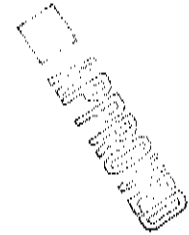


**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
AUGUST 20, 2019**

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



Conservation Members in Attendance:

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

SCHEDULED ITEMS:

4 Trinity Court

Present in Interest: Andrew Bates

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Andrew Bates** 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 all season room on existing concrete slab at **4 Trinity Court**.

Mr. Meade presented this to the Commission. The filing is under the WPA and By-Law for the construction of a 20'x 20' all season room on the footprint of an existing concrete slab. The closest point to the wetland is 75'. Access to the project will be through the existing driveway. Soil will be removed from site, there will be stock piling of excavated soil. Andrew Bates, the Applicant, confirmed that the contractor will be removing the soil from the site, but not necessarily the same day as it is excavated. Staff agreed that stock piling for a day or 2 is OK as long as it is outside the wetland.

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.

63 River Street

Present in Interest: Vernon Hickey

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Vernon Hickey** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed installation of 2 granite steps and stone walkway; regrade driveway; repair flower beds; and replace existing deck boards of front steps and entry way and replace handrails at **63 River Street**.

Mr. Meade presented this to the Commission. All of the work can be considered maintenance or replacement of existing conditions. The proposed work will not alter the resource area. Chairman Cooper agreed that this may have not required a filing, except that all the work is within 200 feet of the River.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Approve as Pos12b,Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

10 Samos Lane

Present in Interest: Carole Howe

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Carol Howe** 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 a septic system and abandonment of the existing septic system at **10 Samos Lane**.

Mr. Meade presented this to the Commission. The Application is under the WPA only for the abandonment of the existing septic system and installation of a replacement septic system. The closest point to the wetland is 75 feet and is on an area of maintained lawn.

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.

14 Timothy Drive

Present in Interest: Daniel Grzywacz and Chris Paquette

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **Daniel Grzywacz** 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 patio and construction of a new patio in the same footprint and installation of an irrigation system at **14 Timothy Drive**.

Mr. Meade presented the project to the Commission. The filing is under the WPA only for the replacement of an existing slate patio in the same footprint. The patio will be constructed of pavers. The closest point from the patio to the wetland is 34 feet. The removal of dangerous pines was included in the application and Staff found them to be removed at the time of the site visit. They were very close to the neighbor's house and this residence. The irrigation lines will be placed in maintained lawn with very minor excavation.

Commissioner Townson asked where the trees which were removed were located. The trees were located between 14 and 16 Timothy Drive, very close to both houses.

Mr. Grzywacz informed the Commission that the trees had already been replaced with evergreens.

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.

12 Moreland Avenue

Present in Interest: Ann McMenemy

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by **John Hammond** 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 6 trees; removal of flagstone patio and construction of a deck at **12 Moreland Avenue**.

Mr. Meade presented this to the Commission. The Application is under the WPA only for the construction of an 8'x72' deck and removal of 6 trees. All of the trees to be removed are within the 100 foot buffer with several within the 50 foot and one within the 25 foot buffer. The closest point to the wetland is 90 feet. There is an existing flagstone pathway that is to be removed and is a minor activity.

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.

29 Rattlesnake Hill Road

Staff Recommendation: Withdraw Without Prejudice

Public Meeting on a Request for Determination of Applicability filed by **Richard and Danielle Smith** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed demolition of an existing garage and construction of a 2 car attached garage at **29 Rattlesnake Hill Road**.

Mr. Meade presented this to the Commission. The Applicants are requesting to withdraw the application without prejudice.

Chairman Cooper asked for a Motion. Commissioner Brady made a Motion to allow the withdrawal without prejudice; it was seconded by Commissioner Townson and unanimously approved.

163 Andover Street

Present in Interest: James Downing, Janet Bernardo, Mark Johnson, Jeff Shaw and Rick Feldman

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Continued 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 peer review is complete.

Janet Bernardo presented her peer review to the Commission. The high water table has been determined for the new infiltration system and the separation should be fine. Additional test pits should be done when construction begins. Janet also added that the detention system has to be water tight since a portion will be in the high water table.

Chairman Cooper stated that the Special Conditions should include Janet's recommendations prior to issuance.

Commissioner Townson asked if the trucks would be washed outside. James Downing responded that the trucks would be washed inside only due to the contaminants in the foam used to clean the trucks.

Chairman Cooper asked that a Special Condition be added regarding the washing of the trucks inside only.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to Close the Public Hearing; it was seconded by Commissioner Driscoll and unanimously approved.

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

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

- Andover Fire Rescue-Ballardvale Station, Andover, Mass

141 Elm Street

Present in Interest: Adam Marchionda

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Public Hearing on a Notice of Intent filed by **CSH of Andover, LLC** 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 removal of pavement and replace with 4" of loam and seed at **141 Elm Street**.

Mr. Douglas presented this to the Commission. The small pre-existing driveway near the shallow wetland is to be removed and replaced with loam and seed. This will be an improvement to the wetland buffer.

Commissioner Driscoll asked if there were to be any plantings.

Adam Marchionda responded that there would be no plantings, only loam and seed.

Bob Douglas informed the Commission that he and Ben Meade checked for a vernal pool this spring as stated in the original Order of Conditions and found nothing due to the low water.

Commissioner Townson asked if herbicides were to be used. Adam Marchionda stated no herbicides would be used, the grass will allowed to grow and the area naturalize.

Chairman Cooper asked that a Special Condition be added regarding no use of herbicides.

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

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

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

- CSH of Andover in Andover, MA dated 7/10/19

60 Chandler Road

Present in Interest: Dennis Griecci, Janet Bernardo

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Continued Public Hearing on a Notice of Intent filed by **New England Bible Church** 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 parking lot and stormwater management area at **60 Chandler Road**.

