

# Town of Hanover Conservation Commission

Hanover Town Hall, 550 Hanover St.,  
2<sup>nd</sup> Floor Meeting Room

## **MINUTES for Wednesday, JULY 15, 2015**

Approved 8/12/15

Those Members and Staff present: Chairman Lou Paradis; V. Chair Lisa Satterwhite; Commissioner William Woodward; Commissioner Justin Shepard; Associate Member Brian McLoone; Conservation Agent Amy Walkey; Asst. Conservation Agent Sandra MacFarlane  
Those Members and Staff not present: Hearing Officer, Frank Brierley  
Others: see attached Sign-in sheet

### **6:30 PM**

Chair Paradis opened the meeting and made the following announcements:

#### **I. ANNOUNCEMENTS & DATES TO REMEMBER:**

Summer Mtg. Schedule continues- Aug. 12, 2015, 2<sup>nd</sup> Flr Mtg. Room @ 6:30pm

1. Any person audio or videotaping this hearing must notify the Chairman at this time.

#### **II. INFORMAL DISCUSSION:** Five Mark Properties – Village at Seven Springs Project

Mr. Mark Fiander, Project Manager- Five Mark Properties and Deborah Keller, PE, McKenzie Engineering Group, Inc., updated the Commission on the project and new owners, Five Mark Properties. The use of photo degradable erosion control materials was accepted. Mr. Fiander explained that Phase I (of III), will begin next month. Ms. Keller confirmed that the Stormwater Pollution Prevention Plan has been submitted and that the wetlands lines were recently re-confirmed.

#### **III. ACTION ITEMS:**

##### **1. Review of Conditions:**

- a. SE 31-1022, 78 North St. - Amended Order of Conditions (AIOC)

Mr. Maynard, Property Owner, requested clarification of Condition aaa. and removal of "in perpetuity" from Condition ggg. A brief discussion resulted in the following vote:

VOTE: Upon a motion and second made by Commissioners Paradis and Woodward, it was voted 4-0-0 to approve the conditions as follows:

*aaa.- The applicant, by way of submission of a Request to Amend the Order of Conditions, has met the requirement of the Commission for additional work within the approved limit of work that is not approved by the original order. Additional work includes the proposed increase to the size of the house to attach the new section of house to a family accessory dwelling unit as per Town of Hanover bylaws, decrease in size of driveway, a change from paved driveway to gravel driveway, elimination of the previously approved paved turnaround portion of the driveway, exterior remodel of existing dwelling, and removal of the above ground oil tank. any future work on this site within the commission's jurisdiction must be reviewed and approved by the Commission, prior to the commencement of any such work. Work conducted in such a manner is subject to enforcement and the issuance of fines.*

*ggg.- The proposed driveway shall remain gravel or other pervious surface, with authorization by the Commission required to change to an impervious surface.*

### **7:00 PM**

#### **IV. PUBLIC HEARINGS:**

Chair Paradis gave a brief summary of public hearing conduct and procedure, noting that those wishing to speak on wetland issues may do so when called upon.

##### **1. BL 15-08, SE 31-1103, #54 Old Shipyard Ln.- NOI *continued from 6/25/15 meeting***

PRESENT: Peter Brown, POA for property owner Elaine Chiampa; Thomas Pozerski, PE, Merrill Corp., and Brad Holmes, PWS, Environmental Consulting and Restoration, Applicant's Representatives; Lenore White, PWS, Wetland Strategies, Commission's Wetland Consultant  
DISCUSSION: Mr. Pozerski presented a 7/1/15 revised plan showing reduction to house size, relocation of the septic system away from resource areas, proposed gravel driveway, and smaller wooden deck.

At the Commission's request, Mr. Pozerski confirmed the following items:

- No work is proposed within the public easement to the North River.
- No blasting is proposed on the site.
- Manual methods will be used to remove invasive species.
- A professional Landscape Architect will supervise work as per the Mitigation Plan.
- All plantings will be native New England Buffer Species.
- An Alternatives Analysis has been submitted and accepted.
- NHESP<sup>1</sup> notification has been received stating "no adverse effects".
- The coastal bank location has been revised.
- Conservation setback markers will be installed as per the approved plan of record.

Several abutters and interested parties spoke in opposition to the project.

In response to a common concern, Mr. Brown and Attorney Guimond explained that alternatives to construction were fully reviewed in the Alternatives Analysis.

