



Town of Hanover Conservation Commission
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for February 19th, 2014

Approved April 2, 2014

NOTE: The agenda for this meeting included all items scheduled for the February 5th, 2014 Conservation Meeting which was cancelled due to severe weather and closure of Town Hall.

Those Members and Staff present: Lou Paradis, Chairman; Lisa Satterwhite, Vice Chairman; Frank Brierley, Hearing Officer; William Woodward, Commissioner; Justin Shepard, Commissioner; Amy Walkey, Conservation Agent; Sandra MacFarlane, Asst. Conservation Agent.

Members and Staff not present: none

Other present: As per attendance sheet

6:30 PM Chairman Lou Paradis opened the meeting and welcomed all present. Chair Paradis made the following announcements:

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. **March 5th and 19th, 2014 @ 6:30 PM** in 2nd Flr. Mtg Room - Town Hall
2. **Vacancies on Commission-** 2 Associate positions

6:35 PM Due to the increasing number in attendance, the Chair adjourned the meeting to reconvene in the large hearing room on the first floor. All entry doors to the Town Hall and the 2nd Flr hearing room were posted with the new location of the meeting as required.

6:40 PM Chairman Paradis reconvened the meeting in the first floor hearing room.

In response to Hanover resident (819 Main St.) Steve O'Leary's request to move the Hunting hearing out of order, the Chairman denied the request.

II. ACTION ITEMS:

1. Request for Review of revisions to project for possible Amended OOC
 - a. **SE 31-995, #645 Cedar St., Hanover High School-** Mr. William Seymour, PE, Gale Associates, Inc., presented plans detailing two proposed locations for a javelin field at Hanover High School. He pointed out that to maintain the required 100 ft. setback from certified vernal pool (CVP) habitat four (4) ornamental trees would have to be cut down. The second proposed location, although in CVP habitat by approx. 15 ft., would save the four (4) trees. The Chair explained that to have the new field complete for Spring games, the first proposal- locating the project out of the CVP habitat area- was the best scenario, as it requires no permits from the Commission. Mr. Seymour stated agreement to move forward with the first proposed location, outside of the CVP habitat.

III. PUBLIC HEARINGS:

1. **BL 14-03, 305 Spring St.-** RDA- *for septic upgrade in BZ to 2 BVW's- rescheduled from 2/05/14 meeting*

PRESENT: Peter Lyons, PE, Collins Engineering, Inc., Applicant's Representative.
DISCUSSION: Mr. Lyons presented a septic upgrade plan dated 1/2/14 showing the abandonment of a failed septic system and the installation of a new residential septic disposal system. He pointed out that the lot contains buffer zone to three off-site Bordering Vegetated Wetlands (BVW). Also that four conservation posts were proposed at 25 ft. from wetland series IWH through ZWH and erosion control materials/limit of work were proposed at 55 ft. from the closest BVW. The Commission agreed the project lessens impacts to the wetlands and was an improvement to site conditions.
VOTE: Based on the discussion above and upon a motion and second made by Commissioners Shepard and Satterwhite respectively, it was voted 5-0-0 to close the hearing and issue a Negative #3 Determination of Applicability.
2. **BL 14-02, Route 3 Vegetation Management Project-**RDA- *rescheduled from 2/05/14 meeting*

PRESENT: Andrea Coates, MA Dept. of Transportation, District 5, Applicant's Representative.
DISCUSSION: Ms. Coates presented a plan dated 11/27/13 showing proposed vegetation management along State Highway Route 3 within the rights-of-way in Hanover. She requested a 5-year permit for this project. She pointed out that 94% of the proposed work consists of mowing with limited spraying outside of 100 ft. from critical areas such as the Third Herring Brook and 10 ft. from other resource areas. In response to the Agent's request, Material Data Safety Sheets for the herbicides will be submitted to the Conservation Office. In response to resident's concerns for the safety of the sprays, Ms. Coates noted that only those herbicides approved by the Dept. of Agricultural Resources (DAR) for sensitive

areas would be used and application procedures follow MA DAR regulations, 313 CMR 11, including using low pressure (60 P.S.I.) equipment in "spot" areas. Further, that no spraying takes place during rain events or windy conditions. In response to questions regarding potential over-spraying, she demonstrated various colored markers used to identify those areas that were treated.

