



Town of Hanover Conservation Commission
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for November 20th, 2013

Approved December 4, 2013

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
Those Members and Staff not present: none
Others Present: As per attached list.

6:30 PM Chairman Paradis opened the meeting and made the following announcements:

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. **December 4 and 18, 2013 @ 6:30 PM** in 2nd Flr. Mtg Room - Town Hall
2. **Vacancies on Commission-** 2 Associate positions

II. ACTION ITEMS: none

III. PUBLIC HEARINGS:

1. **BL 13-77, #866 Circuit St.- RDA-** *for removal of barn and shed and re-loam/seed in BZ to BVW*

PRESENT: Charles Woodward, PE, Professional Land Survey Associates, Applicant's Representative

DISCUSSION: Mr. Woodward presented a plan dated 8/20/13 showing the removal of a detached residential garage 88 ft. from an on-site Bordering Vegetated Wetland (BVW) and the removal of a shed 80 ft. from the BVW. He explained that due to the distance from the BVW, erosion control materials were not proposed at this time. The Agent noted that neither building was constructed on foundations and that the closest distance 80 ft. is accurate. Mr. Woodward agreed to removal of debris on site as recommended by the Agent.

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

2. **BL 13-74, SE 31-1081, #369 Washington St.- Cardinal Cushing-NOI-** *continued from Nov. 6, 2013 meeting*

PRESENT: Amanda Crouch-Smith, ES, Horsley Witten Group, Inc., Applicant's Representative

DISCUSSION: Ms. Crouch-Smith presented a plan dated September 2013 showing reconstruction of the southeast portion of the parking lot at the Kennedy Building at the Cardinal Cushing School with stormwater management improvements, demolition of a shed with removal of debris from site, and construction of additional side walk along Route 53, Washington St. She pointed out that 390 sf. of 35 ft. buffer to a Bordering Vegetated Wetland (BVW) will be temporarily altered with re-loam and seed to restore. Also, that the work was partially in Aquifer Protection District. She noted that the project reduced the overall impervious area by 4,000 sf., and decreased both peak volume and flow. The Agent reported that the project was reviewed for stormwater design by the Planning Board's Engineering Consultant, David Nyman, PE, CEI, and has met required performance standards and that the project is an improvement to the site. In response to the Commission's questions, Ms. Crouch-Smith noted that the permitting process through Zoning Board of Appeals for this M.G.L. 40B project is ongoing. She added that an invasive species control plan and snow storage areas were addressed within Operation and Maintenance Plan, and that a Long Term Pollution Prevention Plan was submitted. In response to the Chair's questions regarding further protection of the BVW and installation of conservation posts, Ms. Crouch-Smith pointed out that the fence provides demarcation and protection of the BVW.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodward and Brierley respectively, it was voted 5-0-0 to close the hearing and issue a standard Order of Conditions.

3. **BL 13-76, SE 31-1082, #67 Elm Lot-A- NOI-** *continued from Nov. 6, 2013 meeting*

PRESENT: Jeffrey Youngquist, PE, Outback Engineering Co., Inc., Applicant's Representative; Ann and Mark Riordan, Property Owners

DISCUSSION: Mr. Youngquist gave a brief history of the project including revisions to the plan since the last meeting (Nov. 6, 2013), at which time, the consideration of pervious pavers for the driveway and pool patio surround were questioned by

¹ If "SE 31-____" is listed, DEP # has not been assigned by DEP as of agenda posting date.

the Applicants due to cost. He explained that by relocating the driveway north of a street utility pole, and shifting the house location, the 35 ft. no-structure setback was maintained. In doing so, the inground swimming pool also was relocated further from the BVW. Mr. Riordan also pointed out the location of a retaining wall near the driveway to help direct stormwater from the driveway to a nearby catch basin and to reduce the amount of fill required for the driveway construction.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Shepard and Brierley respectively, it was voted 5-0-0 to close the hearing and issue a standard Order of Conditions.

4. **BL 13-65, SE 31-1078, #82 Buttercup Ln.**~ NOI~ *continued from Nov. 6, 2013 meeting*

PRESENT: none

VOTE: Based on the discussion above and upon a motion and second made by Commissioners W. Woodward and Brierley respectively, it was voted 5-0-0 to continue the hearing to 12/04/13 at 7:00 PM.

5. **BL 13-78, SE 31-____, #808 Circuit St.**~ NOI~ *for after-the-fact work and new installation of septic lines in BZ to BVW*

PRESENT: Dana Altobello, PE, Merrill Associates, Inc., and Brad Holmes, WS, ECR, Inc., both Applicant's Representatives

DISCUSSION: Mr. Altobello explained that the work proposed within this Notice of Intent was the result of a May 2012 Enforcement Order issued to the previous owner, Mr. Christopher Pongratz and that during a recent sale of the home, responsibility for mitigation was accepted by buyer and current property owner, Beata Swierczynski. Further, that the application not only included work to mitigate violations on site, but also proposed work to expand the septic system to two (2) existing structures. He listed the work done in violation of previous permits as the following:

