

**Andover Inland Wetlands and Watercourses Commission  
Old Firehouse, Center Street  
Monday, September 12, 2005 7:00pm**

**Minutes**

Regular Meeting

1. The Regular Meeting was called to order at 7:00pm. Members present were: Chairman, John England, Steven Reade (left at 7:45pm), James McCann, Michael Landolphi, Robert Burbank and alternate Richard Osborne. Wetlands Agent, John Valente and Board of Selectmen Liaison, Leigh-Ann Hutchinson were present.
2. Seating of Alternates  
Richard Osborne was seated for Steven Reade at 7:45pm.
3. Additions to the Agenda  
There were no additions to the agenda.
4. **OLD BUSINESS:**
  - Application of Chris Morrell, 8 Lake Road for 125 yards of fill to level property in a regulated area.  
--The application was tabled until later in the meeting to allow the applicant to arrive.
  - Application of Keith Pedro 98 Bear Swamp Road for construction of a house with excavation in an upland review area.  
--A Site Walk was conducted just prior to the meeting. John Valente advised members that the main issue on the application was the disposition of the fill going beyond the existing lawn area and into the wooded area and that the area was within 40 feet of the wetlands, he stated that the house or roof drain would have no significant impact to the wetlands and that he would prefer that the fill be taken off the site unless some was used to build up dips in the driveway.  
**Michael Landolphi made a motion to approve the application of Keith Pedro, 98 Bear Swamp Road for construction of a house with excavation in the upland review area with all the standard conditions of the Inland Wetlands Commission as outlined in the Summary Ruling and the following conditions:**
    - Excess fill to be used to fill in the driveway area only and any remaining fill to be removed from the site.
    - Boulders may be placed along the tree line.
    - Immediately after installation of the foundation the disturbed area is to be stabilized before construction of the garage may commence. James McCann seconded. Robert Burbank abstained. The motion carried (4-0-1).

- Application of Dianne Grenier, 400 Lake Road for rebuilding an existing stone wall in a regulated area.
  - Members had heard the details of the application and the work from the contractor last month, a narrative was submitted at that meeting and was copied and distributed to members at this meeting for their review.
  - Steven Reade made a motion to approve the application of Dianne Grenier of 400 Lake Road to rebuild an existing stone wall at the lakefront with all the standard conditions of the Inland Wetlands Commission as outlined in the summary ruling and the following conditions:**
    - Wall to be triangulated.
    - Divert surface flow around work area by using hay bales and silt fence including roof drain berm.
    - Stabilize area with heavy mulch 3"-5" in depth.
    - Use of plastic to store soil and stones thereby eliminating the loss of grass or vegetation.
  - James McCann seconded. Robert Burbank abstained. The motion carried (4-0-1).**

## 5. NEW BUSINESS:

- Application of Keith Grimaldi of Rosewood Enterprises, LLC, owner Dorothy Martino, corner of Shoddy Mill Road and Birch Drive for construction of a driveway and culvert within upland review area.
  - The application was accepted. Members were given plans in their packets. Mr. Grimaldi stated that the grading, construction and installation of a culvert and some clearing of trees were in the upland review area. He stated that the driveway will be located on Birch Drive and a small amount of fill will be placed in the leaching area. John England questioned the wetland in the area. Mr. Grimaldi stated that it was an intermittent watercourse along Birch Drive and that there was a swale on the adjacent property and that there was a low spot in the existing 6" pipe immediate to the driveway and will be eliminated with the new driveway. Mr. Grimaldi stated that the grading will be towards the road and the additional runoff of the new home will be sent to a swale at the driveway and the swale south of the driveway will carry the overland water. John Valente stated that he was concerned with the installation of a pipe flowing directly into the wetland and that he spoke to the engineer on the project and has requested a construction sequence and would like the construction of the swale and berm completed prior to construction of the house. Members will drive by the site before the next meeting.
- 6. Correspondence:
  - John Valente distributed a brochure of the Annual Meeting and Environmental Conference of CACIWC.
- 7. Administrative Report:
  - John Valente advised members of a complaint received on the property located at 340 Lake Road where a landscaper was replacing a lawn at the lakefront. He questioned when the commission would like to get involved with large maintenance at the lakefront. Members agreed to allow John to review administratively and that the lake community should be educated and/or informed about the affects on the lake when converting surface areas with

concrete patios, paved driveways and regrading. The commission will find out if ALMA could place a letter in their next newsletter.

--John Valente advised members that Mr. Bartomioli wanted to put in the drainage the commission made part of his approval. The members agreed that no work is to be conducted until all permits are in place.

Steven Reade recused himself from the public hearing because he had a discussion with the Town Attorney. Richard Osborne was seated for the remainder of the meeting.