In response to resident's questions as to the necessity of the project, Ms. Coates explained safety concerns and added that MA DOT follows the same permitting process in each town (30+). Further that to date, no denials were issued.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodward and Satterwhite respectively, it was voted 5-0-0 to close the hearing and issue a standard Negative #3 Determination of Applicability.

3. **BL 14-04, 775 Washington St.**- NOI- *for construction of detention basin and 3 sed. forebays in BZ to BVW*

VOTE: Upon a motion and second made by Commissioners Woodward and Satterwhite respectively, it was voted 5-0-0 to continue the hearing as per the Applicant's request, to March 5, 2014 at 7:00 PM.

4. **BL 13-65, SE 31-1078, #82 Buttercup Ln.**-NOI- *rescheduled from 2/05/14 meeting*

PRESENT: Henry Nover, PE, Applicant's Representative.

DISCUSSION: Mr. Nover explained that the plan was revised as per the Commission's Wetland Consultant, Steve Ivas, WS, Ivas Environmental, Inc. Revisions included a gravel surface for the driveway, a reduction in width of the driveway in several places, an increase to the replication area to a 2:1 ratio, and relocation of the replication area. Mr. Nover added that the certification process for the potential vernal pools on site is planned for the Spring. Commissioner Woodward suggested incorporation of additional comments from Mr. Ivas as special conditions in the permit. Noting final documentation submitted, he recommended that the public hearing be closed, but that the conditions be reviewed at the March 5, 2014 meeting. Mr. Nover agreed.

VOTE: Based on the discussion above and upon a motion and second by Commissioners Woodward and Shepard, it was voted 5-0-0 to closed the hearing and to review the permit at the March 5, 2014 Conservation Meeting.

5. **Hunting Policy**- *rescheduled from 2/05/14 meeting*

PRESENT: Commission Members and Staff to discuss policy wording for the 1/15/14 vote, and Jason Zimmer, District Supervisor, MA Dept. of Fisheries and Wildlife (DFW)

DISCUSSION: The Chairman noted that this hearing was continued from the 2/5/14 meeting due to severe weather conditions. He opened the hearing to comments or questions from the Commission. He explained that deer hunting has been allowed in Hanover since 2006 with restrictions- those are: hunting of deer only, with bow and arrow (archery) only, and during Archery/deer season only. Further that the expansion entails other parcels under the care and maintenance of the Conservation Commission, excluding those used primarily for recreation purposes. In addition, only those parcels that can meet *all* criteria as per State Hunting Regulations are qualified for hunting.

The Chair invited those present to speak.

Several residents requested identification of parcels to be hunted, which the Commission obliged.

Residents voiced safety concerns regarding the use of public walking trails during hunting seasons.

Hal Thomas, Open Space Committee Co-Chairman stated that the Open Space Committee has publically encouraged trail use for passive recreation. He voiced concerns that an expansion of hunting would negate their work, as people would feel unsafe.

Lesley Molyneaux, former member of the Conservation Commission, noted that although he agreed that the needs of all residents, including those that hunt, should be met, and there are safety and health concerns, he does not agree with the expansion of hunting for many reasons.

Mr. Zimmer, DFW, explained the health and safety risks to animal and human populations that result from overpopulation, including infestations of deer ticks which increase the risk of Lyme Disease, decreased health of the herd, and increased roadway collisions and vegetation destruction. Further that the State recommended number of deer per square mile for Hanover (Zone 11) is 8-10, but Zone 11 averages 28 to 30 per square mile.

Resident Patricia Fitzgerald, 48 Brookbend Rd. suggested a planned culling of the herd by professionals. Mr. Zimmer explained that in rare circumstances it occurs, but was not a viable practice for Hanover.

Mr. Zimmer added that hunting and the State trail systems have co-existed for many years without incident. Also that in the history of the State, zero (0) non-hunter accidents resulting in bodily harm have been reported.