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

Janet Bernardo presented her peer review to the Commission. Janet's memo had a number of issued outstanding that the Applicant is willing to incorporate into the O&M Plan. The plan manages the stormwater and holds .5" of rainfall. There should be a snow fence installed prior to tree removal. The SWIPP will be provided 14 days prior to construction.

Chairman Cooper asked if the project complied with our regulations. Janet Bernardo responded that .5" is managed per the regulations.

Chairman Cooper asked if there was anything objectionable in the peer review. Janet responded that she was satisfied with the responses provided and the items to be conditioned.

Dennis Griecci, representing the Applicant, informed the Commission that the O&M Plan had been updated per Janet's recommendations and agreed to the remaining items to be part of the Special Conditions.

Chairman Cooper asked for a Motion. Commissioner Brady made a Motion to continue to September 3, 2019; it was seconded by Commissioner Townson and unanimously approved.

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

- o Existing Conditions Plan Proposed Parking Expansion, 60 Chandler Road, Andover, Mass. dated 8/6/19

52 William Street

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

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed by **Ernest and Miaoruo Simmons** 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 2 walkways; construction of a patio; repair and realignment of the driveway and finish with stone pavers; clear vegetation and resurface tennis court; removal of invasive vegetation; and loam and seed disturbed areas at **52 William Street**.

Mr. Meade presented this to the Commission. The work proposed is similar to that approved in the previous Order of Condition which is expired. The only work done under the old Order of Conditions was demolition of the existing house and construction of the new house. Staff will check foundation plan for placement of the house. The walkway to the south is within 100 feet and the landscaping around the tennis court is within the 100 foot buffer. Staff researched historical files and photographs and found the area up to the stone wall had been lawn previously.

Chairman Cooper asked if the walkway and patio were on a previously disturbed area according to the old Order of Conditions.

Chairman Cooper informed the Commission that the restoration plan under the Enforcement Order should be agreed to and the plan updated with the schedule of restoration then the Commission can move forward with this Order of Conditions.

Commissioner Townson asked that the lawn be shown on the plans.

Chairman Cooper asked for a Motion. Commissioner Townson made a Motion to continue to September 3, 2019; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

28 Salem Street

Present in Interest: Dennis Griecci and Jennifer Smith

Request for an Insignificant Change to add 3 additional parking spaces to be used by 59 Highland Road. The parking is 44 feet from the wetland, meeting the setback of 35 feet. Commissioner Townson made a Motion to find the change Insignificant to the WPA; it was seconded by Commissioner Greenwood and unanimously approved.

Frenchmen's Reserve 90 Beacon Street

Request for reduction in site monitoring. The site is not stable per the site monitor. Commissioner Brady added that he drives by this site frequently and the site is a mess. Commissioner Townson made a Motion to deny the request; it was seconded by Commissioner Driscoll and unanimously approved.

73 Lovejoy Road

Request for a 3 year Extension to the Order of Conditions. This is for Phase 2 of the Order of Conditions to begin this Fall. A site monitor will be in place prior to the commencement of work.

Commissioner Driscoll made a Motion to approve the 3 year Extension; it was seconded by Commissioner Townson and unanimously approved.

40 Rocky Hill Road

Request for wetland line revision. Staff conducted a site visit and there are questionable plants and soils which require a filing for a Determination of Applicability or ANRAD.

Commissioner Townson made a Motion to deny; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from August 6, 2019.

52 William Street

Request for a Certificate of Compliance. **Table**

210 River Road

Request for a Satisfactory Completion of Work Certificate.

10 Blood Road

Request for a Satisfactory Completion of Work Certificate. **Withdrawn**

18 Wyncrest Circle

Request for a Certificate of Compliance.

43 Martingale Lane

Request for a Satisfactory Completion of Work Certificate.

Commissioner Driscoll made a Motion to approve the Consent Agenda, excepting 52 William Street and 10 Blood Road; it was seconded by Commissioner Townson and unanimously approved.

DISCUSSION ITEMS/ LATE ITEMS:

Eagle Scout Project

Present in Interest: Joshua Kasmer and Robert DeCelle

Joshua's project consists of expanding upon a previous Eagle Scout Project by adding a 36' boardwalk over a wetland that straddles AVIS land and Conservation Commission land. Corrugated tubing will be used so that no digging is required and animals can pass through freely. All cutting will be done off site.

Bob DeCelle added that this boardwalk will allow people to stay out of the wetland.

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

52 William Street

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

A revised restoration plan has been received with an increase to 8 trees with a 1:1 replacement and 6 shrubs. There has historically been lawn up to the stone wall. Staff has researched old files and photos to confirm this. Staff would like a description of the lawn coverage as well as additional plantings to combat the bittersweet. Hostas are mentioned as being planted throughout the property. Staff needs to know where they are being planted. Under the old Order of Conditions removal of bittersweet is approved, staff would like a condition that it will be removed and maintained to protect the restoration and include 2 years of monitoring.

Maureen Hanley informed the Commission that the bittersweet removal would be done by hand with no use of herbicides. The lawned area between the house and stone wall will help with the containment of the bittersweet as the area will be mowed. The Hostas will be planted along the driveway and walkway.

This will be placed on the September 3, 2019 Agenda to review and approve the revised restoration plan.

24R Pomeroy Road

Ratification of Enforcement Order issued for removal of the stone wall.

Commissioner Townson made a Motion to ratify the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

The meeting was adjourned at 9:32 pm by Motion of Commissioner Townson; seconded by Commissioner Driscoll and unanimously approved.

The next meeting is scheduled for September 3, 2019 at 7:45pm.

Respectfully Submitted,

**Lynn Viselli,
Recording Secretary**