

APPROVED

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
JUNE 4, 2019**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
7:45PM

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Kevin Porter, Commissioner Tom Brady, 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:**

**268 River Road**

**Present in Interest: William Rourke**

*Staff Recommendation: Approve*

Continued Public Meeting on a Request for Determination of Applicability filed by **William Rourke** 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 above ground pool with fencing and landscaping at **268 River Road**.

Mr. Meade presented this to the Commission. This hearing was continued for the receipt of a more detailed plan showing clarification of the proposed work, dimensions and fence location. A more detailed plan was received by Staff. The Applicant would like an alternative the non-disturb markers to be located along the fence line every 20-25 feet. This would result in 3-4 markers. The Applicant finds the markers cost prohibitive at \$350 for 4 markers. William Rourke informed the Commission that he moved the fence 5 feet away from the wetland making a clear delineation by the fence. Vice Chairman Porter wants the markers put in because a new homeowner could remove the fence and then there is no other marker in place. Both Commissioners Honea and Driscoll agreed.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to approve as Pos.2b, Neg.3 with the markers installed; it was seconded by Commissioner Greenwood and unanimously approved.

### **8 Wintergreen Circle**

**Present in Interest: Sheila Zeder**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Sheila Zeder** 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 in the rear of the dwelling with a foundation at **8 Wintergreen Circle**.

Mr. Meade presented this to the Commission. The filing is under the WPA only for the construction of a 23'x5' addition with a foundation. The proposed addition will be placed on existing lawn. The project is greater than 50 feet from the wetland resource area. Sedimentation controls are to be placed around the stock piles. Staff will work with Applicant to include erosion controls on the plan.

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

### **0 River Road**

**Present in Interest: Amy Janovsky, Susan Stott**

*Staff Recommendation: Approve*

Commissioners Greenwood and Driscoll recused themselves from the hearing and left the room.

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 treatment of invasive plants at **0 River Road**.

Mr. Douglas presented this to the Commission. This is a large scale property management plan by AVIS which involves the removal of a major infestation of several invasive species. All of the work will be done by a licensed herbicide team.

Amy Janovsky presented the application to the Commission and explained in detail the recommendations by their Forester. This is the second phase of a forestry project that will take a few years to complete.

Chairman Cooper asked if the work was being done a third party contractor. Amy Janovsky informed the Commission that the work would be done by a licensed herbicide team and will do everything to minimize any impact on the resource areas.

Vice Chairman Porter asked how dense the areas to be treated are. Amy responded that there are pockets of dense areas where herbicide will be applied then the invasive plant pulled out. Commissioner Honea asked if the herbicides used and treatment plan for each species could be provided to the Commission. The Town does not have an invasive management plan and the Commission needs to be more proactive with this.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to approve the project; it was seconded by Commissioner Brady and unanimously approved.

### **0 Chapel Avenue/80 Bartlet Street**

**Present in Interest: Jennifer Smith, Jennifer Johnson, Madeline DeClerck, Janet Bernardo and Debb Putnam**

*Staff Recommendation: Continue to a date uncertain for peer review*

Public Hearing on an Amendment to the Order of Conditions filed by **Philips Academy** 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 replacement of Rabbit Pond outlet control structure and overflow pipes, removal of debris from intermittent stream downstream of Rabbit Pond and replacement of existing drainage outfall at **0 Chapel Avenue/80 Bartlet Street**. **This hearing was reopened for procedural purposes only.**

Mr. Douglas presented this to the Commission. This hearing was reopened due to an error in abutter notification. The abutters have been renotified to cure the error for the hearing. Jennifer Smith provided letters from abutters who could not attend this meeting.

Madeline DeClerck presented the project on behalf of the Applicant. The project will make repairs to Rabbit Pond and the intermittent stream located downstream. There will be work within the BVW, buffer zone and Rabbit Pond. The existing outfall pipe and drainage pipe out falling to Rabbit Pond will be replaced with an 18" pipe, an increase from the existing 12" pipe, new riprap will be used for stabilization. The 8" pipe located at the weir discharges into the intermittent stream and will be replaced in kind. The 12" overflow pipes used as a secondary outlet to the intermittent stream will also be replaced in kind. Grates and catch basins will be replaced as well.

The intermittent stream is part of the storm drainage system for Rabbit Pond. Debris and trash will be removed from the intermittent stream by hand. This will improve the flow of stormwater through the stream.

Janet Bernardo asked for copies of the abutters' letters.

Vice Chairman Porter asked how the transition from a 12" pipe to an 18" pipe would affect the stormwater and well as pre and post stormwater calculations. Madeline responded that there is no change in infrastructure and drainage because all piping is being replaced in kind.

Janet Bernardo asked if there was any way to hold more water back. Madeline responded that the 12" pipe upstream will continue to mitigate the flow and downstream the outlet pipes will continue to control the flow into the stream and then into the Town system.