Maureen Elliott, 377 Broadway, and others questioned procedural matters regarding the meeting to which the Chairman and Staff stated that Open Meeting Law had been followed.

A question of ethics arose regarding two of the Members, to which they agreed to contact the State Ethics Commission the next morning.¹

A point of order was called by resident Christopher Harriden, 30 Aspen Dr., regarding the lack of individual abutter notification for the public hearing. Chair Paradis explained the public hearing process, noting that abutter notification was not required. Mr. Harriden suggested notification as a courtesy in the future for this or similar topics.

Many residents shared complaints of an overabundance of firearms use on Conservation parcels. The Chairman explained that the Commission does not allow hunting with firearms, now or in the past.

Resident Anthony Acampora, 82 Dwelly Ave., stated that as an avid bike rider he appreciates the extensive trail system throughout town and thanked Hal Thomas and his Committee for all their hard work. But considering the availability of these trails for passive use, the expansion of hunting doesn't make sense.

The majority of comments voiced from residents (approx. 80 present) did not support expanded hunting.

Commissioner Woodward suggested that the Commission rescind the 1/15/14 vote to expand hunting until such time that the matter can be more thoroughly explored.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodward and Satterwhite respectively, it was voted 4-0-1 (Commissioner Shepard abstained) to rescind the 1/15/14 vote to expand hunting- hunting will remain as it was approved on Clark Bog and Summer St. parcels only, deer only, archery only, and during deer/archery-only season. Upon a motion and second made by Commissioners Woodward and Satterwhite, it was voted 5-0-0 to continue the hearing to an indefinite date.

9:15 PM Chairman Paradis called for a 5 minute adjournment to return to open session to continue with the business of the meeting.

9:20 PM Chairman Paradis reconvened the meeting.

6. **BL 13-81, SE 31-1084, #19 Phillips Ln.-NOI- rescheduled from 2/05/14 mtg- See Applicant's request to continue to 3/5/14**

VOTE: Upon a motion and second made by Commissioners Woodward and Satterwhite respectively, it was voted 5-0-0 to continue the hearing as per the Applicant's request, to March 5, 2014 at 7:00 PM.

IV. ADMINISTRATIVE:

1. **Minutes- 1/15/14 (2/05/14 meeting cancelled due to severe weather)**

VOTE: Upon a motion and second made by Commissioners Satterwhite and Shepard respectively, it was voted 5-0-0 to approve the minutes.

2. **Correspondence- Reports and Minor Permits:**

a. Conservation Staff- General and Enforcement Issues:

The Agent reported that:

- the Staff has been working on updating the website and several other in-house projects;
- Water Supt. Neal Merritt (former Cons. Commission Chairman) and the Agent worked together to publish an informational document regarding manganese in Hanover's water supply;
- the newly formed Fireworks Site Committee requires a representative from the Commission;

VOTE: Upon a motion and second made by Commissioners Woodward and Shepard, it was voted 5-0-0 to appoint Commissioner Satterwhite to the Fireworks Committee.

- comments or vote of support from the Commission has been requested to move forward with obtaining a Conservation Restriction on the Oakland Ave. parcel owned by Mr. Stone;

VOTE: Upon a motion and second made by Commissioners Shepard and Brierley, it was voted 5-0-0 to support going forward with acquiring a Conservation Restriction for the Oakland Ave. property;

- the newly revised Open Space map is nearing completion for publication.

b. Open Space Committee Liaison Report and Community Preservation Committee Report- none

c. Minor Permits/Event Cards Issued: none

3. **Other:** *Those items not reasonably anticipated by the Chair within 48 hours of the meeting.-* none

9:30 PM Upon a motion and second made by Commissioners Young and Shepard respectively, it was voted 5-0-0 to adjourn the meeting.

Minutes Respectfully Submitted by Sandra D. MacFarlane, Asst. Conservation Agent, DMI, Conservation Office

¹ Commissioner Jason Shepard contacted the State Ethics Commission February 20th a.m., resulting in confirmation that no ethics violation had occurred.