Robert Burbank and James McCann were not present at the August public hearing and will need to listen to the hearing tapes prior to any action on the application.

### **Public Hearing**

The Public Hearing reconvened at 7:48pm

- Reconvene the application of Ronald and Julia Haverl Lot 1 Shadblow Lane, Woodland Chase Subdivision to create a 3<sup>rd</sup> lot, (lot 1A) with a driveway crossing through a wetlands conservation easement.  
--John Valente advised members of correspondence received and distributed copies to the members. The correspondence was a letter from the Town Attorney dated September 12, 2005 and a letter from the Town Engineer dated September 12, 2005 and he read an email sent on September 7<sup>th</sup> and received on September 8<sup>th</sup>. The email from the town attorney stated that the Board of Selectmen must vote to approve the action for the right-of-way through a Town conservation easement prior to any action of the Wetlands commission and that he would prefer that the Board of Selectmen co-sign the application. The public hearing tape was paused from 7:58pm to 8:02pm to allow members time to read both letters. Mr. Haverl stated that the commission should still proceed with the alternate presented with the shared driveway from the original Keever's property, which is now owned by the Haverl's because the crossing of the conservation easement was previously approved in that location. John England stated that either location would require approval by the Board of Selectmen to cross the conservation easement whether previously approved or not and that adding to a nonconformity is not what the commission wants. Mike Dion spoke on behalf of the applicant and stated that the application was for a re-subdivision of Lot #1 in Woodland Chase to now have Lots 1A, 1B and 1C and that lots 1B and 1C were approved with a shared driveway and that Lot 1A is a proposed new crossing through a conservation easement. During a site walk he thought the commission would have preferred an alternate location and he added the location to the plan to follow an existing logging path and then a third proposal to access Lot 1A from the existing approved driveway location on the Keever's property next to Lot 1A. Previously the commission had asked the applicant to look into the increase in drainage to the Downer property. Mr. Dion stated that he looked at the site and feels that the original drainage ditch on the Downer property was not maintained. At the previous hearing the commission had asked the applicant to try to minimize the grade of the driveway from the Keever property. Mr. Dion stated that to change the grade would require moving the house location closer to the wetland. Mr. Dion explained the options outlined in the Town Engineer (CES Engineering) letter. Option #1 to continue the driveway from lots 1B and 1C. Mr. Dion responded that the subdivision regulations allow only 2 homes on a common driveway, not 3. Option #2 is the original proposed driveway location with the least amount of wetland disturbance but more tree

removal. Option #3 is the alternate location along the original logging path and Option #4 is the driveway access from the original Keever property. John England stated that the original conservation easement to the Town was signed by the Haverl's and First Selectman, Charlene Barnett and therefore the commission must get approval from the co-signer of the agreement even if the access from the original Keever property was approved previously by the Planning and Zoning Commission. John England stated that he would like to take the advice of the Town Attorney and defer action until the Board of Selectmen approve the crossing of the easement and that the commission would like permission for either driveway access to not show a preference prior to action on the application. The commission discussed the need to get an extension from the applicant to allow time for the Board of Selectmen to grant the crossing of the easement. The applicant agreed and submitted a written request for extension.

**8. OLD BUSINESS (continued):**

- Application of Ronald and Julia Haverl Lot 1 Shadblow Lane, Woodland Chase Subdivision to create a 3<sup>rd</sup> lot, (lot 1A) with a driveway crossing through a wetlands conservation easement.

The public hearing was extended to await action from the Board of Selectmen on the granting of a right-of-way through a town conservation easement.

**James McCann made a motion to request a 35-day extension from the applicant. Michael Landolphi seconded. All were in favor. The motion carried unanimously (5-0-0).**

9. Approval of minutes: July 11, 2005 & August 8, 2005

**Steven Reade made a motion to approve the minutes of the July 11, 2005 meeting as submitted. Robert Burbank seconded. James McCann abstained. The motion carried (4-0-1).**

**Steven Reade made a motion to approve the minutes of the August 8, 2005 meeting as submitted. James McCann and Robert Burbank abstained. The motion carried (3-0-2).**

**10. OLD BUSINESS (continued):**

- Application of Chris Morrell, 8 Lake Road, for 125 yards of fill to level property in a regulated area.

--The applicant did not arrive and the application was continued to the next meeting.

11. Miscellaneous:

--Review of Inland Wetland Commission Bylaws

The review was tabled and a subcommittee will be formed to review the bylaws and present to the commission members.

12. Public Comment:

There was no public comment.

13. Open Discussion:

There was no open discussion.

14. Adjournment:  
**Michael Landolphi made a motion to adjourn the Regular Meeting at 9:45pm. Richard Osborne seconded. All were in favor. The motion carried unanimously (5-0-0).**

Respectfully submitted by:

---

Jeanne Gagnon  
Commission Secretary