In response to concerns regarding deforesting the lot, Mr. Holmes pointed out that only a small amount of vegetation will be removed in the work area, and that the net result post-construction will be an increase to vegetation.

In response to abutter Caleb Estabrooks, 67 Washington St., it was confirmed that the Open Space Committee has not contacted the Commission or Staff regarding #54 Old Shipyard Ln.

Assoc. Member McLoone explained that consideration by the Town to purchase land requires Town Meeting review with appropriation of funds taking up to 18 months.

Commissioner Shepard noted that issuance of the Commission's permit does not preclude the Applicant from pursuing Open Space interest.

In response to Ms. Jane Estabrooks, 71 Old Shipyard Ln., Mr. Brown pointed out that the historic location of the boathouse was on #48 Old Shipyard Lane (an existing home), not Ms. Chiampa's #54 Old Shipyard Lane.

In response to abutter Caleb Estabrooks, 67 Washington St., Mr. Pozerski stated that a variance to move the house into the front building setback was rejected as it did not meet the ZBA definition of a *hardship*, resulted in no environmental benefits, and would increase stormwater issues.

In response to abutter Jonathan Adams, 38 Old Shipyard Ln., Mr. Pozerski stated that Brad Holmes, PWS, ECR, will be the Landscape Architect.

Assoc. Member McLoone, in response to common questions regarding work within the easement, reiterated that the project proposes no work on the easement, but that as a result of recent site inspections, structures and obvious signs of dumping yard waste were found within the easement.

Ms. Elizabeth Johansen submitted for the record a petition to the Commission signed in opposition to the project.

Also submitted for the record from Katie Finnegan and Analesa O'Grady (address unknown) were two (2) note-cards to the Commission, also in opposition to the project.

Commissioner Woodward informed the Chair that he was satisfied with the evidence presented and recommended closing the hearing.

Bruce Estabrooks, 71 Old Shipyard Ln., noted disagreement, that the alternatives analysis is faulty regarding purchase of the lot by neighbors.

Elizabeth Johansen, 67 Washington St., stated that the filing was incomplete, as a fact-based analysis had not been submitted.

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<sup>1</sup> Natural Heritage and Endangered Species Program

Attorney Guimond stated that the calculations were correct and analysis was accepted. He pointed out that because of the current permitting standards, the existing septic systems have a greater impact on the North River than new construction.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodward and Shepard, it was voted 4-0-0 to close the public hearing.

VOTE: Upon a motion and second made by Commissioners Woodward and Shepard, it was voted 4-0-0 to review the draft Order of Conditions at the 8/12/15 meeting.

V. ADMINISTRATIVE:

1. Agent's Report –
  - a. Factory Pond Dam- The Agent updated the Commission on a recent breach and repair of the dam.
  - b. 912 Webster St.- The Agent reported that additional test pits and monitoring wells at this site are planned.
  - c. Open Space Committee- The Agent reported that the Committee will conduct a site walk at Foley Hills and are reviewing Conservation Restrictions.
  - d. Eagle Scout Projects- The Agent updated the Commission on current and pending projects, noting that the Morrill Allen Phillips Wildlife Sanctuary Project has been completed.
  - e. Xhengo Lane- The Agent reported that the project is moving along smoothly, that the grading for house construction is complete, and that the landscaping is planned for next month.
  - f. Jannell Ford Project- The Agent noted that work on the rain gardens is progressing.
  - g. Violations- The Agent gave a brief update on current violations noting the cooperation of recipients.
2. Minor Acts Permits: Reviewed with no comments.
  - a. BL 15-26, #23 Old Barn Rd- *for removal of damaged trees for safety purposes*
3. Minutes- 6/25/15- Upon a motion and second made by Commissioner Woodward and Shepard, it was voted 3-0-1 (Comm. Shepard abstained), to approve the minutes.
4. Correspondence- Reviewed with no comments.
5. Other: *Those items not reasonably anticipated by the Chair within 48 hours of the meeting.* - none

**8:22 PM** Upon a motion and second by Commissioners Woodward and Satterwhite it was voted 4-0-0 to adjourn the meeting.

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

Documents provided for the meeting:

- 7/15/15 Agenda
- 6/25/15 Draft Minutes
- draft AOOC SE 31-1022A
- NOI packet for 54 Old Shipyard Ln.
- Minor Acts permit- 23 Old Barn Rd.
- MACC Newsletter

