

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES**  
**JULY 16, 2019**

APPROVED

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

**Conservation Members in Attendance:**

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

**SCHEDULED ITEMS:**

**43 Martingale Lane**

**Present in Interest: Susan Roberts Wojtkum and Keith Saxon**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Susan Roberts Wojtkum** 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 stairway with cement footings from rear deck at **43 Martingale Lane**.

Mr. Meade presented this to the Commission. The filing is under the WPA only for the construction of a wooden staircase off the existing deck to conform with condominium insurance requirements. Installation of a gas service line to the gas grille off the existing rear deck is also included in the application. The wetland boundary is 15 feet from the existing deck and more than 200 feet from Hussey's Brook. The area under the proposed stairs will be crushed stone or pebble and lawn area and no land clearing is proposed. Sona tubes will be hand dug.

Commissioner Brady asked if this was riverfront from Hussey's Brook. Mr. Meade explained that Hussey's Brook has been determined to be a river in this area and the work is roughly 180 feet from Hussey's Brook with no impact to the Brook.

Keith Saxon provided Chairman Cooper with a copy of the legal ad for the Determinations of Applicability for this meeting questioning the total amount of the publication invoice, which has not been generated.

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

### **29 Abbott Bridge Drive**

**Present in Interest: Keith Osborne**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Keith Osborne** 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 36'x32' garage with room above at **29 Abbott Bridge Drive**.

Mr. Meade presented this to the Commission. The filing is under the WPA only for the construction of a garage with a room above over an area of maintained lawn and driveway. The closest point of this project to the wetland is 40 feet. The Applicant will also be removing 2 sheds which are currently within 10 feet of the wetland boundary.

Keith Osborne informed the Commission that there will be one tree removed on the right side of the driveway to accommodate the turn into the driveway.

Vice Chairman Porter asked for confirmation the removal of the 2 sheds was part of the application.

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

### **7 Old Schoolhouse Road**

**Present in Interest: Caroline Grady**

*Staff Recommendation: Approve*

Public Meeting on a Request for Determination of Applicability filed by **Caroline Grady** 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 replacement septic system, water service and electric service at **7 Old Schoolhouse Road**.

Mr. Meade presented this to the Commission. All of the proposed work meets the 50 foot setback for the Health Department. All of the work is to take place in the front yard of the residence which is maintained as lawn. Staff will work with the Engineer regarding erosion control placement.

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

## **20 Windemere Drive**

*Staff Recommendation: Approve*

**Present in Interest: Anne Marie Savage**

Public Meeting on a Request for Determination of Applicability filed by **Sean and Anne Marie Savage** 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 an existing deck and construction of a sunroom at **20 Windemere Drive**.

Mr. Meade presented the project to the Commission. The filing is under the WPA only for the conversion of an existing deck to an enclosed sunroom on an area maintained as lawn. The closest point to the wetland is 80 feet.

Anne Marie Savage advised the Commission that the sunroom would be built on pilings. Vice Chairman Porter asked that the map be corrected to read 80 feet from the wetland, no 90 feet as shown.

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

## **141 North Street**

*Staff Recommendation: Approve*

**Present in Interest: Amit Rai**

Public Meeting on a Request for Determination of Applicability filed by **Amit Rai** 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 3 bay garage at **141 North Street**.

Mr. Meade presented this to the Commission. The proposed project is the construction of a 3 bay garage and extension of the driveway. The garage is at the 50 foot no build line as required by the By-Law. The location of the garage is on maintained lawn. The existing lawn goes up to the edge of the wetland and has been this way for at least the past 6 years. A shed, storage trailer and vehicle are currently being stored in the 25 foot no-disturb zone. Staff spoke with the application and he agreed to remove them as soon as the garage is constructed. This is included as a Special Condition.

Chairman Cooper asked that staff review the stake at the 50 foot mark prior to construction. Commissioner Townson asked if a limit of work would be needed. Mr. Meade responded that a snow fence or silt fence at the 50 foot line would work as the limit of work.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to approve as Pos.2b, Neg.3 as discussed; it was seconded by Commissioner Honea and unanimously approved.