Vice Chairman Porter asked what would happen if the pipes didn't work and Rabbit Pond overflowed. He wants assurance that in a 100 year storm the Pond will not overflow.

Bob Douglas informed the Commission that during heavy rainfall water runs down the roadway. Janet Bernardo asked if there were any large trees or debris in the intermittent stream holding the water back. Jen Smith advised the Commission that there is some trash and small fallen trees from previous storms.

Janet Bernardo agreed that she would do a site walk to better understand the water shed and look into the Rogers Brook connection and review the letters from the abutters.

Jennifer Johnson of Nitsch Engineering advised the Commission that it is the intent to keep the structure the same. The adjustment valve can be used to draw down Rabbit Pond prior to large storm events to help prevent flooding downstream.

Vice Chairman Porter would like to attend the site visit. The site visit will be scheduled and staff will be advised of the date and time.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to a date uncertain; it was seconded by Commissioner Honea and unanimously approved.

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

- Rabbit Pond Maintenance Project Phillips Academy, Andover, MA dated 11/9/18

#### **400 Federal Street**

**Present in Interest: Janet Bernardo, David Alberts and Mark Beaudry**

*Staff Recommendation: Close the Public Hearing*

Continued Public Hearing on an 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 construction of a 2 story addition, reconfigured parking, stormwater management, utilities and appurtenant site grading at **400 Federal Street**.

Mr. Douglas presented this to the Commission. This hearing was continued for a peer review by Janet Bernardo of the stormwater management.

Chairman Cooper stated that the remaining issue was Item 3A in the peer review report pertaining to the additional test pit to establish the seasonal high water table.

Janet Bernardo presented her peer review to the Commission. The Applicant preferred not to dig another test pit in the parking lot when asked. It would be disruptive to the already tight parking situation. The groundwater is very high and the results of the 2 test pits are not consistent with the elevations. The Applicant would prefer to dig the additional test pit when they are

constructing the stormwater system and if the ground water is found to be higher they system will need to redesigned to make it shallower and wider. Janet is not confident about what the additional test pit will show. Waiting could slow up construction due to the redesigning of the system.

Chairman Cooper asked why the test pit could not be dug now. Wouldn't determining the groundwater level sooner rather than later be easier than having to come back to the Commission and redesign the system once construction has started.

Mike Beaudry stated that the project has already been delayed for the peer review. Two test pits were dug on either side of the stormwater system, one at elevation 114 and one at elevation 110. The system is 2.5 feet above the seasonal high water table, the bottom of the recharge chambers is 2.5 feet above the seasonal high water table.

Chairman Cooper stated it wouldn't be beneficial to approve the project now and to do the testing later only to find out the water level is not consistent with the design.

Mike Beaudry stated the additional test pit would be done at an appropriate time. Once all other permits are in place.

Janet Bernardo also addressed the issue of snow storage on site. The plans show the places for snow storage to be close to the 25' no-disturb zone and it would be easy for the snow to be pushed into the wetland. Signage would be appropriate. Mike Beaudry stated that Notes had been added to the plan that snow over a certain amount would be removed from site.

Janet Bernardo also asked that the Owner sign the O&M Plan and a SWIPP be provided together with the no elicit discharge statement. She also recommended filter guides and silt sacks be installed around all catch basins.

Vice Chairman Porter asked if the 2 isolated wetlands will retain stormwater and if they are were these included in the calculations? Janet Bernardo responded that no calculations were received for the isolated wetlands and the catch basins do not drain into the isolated wetlands.

Mike Beaudry advised the Commission that the isolated wetlands are only 900 square feet.

Janet Bernardo advised the Commission that all discharge goes into the Pond on site with no impact on the pond.

Vice Chairman Porter asked about Item 1A, section 4 regarding roof drainage. Janet Bernardo stated that this is an original part of the 48" discharge point and the water is clean when discharged into the Pond.

Chairman Cooper advised the Commission that he was uncomfortable with closing the public hearing and leaving the design open until construction starts. He suggested the following language "further investigation be done within a certain period of time and any adjustments to the redesign be made".

Mike Beaudry agreed that digging the additional test pit within 6 months would be a reasonable timeframe. The building and new parking lot will be started within the next 6 months.

Janet Bernardo suggested the additional test pit be dug 30-45 days prior to any land disturbance so there is time for a redesign without holding up construction.

Commissioner Greenwood ask why it could not be done sooner since this does not seem like a large issue. Mike Beaudry responded that the additional test pit is tied to the building design and they would need to coordinate with the geotechnical design team.

Chairman Cooper stated he would like the test pit dug within the next 6 weeks, before construction begins.

Janet Bernardo wants the SWIPP 30 days prior to construction and the information regarding the additional test pit 30 days prior to construction to confirm the design is adequate.

