ANDOVER CONSERVATION COMMISSION MEETING MINUTES
NOVEMBER 5, 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 Ellen Townson, Commissioner Alix Driscoll and Commissioner Floyd
Greenwood. Staff members present were Robert Douglas, Conservation Director and Ben
Meade Conservation Agent.

SCHEDULED ITEMS:
High Plain Road
Present in Interest: Dana Altobello
Staff Recommendation: Approve

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 replacement of a gas
service line at High Plain Road.

Mr. Douglas presented this to the Commission. The proposed project is the replacement of a gas
main pipe along High Plain Road. The majority of the project it outside the jurisdiction of the
Commission, with two areas of pipe replacement barely within 100 feet of a wetland resource
area. Construction plans providing a more detailed explanation of the work proposed and how
long the project should take to complete. The Open Trench method will be used with no soil
stockpiling. A description of the abandonment procedure was also received. Staff will inspect
periodically to ensure catch basins are protected and erosion controls are in place.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as
discussed; it was seconded by Vice Chairman Porter and unanimously approved.

55 Prospect Road
Present in Interest: Sean McNulty
Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by Sean McNulty 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 at 55 Prospect Road.

Mr. Meade presented this to the Commission. The application is under the WPA only for the construction of a 27’x29’ addition. The closest part of the proposed project is 80 feet from the wetland boundary. A pre-construction meeting with Staff to stakeout the building footprint, erosion controls and soil management will be a part of the Special Conditions.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to Approve as discussed; it was seconded by Commissioner Driscoll and unanimously approved.

305 North Main Street
Present in Interest: Rick Friberg, Keith Saxon, Steve Golden
Staff Recommendation: Continue

Public Meeting on a Request for Determination of Applicability filed by 305 North Main Street, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed restriping of the parking lot, ADA improvements including ramps and parking provisions, screening of existing dumpster all within 200’ of the Riverfront at 305 North Main Street.

Mr. Meade presented this to the Commission. The building and the property lie entirely within the Riverfront Resource Area and the 100 year floodplain of the Shawsheen River and bordering land subject to flooding. The majority of the property is located outside of the boundaries of the regulatory Floodway and all of the proposed work is outside the regulatory Floodway. The work proposed for the exterior of the building that is within the Commission’s jurisdiction is relatively minor. There will be no change to the existing footprint, the building’s exterior or any increase in impervious area. Staff has requested more information to verify their compliance with the applicable regulations with the Riverfront and 100 Year Floodplain and BLSF. The Applicant provided more information and revised plans to the Commission just prior to the hearing.

Rick Friberg presented the project to the Commission. He restated that there will be no demolition or addition to the building. There is sufficient parking so no changes are needed with the parking lot. The screening for the dumpster will prevent trash from blowing into the River. There are two stormwater discharges from existing catch basins that are without treatment. Part of this project is to add stormceptors to those form treatment prior to discharge of the water. There will be curb depressions made for the ADA ramp which will create slight flood storage.
The Alternative Analysis is to let the parking area remain as it is today with no improvements to the stormwater runoff. Another alternative was an elevated amenity area above the parking lot, but this was too intrusive in the resource area. The Applicant feels this application is the best option to minimize and improve the area by providing a pedestrian access easement, screening for the dumpster and providing ADA access ramps are among the few improvements.

Vice Chairman Porter asked what the elevation of the parking lot is. It is elevation 37 which is the 100 year flood elevation.

Chairman Cooper asked for more information regarding the screening around the dumpster. Rick Friberg stated that there will be 3 brick walls with an opening with gates. Since this is located within the 100 year Floodplain, there will be weep holes for the water to flow through. Commissioner Driscoll asked how flooding would be dealt with. The water flow will not be restricted on site. Commissioner Driscoll asked how much flood storage space the cars will take up. This is an existing parking lot, there is no change of use so there are no plans to mitigate for the cars.

Vice Chairman Porter asked about the HVAC equipment in the mechanical building. Commissioner Townsend followed up asking if there is any discharge into the River from the mechanical building. Rick Friberg stated that the mechanical building will remain in place and there is no discharge into the River.

Commissioner Townsend asked if other locations for the dumpster had been investigated. The other locations reviewed were still in the floodplain so it was decided that it would remain in place.

Commissioner Brady asked where the regulated floodway ended. The regulated floodway extends along the existing retaining wall.

Keith Saxon stated he believes the dumpster can be moved to another location or remove it all together. He also would like the mechanical building removed which would provide flood storage.

Steve Golden stated that this area was a canoe launch at the end of the existing stairs many years ago. He would like it brought back with direct access on the plan. He also asked if there was a proposed future trail along the River. Rick Friberg stated there is no plan at this time for a trail, only can commit to providing pedestrian access.

Staff will request as peer review of the stormwater.

Commissioner Greenwood asked to schedule a site visit. A site visit was scheduled for noon on November 8, 2019.

Chairman Cooper asked for a Motion. At the Applicant’s request, Vice Chairman Porter made a Motion to continue to December 3, 2019; it was seconded by Commissioner Townsend and unanimously approved.

40 Rocky Hill Road
Present in Interest: Curt Young, Don Borenstein and Arthur Brussard
Staff Recommendation: Continue for peer review.

Public Meeting on a Request for Determination of Applicability filed by Arthur Brussard under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, to determine if there are any jurisdictional resource areas at 40 Rocky Hill Road.