### **55 Haggetts Pond Road**

*Staff Recommendation: Approve*

**Present in Interest: Ankur Desai**

Public Meeting on a Request for Determination of Applicability filed by **Ankur Desai** 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 8'x10' deck at **55 Haggetts Pond Road**.

Mr. Meade presented this to the Commission. The filing is under the WPA only for the construction of an 8'x10' deck on 2 pilings at the rear of the dwelling. The area under the deck is a brick patio in disrepair. The closest point to the wetland is 40 feet from the project. Chairman Cooper would like the plan to be clearly labeled as to the work and distance to the wetland.

Commissioner Honea recommended that the concrete patio be a separate filing.

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

### **20 Glenwood Road**

*Staff Recommendation: Approve*

**Present in Interest: Amy Janovski, David Brown, Frank Witt, Tam Witt, Steve Golden, Steve Cotton, Jason Chen, Becci Meckman, Zinni Chen, Jianrong Chen and Keith Saxon**  
**Commissioner Townson recused herself from this hearing and retained her citizen rights and sat in the audience.**

Public Meeting on a Request for Determination of Applicability filed by **Town of 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 for the proposed trimming of loosestrife, trimming and treatment of buckthorn, bittersweet and other invasive species; herbicide application on poison ivy; pulling of some nuisance vegetation; design and construction of a dock; and identify and remove 10 trees at **20 Glenwood Road**.

Mr. Douglas presented this to the Commission. This application is for routine maintenance except for the construction of a dock. The treatment done last year was a success with the

buckthorn and bittersweet at a fraction of last year's level. We will also be extending the week block and planting blueberries and other native plants. The loosestrife will be hand pulled from the pond with no use of chemicals.

Commissioner Greenwood asked what the purpose of the dock is. Mr. Douglas responded it would be easier to launch a canoe if a dock was available.

Commissioner Honea asked that documentation of the herbicide used and the amount used and the technique be provided.

Amy Janovsky supports the project. The bittersweet is killing the buffer trees and the use of "cut and dab" in the past has worked. Bittersweet cannot be killed by just cutting it.

Xinni Chen informed the Commission that the cut vegetation has been left behind and she asked that it be removed from the site.

Vice Chairman Porter asked which trees would be cut. There are dead pine trees that will be cut and the wood piled up on the side of the road for removal.

Ellen Townson informed the Commission that they ran out of trash bags and that the herbicide applicator requested it be removed on the day of application.

Keith Saxon asked if there would be an installation of stairs. Mr. Douglas stated there would be no stairs.

Frank Witt informed the Commission that people are currently putting boats in the pond with no problems. The dock would increase usage of the pond. He does not want cars parked on the side of the road. He thought signage regarding parking would be helpful.

David Brown asked where the boat launch area would be. Mr. Douglas stated the launch is located across from his driveway. Mr. Brown stated the area is eroded due to no drainage facilities and the swale getting clogged. The water runs to a low point at the launching area. He believes the dock will be undermined by erosion.

Xinni Chen informed the Commission that currently people park in front of their house sometimes blocking their driveway and in front of the fire hydrant.

Amy Janovski agreed that erosion is a problem. Surface drainage is going into the pond. She believes more foot and boat traffic will cause more damage.

Steve Golden stated there is a large boulder next to the launch. Moving the boulder would make launching easier.

Ellen Townson advised that the water is only 8-10 feet deep, which is not deep enough for a dock.

Keith Saxon stated that building a dock in a resource requires the filing of a NOI.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to approve all the work except the construction of a dock; it was seconded by Vice Chairman Porter and unanimously approved.

### **163 Andover Street**

**Present in Interest: Mike Mansfield, James Downing, Keith Saxon, Jeff Shaw and Mark Johnson**

*Staff Recommendation: Approve*

Public Hearing on a Notice of Intent filed by **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 the proposed construction of a demolition of the existing fire station and construction of a new fire station at **163 Andover Street**.

Mr. Douglas presented this to the Commission. The Application is for the removal of the existing fire station within the buffer and construct a new one further away from the resource area. The closest portion of the structure will be 62 feet from the resource area, meeting our 50 foot no-build buffer and 25 foot no-disturb buffer.

James Downing presented the project to the Commission. The existing building is within the 50 feet no-build buffer. The proposed building will be constructed outside that buffer and then the old building removed and the area loam and seeded.