Chairman Cooper agreed to the language of the earlier of 3 months or 30 days prior to construction and forward a report by a licensed soil evaluator.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to close the public hearing and issue the Order of Conditions at the June 18<sup>th</sup> meeting; it was seconded by Commissioner Driscoll and unanimously approved.

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

- Site Development Plans Vicor Corporation, 400 Federal Street, Andover, MA 01810, revised May 17, 2019

### **CONSENT AGENDA:**

#### **Minutes**

Approval of Minutes from May 21, 2019. **Tabled**

#### **2 West Knoll Road**

Request for a Satisfactory Completion of Work Certificate.

#### **6 High Meadow Road**

Request for a Satisfactory Completion of Work Certificate.

#### **6 Countryside Way**

Request for a Satisfactory Completion of Work Certificate.

#### **2 Clark Road**

Ratification of Emergency Certification for sewer repair.

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

## **DISCUSSION ITEMS/ LATE ITEMS:**

### **Eagle Scout Project**

**Present in Interest: Amy Janovsky and Susan Stott**

**Commissioner Greenwood recused himself.**

Approval of Kyle Greenwood's Eagle Scout Project at AVIS Lupine Reservation. Kyle provided handouts to the Commissioners of the project. The project will be to construct steps at the Lupine Reservation to provide access to the River. He will construct U-shaped steps which stack on top of each other and a spacer under each step. Rebar will be used to secure the steps in place and will be backfilled with dirt.

Mr. Douglas asked is pressure treated wood was being used and if so, is the cutting going to be done offsite to minimize sawdust? Kyle informed the Commission that AVIS was providing precut wood. He would be doing the predrilling off site, but doing the rebar drilling on site and would be using a tarp to catch any sawdust.

Susan Stott encouraged the Commission to approve this project.

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

### **Scout Camporee**

Approval for 5 Andover scout troops to camp at Virginia Hammond Reservation September 20-22, 2019.

Commissioner Honea made a Motion to Approve; it was seconded by Commissioner Greenwood and unanimously approved.

### **Setting Goals and Objectives for the Next Fiscal Year**

**Present in Interest: Amy Janovsky and Susan Stott**

Chairman Cooper provided a list of 9 objectives from the last meeting. The current list does not include priorities that are ongoing regarding regulations, etc. For the lack of a better name, they will be categorized as Objectives for 2019.

Items numbered 1, 2, 3, 4 and 8 on Chairman Cooper's list do not appear to be controversial. The Merrimack River Reservation access is out of the hands of the Commission and is now a Town Administration project. \$60,000 was provided for the feasibility study and to start the design. This work will be done by the Town, our volunteers will not be doing this work. Susan Stott had heard that there would be no parking allowed at the end of the roadway and would like it open to the public for parking. Commissioner Greenwood thought this would a problem if we go through all the work of opening up the Reservation and if it is not accessible. The Commission needs to be more involved Chairman Cooper restated that the Commission is not driving this project, the Director is meeting with the Town Manager and relaying the progress to the Commission. A landscape architect is taking into account all the concerns. Mr. Douglas has never heard in any meeting that parking would be prohibited. Susan Stott recommended the

Commission put in writing to the Town Manager's office their vision for this site, including access for vehicles.

The land maintenance budget is not a special priority unless there is not enough money to manage the Conservation properties. The Director may decide if extra funds are necessary. CIP recommendations to the Town Manager. Chairman Cooper explained that in the past, the Commission has not made recommendations to the Town Manager. The Town Manager speaks with the Director and asks for a project list or he has his own ideas for the CIP. The Director reports the ideas to the Commission and the Commission only comments on the projects. This is the Town Manager's budget, not the Commission's budget. Vice Chairman Porter asked to be notified in advance of the deadline of the projects. Chairman Cooper explained that the Town Manager may not notify the Director in time for him to report to the Commission prior to the deadline.

Funding should be an ongoing item, unless the Commission has a specific project in mind. Vice Chairman Porter provided information on funding grants with matching funds that the Commission should be considering now for the next fiscal year. Commissioner Greenwood would like a list of projects. Bob DeCelle has a list of projects for scouts and grants. Chairman Cooper thought funding was for larger projects. Asked that the Land Group come up with a list of projects. Amy Janovsky suggested a project list would help get funds from the state for the resiliency initiative. The Town already has a committee for this and Commissioner Driscoll added that a list of ideas has to be submitted within 2 weeks to qualify for grant money and MVPC will write the grant.

Commissioner Brady would like both the Commission and the community to be more knowledgeable to deal with Riverfront issues.

Susan Stott agreed with updating the list of properties the Commission would like to purchase.

**The meeting was adjourned at 10:15 pm by Motion of Commissioner Driscoll; seconded by Commissioner Honea and unanimously approved.**

**The next meeting is scheduled for June 18, 2019 at 7:45pm.**

**Respectfully Submitted,**

**Lynn Viselli,  
Recording Secretary**