responded that the sewer department had reviewed the plans to make sure this was addressed.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to a date uncertain for peer review; it was seconded by Commissioner Townson and unanimously approved.

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

- The Tantallon Proposed Multifamily Redevelopment Project revised 3/28/19

CONSENT AGENDA:

Minutes

Approval of Minutes from April 2, 2019.

Commissioner Townson made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

DISCUSSION ITEMS/ LATE ITEMS:

38 Fleming Avenue

Present in Interest: Dennis Griecci

Request for an Insignificant Change to reduce the footprint of the structure and a change in grading to accommodate a walk-out basement.

Chairman Cooper recommended to hold the issuance of the Insignificant Change until the site monitoring funds are received.

Commissioner Townson made a Motion to find the change insignificant, but to hold the issuance until site monitoring funds are received; it was seconded by Commissioner Driscoll and unanimously approved.

Foster's Pond Nuisance Vegetation Removal

Present in Interest: Steve Cotton

Discussion and approval of nuisance vegetation removal in Foster's Pond.

Foster's Pond Hydro-raking

Present in Interest: Steve Cotton

Discussion and approval of Hydro-raking at Foster's Pond.

Both Foster's Pond items were opened at the same time. Chairman Cooper asked if any new treatments were being used.

Steve Cotton advised the Commission that they are searching for alternatives to reduce or eliminate the use of chemicals in the pond. 9 portable benthic barriers were purchased to try to kill fanwort in specific places and stop it from spreading. They are also looking into Diver Assisted Suctioning Harvest on fanwort. This is expensive. Spot treatments are being done to treat infestations which reduces the need for whole lake treatments. Sonar infused clay pellets are being used for low dosage release which last 90 days.

Commissioner Greenwood thanked Mr. Cotton for his work searching for alternatives to chemicals.

Commissioner Driscoll asked if there could be a ban on phosphates and fertilizers being used along the Pond. Mr. Cotton replied that he has sent out information to abutters to the Pond.

Commissioner Honea asked if Mr. Cotton could add the concentrations of Diquat and Floridone used in the past year to his annual report. He also added that Copper Sulfate and Diquat should not be used together. Mr. Cotton advised the Commission that Diquat is used in June and Copper Sulfate is used in August.

Commissioner Greenwood asked that the phosphate report be shared with the Commission when it is received. He also asked if the Foster's Pond Association has any enforcement power. Mr. Cotton advised the Commission that the Association has no enforcement power.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to approve pursuant to Special Condition 12.28 the following 2019 treatment program for Foster's Pond; 1) Sonar (Floridone) herbicide treatment of Foster's Pond, including if necessary Dug Pond; 2) Reward (Diquat) herbicide treatment of Foster's Pond, including if necessary Dug Pond, contingent upon detection of spiny naiad in locations not treated with Floridone; and 3) Copper sulfate algacide treatment of Foster's Pond, including if necessary Dug Pond and to add top all future annual reports the in-lake chemical concentrations for all applications and the timing of copper sulfate and diquate applications.

And pursuant to Special Condition 12.5(1) of the Order of Conditions for controlling aquatic nuisance vegetation in Foster's Pond, as amended December 4, 2018, the Commission finds that the proposed changes to the list of hydro-raking sites is insignificant to the interests of the

Wetlands Protection Act. Both motions were seconded by Commissioner Greenwood and unanimously approved.

Haggetts Rail Trail

There have been numerous complaints received regarding the condition of the trail, dogs off leash and the amount of dog waste. On April 4, 2019 Commissioner Townson and the new overseer made a site visit and collected dog waste. On April 7, 2019 an abutter coordinated with a Boy Scout Troop and they picked up dog waste and found a box spring and mattress dumped there.

There is signage regarding the leash law and dog waste pick up. An abutter has requested larger more prominent signs.

Commissioner Townson reminded the Commission that this is the Town's water supply and it is important to keep this trail clean. She has contacted the water department and is waiting to hear back.

Chairman Cooper stated that if it would be proposed by the water department, he would be in favor of banning dogs from this trail due to the proximity to the water supply. He believes signage will not change the behavior. The Water Department would have to institute the ban on dogs since this their property. Chairman Cooper stated that based on what has happened at other sites in other Towns, if this behavior continues, non-dog people will go elsewhere and this will become like a dog park.

Chairman Cooper asked staff to check with Town Counsel to see if the Water Department has the ability to ban dogs.

The meeting was adjourned at 9:10 pm by Motion of Commissioner Townson; seconded by Commissioner Honea and unanimously approved.

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

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**