Mr. Douglas added that there will be a good amount of separation from the wetland.

Vice Chairman Porter asked for pre and post construction stormwater calculations.

James Downing informed the Commission that they are on the next Planning Board Agenda and all stormwater regulations are being met.

Vice Chairman Porter agreed to share the stormwater peer review that the Planning Board has already commissioned.

Mike Mansfield stated that the existing building is 128 years old. He asked the Commission to do what is needed.

Keith Saxon stated that the floor drain in the existing building drains into a culvert. He would like confirmation that the wash bays etc. will go into the sewer system. Chairman Cooper directed staff to email Janet Bernardo to address this in her peer review.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to August 6, 2019; it was seconded by Commissioner Brady and unanimously approved.

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

- Andover Fire Rescue-Ballardvale Station, Andover, Mass

### **65 Prospect Street**

**Present in Interest: Adam Rolfs, Kathy McDonald, Keith Saxon**

*Staff Recommendation: Close Public Hearing*

Public Hearing on a Notice of Intent filed by **Trustees of Reservations** 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 update of the existing 700 foot boardwalk; replacing the existing viewing platform and installation of 3” curbs along the length of the boardwalk at **65 Prospect Street**.

Mr. Douglas presented this to the Commission. This application is for Phase 2, Phase 1 is complete. The decking on the platform in the bog is deteriorating with this work in the resource area.

Adam Rolfs presented the project to the Commission. Phase 2 is to provide accessibility out to the pond by retrofitting the existing boardwalk as most of the decking is useable; adding curbs; and adding 3 passing zones along the boardwalk. The platform will have railings.

Commissioner Greenwood asked if any portion of the platform was rotted. Adam Rolfs informed the Commission that the bog is a floating peat mat so there is no vertical structure into the peat. The platform stays wet the entire time so there is no rot.

Keith Saxon asked if this was an expansion of the platform or a replacement in kind.

Commissioner Greenwood asked that the character of the bog not be changed.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to August 6, 2019; it was seconded by Commissioner Greenwood and unanimously approved.

## **7 Tantallon Road**

**Present in Interest: Bob Lavoie and Keith Saxon**

*Staff Recommendation: Continue to 8/6*

Continued Public Hearing on an Amendment to the Order of Conditions 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 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 Applicant has requested a continuance to August 6, 2019. Chairman Cooper asked if the LEC peer review was going to be funded. Attorney Bob Lavoie indicated that the Applicant believed it was not necessary and would not be funding the peer review. Commissioner Brady asked what would be discussed at the August 6<sup>th</sup> meeting if there was no peer review done. Staff agreed to email Eric Carlson to discuss the 10 year flood plain issue.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to August 6, 2019; it was seconded by Commissioner Townson and unanimously approved.

**CONSENT AGENDA:**

**Minutes**

Approval of Minutes from July 2, 2019.

**3000 Minuteman Road**

Request for a Satisfactory Completion of Work Certificate.

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Request for a Satisfactory Completion of Work Certificate.

**3000 Minuteman Road**

Request for a Certificate of Compliance.

**3000 Minuteman Road**

Request for a Certificate of Compliance.

**3000 Minuteman Road**

Request for a Certificate of Compliance.

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

**DISCUSSION ITEMS/ LATE ITEMS:**

**Overseers Appointment**

Appointment of Carina Schusterman and Reappointment of Mark Kristiansen.

Vice Chairman Porter made a Motion to Approve the appointment and reappointment; it was seconded by Commissioner Brady and unanimously approved.

**52 Williams Street**

**Present in Interest: Mark Johnson, Maureen Hanley and Ernest Simmons**

Update on Enforcement Order issued.

Ben Meade provided an update of the actions taken by the homeowner as required in the Enforcement Order.

Maureen Herald has submitted a draft restoration plan. 8 trees had been cut, with some fallen due to storms. The plan shows 6 trees to be planted and 6 shrubs. Staff will do a site visit regarding the restoration plan if necessary.



Mark Johnson informed the Commission that the Order of Conditions has expired, however the work for the driveway, walkway and patio could be included in the Enforcement Order so the work could take place.