Mr. Douglas presented this to the Commission. No work is intended under this application, only to determine the delineation of the wetland. Staff has been on site and had questions regarding the applicant’s suggested location of the resource areas. Curt Young presented the project to the Commission. In 2001 a map change request was requested when no wetland resource areas were found on this property. In the development of Black Horse Lane, a drainage swale was constructed to catch runoff from the roadway with an underground pipe, this is exempt as a drainage system. Staff agreed with the exemption, however the wetland at the lower edge of the property was found to have wetland plants. Staff would like a peer review of that wetland area.

Chairman Cooper asked for a Motion. At the Applicant’s request, Commissioner Driscoll made a Motion to continue to December 3, 2019; it was seconded by Commissioner Townsend and unanimously approved.

3R Executive Place S145/T146 Transmission Line

Staff Recommendation: Approve

Public Meeting on a Request for Determination of Applicability filed by New England Power Company 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 exploratory soil borings for planning and designing purposes at 3R Executive Place.

Mr. Douglas presented this to the Commission. This is an exempt activity for the planning and design purposes for maintenance of the transmission lines.

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

7 Pettingell Avenue

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed by Scott Smith and Kristen Meyers 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 single family house, driveway and associated grading at 7 Pettingell Avenue.

Mr. Meade presented this to the Commission. The Applicant has requested a continuance to December 17, 2019.

Chairman Cooper asked for a Motion. At the Applicant’s request, Commissioner Townson made a Motion to continue to December 17, 2019; it was seconded by Commissioner Driscoll and unanimously approved.

**Dale Street Wastewater Pumping Station Improvement Project**  
**39 Dale Street**  
**Present in Interest:** Magdalena Loftstedt, Keith Saxon, Paul Finger and Jim McSurdy  
**Staff Recommendation:** Approve

Continued Public Hearing on a Notice of Intent filed by the 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 replacement of the existing sewer ejector station with a new submersible waste water pump station, installation of approximately 400 linear feet of 3” diameter HDPE force main and remove the above ground structures of the existing pump station at 39 Dale Street.

Mr. Douglas presented this to the Commission. This was continued for the Applicant to determine of more compensatory flood storage could be found. A rectangular concrete pad will be removed and a portion of an onsite soil pile will be removed. The project as proposed, is allowed under state law taking into account that the upgrade in service is a priority. The Town is simply trying to upgrade and improve a system.

Jim McSurdy explained to the Commission that the houses on Dale Street could not tie into Town sewer because they are lower than the existing gravity fed sewer line. He provided the alternative which would be to repair to the existing structure and leave it in place.

Vice Chairman Porter who visited the site, stated that the new location was built up higher so that it is outside the flood elevation. He also reminded the Commission that some municipal projects are exempt from some of the regulations. This project is an improvement to the existing structure.

Commissioner Greenwood asked if each individual house could have an individual pump. Jim McSurdy informed the Commission that there a number of reasons why each individual house cannot have a pump. The Town cannot spend public money on private property; no such units are approved for use in the Town; who will maintain the 6 pumps; and when there is a power failure, these pumps will shut down and the houses will have no sewer service.
Paul Finger provided further information to the Commission regarding the floodway, bordering land subject to flooding, and compensatory flood storage. Keith Saxon suggested moving the pump station across the River to the upland and out of the flood area. This project does not provide enough compensatory flood storage. He agreed with the use of individual pumps at each house. He also suggested plantings near the parking area. Paul Finger replied that moving the pump station across the River would require filling in the flood plain and removal of mature trees.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to close the Public Hearing; it was seconded by Commissioner Townson and unanimously approved. Vice Chairman Porter made a Motion to issue the Order of Conditions as discussed. The Motion failed for a lack of a second to the Motion. Further discussion followed regarding the second paragraph of the waiver requested and the use of the word “di Minimis.” Staff agreed to remove the wording from the waiver. Further discussion followed regarding the use of individual pumps at the residences.

Commissioner Brady made a Motion to issue the Order of Conditions with the changes discussed. The Motion failed for a lack of a second to the Motion.

Issuance of the Order of Conditions placed as an Action Item on the November 19, 2019 Agenda.

CONSENT AGENDA:
Minutes
Approval of Minutes from October 15, 2019.

10 Samos Lane
Request for a Satisfactory Completion of Work Certificate.

4 Corporate Drive
Request for a Satisfactory Completion of Work Certificate.

25 Alden Road
Request for a Satisfactory Completion of Work Certificate.

63 River Street
Request for a Satisfactory Completion of Work Certificate.
Commissioner Townsend made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

**DISCUSSION ITEMS/ LATE ITEMS:**
0 Osgood Street
Present in Interest: Carol McGravey
Approve and execute Deed from Raytheon for the property located at 0 Osgood Street.

Vice Chairman Porter made a Motion to Approve and Execute the Deed; it was seconded by Commissioner Greenwood and unanimously approved.

**Emergency Certification**
Ratification of Emergency Certification issued for Columbia Gas for compliance checks on abandoned gas lines.

Vice Chairman Porter made a Motion to ratify the Emergency Certification and it was seconded by Commissioner Townsend and unanimously approved.

Documents:
305 North Main Street
• Plan entitled, “Proposed Residential Building, 303 North Main Street” revised 11/1/19
40 Rocky Hill Road
• Andover GIS Map
39 Dale Street

**Minutes**
• Draft Minutes of October 15, 2019

The meeting was adjourned at 9:50 pm by Motion of Commissioner Townsend; seconded by Commissioner Driscoll and unanimously approved.

The next meeting is scheduled for November 19, 2019 at 7:45pm.

Respectfully Submitted,

Lynn Viselli,
Recording Secretary