Ben Meade asked that the request for specific work be put in writing and agreed to meet with Attorney Johnson to discuss. He also acknowledged that mature trees were removed and there may have been an existing lawn up to the stone wall. The replication plan is a good starting point.

Vice Chairman Porter asked if the original Order of Conditions allowed lawn up to the stone wall. Staff will verify this.

Commissioner Townson would like to know the age of the trees removed.

Chairman Cooper advised that the Applicant needs to satisfy staff with the restoration plan.

### **Shawsheen River Greenway**

**Present in Interest: Mike Mansfield, Tom Urbelis, Steve Golden, Bob DeCelle, Gail Ralston, Becci Beckman, Keith Saxon**

**Commissioner Honea recused himself from this hearing and left the room.**

Updated discussion regarding access to Serio's Grove for Paddle Your Shawsheen Program.

Chairman Cooper opened the discussion by stating this was the second time this has been before the Commission for the use of Serio's Grove. The first meeting the proposal was acted upon and left open for the staff to work on the safety aspect of the use of Serio's Grove. The question was asked what Town boards have approval rights for this use. Tom Urbelis, Town Counsel, advised that this property is under the care and custody of the Conservation Commission and it is their decision as to what happens on this property. The project proposed is sponsored by the Town of Andover Recreation Department, who reports to the Town Manager. If either one of these entities does not approve of the project, it does not move forward. He acknowledged that issues have been raised that affect both entities. Bob Douglas stated that there was a meeting at the site organized by Shawsheen River Greenway where concerns were expressed, safety issues discussed and access to the site discussed. Tom Urbelis attended the site walk and spoke with the Police Department to have them review the railroad crossing and access. The Public Safety Officer identified potential problems with site access. The Fire Department was also asked to review the access for emergency rescue and firefighting.

Mike Mansfield, Fire Chief, stated that the fire department was unaware that any use was happening. The access is overgrown and too difficult to access even with an ATV. There would have to be a lot of cutting back of the vegetation to open the access. Mike had spoken with the Public Safety Officer regarding the railroad crossings, tripping hazards and the difficulty gaining access carrying a kayak or canoe.

Chairman Cooper stated that access had routinely been over the Watson property and that is why the path is so overgrown. Bob DeCelle agreed and that a car can be driven through the Watson access.

Chief Mansfield would like all the stake holders to sit down and discuss the safety issues and see what resolutions can be made.

Chairman Cooper asked how is this different than the hiking trails on our properties.

Chief Mansfield replied that when a property is being used by more than 30 people at a time, it increases the risks. Both the Fire Department and Police Department need to make sure they can access safely and quickly in an emergency situation.

Commissioner Greenwood added that major events are well supervised and access is made over the Watson property.

Commissioner Brady reminded the Commission that we are trespassing over the tracks, so he would like the MBTA and FRA at the meeting. He is concerned with people crossing the railroad tracks where there is no crossing number or posting.

Commissioner Greenwood stated the trains do not move fast around the curve.

Commissioner Townson stated the FRA states the crossings are private.

Chief Mansfield has contacted the FRA regarding the number of incidents with trains this year. Steve Golden agreed the safety concerns needed to be looked into and agreed to a meeting with all the stake holders. He also agreed that all the requirements of the railroad need to be researched.

Gail Ralston stated that the reason this site has been so successful over the years is because there was one contact person, Bob DeCelle, for all the groups. All groups coordinated their plans with him, he unlocked the gate to let them in and relocks it after they leave. If larger groups are allowed usage, there may be less oversight of this property.

Chairman Cooper agreed that this property has been operating safely for 10-12 years. He believes there is a solution for the use of this property.

Keith Saxon believed the increased usage would create wetland issues. The racks would be 10-15 feet from a vernal pool, can't put a structure in the floodway and this is BLSF. The property can be accessed from the water.

Chief Mansfield agreed to spearhead a meeting regarding the safety issues.

Chairman Cooper advised to work out the safety issues and come back to the Commission with a proposal.

**The meeting was adjourned at 10:30 pm by Motion of Commissioner Townson; seconded by Commissioner Brady and unanimously approved.**

**The next meeting is scheduled for August 6, 2019 at 7:45pm.**

**Respectfully Submitted,**

**Lynn Viselli,  
Recording Secretary**