- removal of conservation posts
- construction of a wooden foot-bridge over an intermittent stream
- vegetation and tree removal within the buffer to an on-site BVW and a potential vernal pool
- lack of vernal pool observation and reporting for possible certification
- and pavement of a portion of driveway to access an existing barn on site which was permitted as gravel only

In regard to the violations, he noted that missing or damaged conservation posts will be replaced shortly. Mr. Holmes reported that as a result of the EO, he prepared a planting plan for the previous owner to re-vegetate the disturbed buffer areas and that over 100 trees and shrubs were planted prior to the sale of the house. He noted that the plantings included high bush blueberry, ink berry bush, sweet pepper bush, and others that were appropriate native New England buffer plants. Mr. Altobello confirmed the number of plantings. In response to the Commission's questions regarding mitigation for the driveway paving, Mr. Altobello explained that run off from that portion of the driveway was minimal and Mr. Holmes added that removal of the pavement, just to re-surface with gravel could impact the resource area and associated buffer negatively. Similar concerns and comments were made regarding the bridge construction and bank/stream impacts.

In regard to the expansion of the septic system, Mr. Altobello explained that two (2) pipes and pump chambers were proposed to the existing barn and shed. He added that disturbance within the buffer would be minimal and temporary, and that no stockpiles were required. He pointed out that erosion control materials were proposed as silt sock.

The Agent gave a brief history of the site including enforcement issues. She confirmed that trees and shrubs were planted in the recent past, and that conservation posts are in the process of being replaced. She also confirmed Mr. Altobello's comment regarding runoff from the driveway.

In response to the Chairman's questions regarding the new septic components, Mr. Altobello explained that a hearing with Board of Health was not required, but that the design and location was approved by the Health Agent.

In response to the Chairman's invitation to speak for or against this project, abutter Ms. Tina Hurley, 838 Circuit St., inquired as to dates of the violations, site inspections, enforcement deadlines, and letters from the former Agent Patrick Gallivan. Mr. George Pongratz, 30 Indian Head Dr., stated that he was concerned with several issues regarding the violations on the site including the misconception that the bridge was constructed many years ago. He confirmed that the bridge was new and questioned why it could remain in place. He and Ms. Hurley noted a number of complaints submitted to the Conservation Office regarding past violations on the site. The Chair explained that the EO was a result of many issues. Mr. Ed Hurley added that he was not opposed to the mitigation proposed or the new work, but that consistency in the Commission's decisions and Agent's reviews was important. A brief discussion ensued regarding site inspections, resulting in Mr. Hurley's request to attach a Police Report to the current minutes that was taken at a February 2013 site inspection at his property, to support his statements. He also submitted photos of cleared areas on 808 Circuit St. to show the extent of the damage to buffer and possible resource area destruction.

Mr. Holmes suggested and the Commission agreed to have Mr. Holmes review the resource area and buffer zone between flags B10 to B31 to re-evaluate the areas for damage and recommend remediation if required. Mr. Altobello agreed to the review and noted that he would discuss any remedial actions with the applicant. Mr. Holmes also stated that he would review the potential vernal pool areas at the appropriate time in the Spring.

Mr. Hurley requested notification regarding the resource area and potential vernal pool inspections.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Brierley and Woodward respectively, it was voted 5-0-0 to close the hearing and issue an Order of Conditions with the following Special Conditions:

- re-evaluation of resource and buffer areas between wetland flags B10 and B31
- submittal of Restoration Plan for B10 –B31 area if additional disturbance is found
- submittal of NHESP Observation forms to Conservation Commission
- written notification to Mr. Hurley upon the commencement of the above reviews copies of above listed documents

IV. ADMINISTRATIVE:

1. **Minutes-** 11/06/13

VOTE: Upon a motion made and seconded by Brierley 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

- (i) Removal of Notary Block from permits (confirm vote- DOA, add all others) as per DEP

VOTE: Upon a motion made and seconded by Brierley and Shepard respectively, it was voted 5-0-0 to remove the notary block from all permits as approved by DEP.

- (ii) The Agent reported that site inspections were conducted due to complaints regarding 88 Grove St., resulting in letters from the Conservation Office and Building Dept. and that the site has violation issues from past complaints. This is an on-going review and will be discussed at the next meeting.

- (iii) The Agent reported that a complaint was received from a past Hanover resident regarding a possible oil contamination problem at 131 Dillingham Way. As this is an ongoing review, it an update will be given at the next meeting.

- (iv) The Agent reported attending a meeting held today regarding PRP's and cleanup at the Fireworks Site. She noted that efforts continue to find best management practices for the site and a permanent resolution.

- (v) The Agent reported that she is a member of a new committee, Rail Advisory Committee, which will be concerned with the Rails to Trails project from Rockland through Hanover. She announced that volunteers are needed for various tasks.

- (vi) The Agent reported that the fencing at the Building 19 property has been installed, but that the plantings will not be completed until the Spring.

- (vii) The Agent reported that the plantings at 160 Woodland have been completed but are not as yet established, the posts are in, and the trees that were of concern are "doing fine" as per the home owner. Also that the home owner has been cooperative throughout.

- (viii) The Agent reported that Mr. Brian Murphy is proposing redevelopment work at 1810 Washington St., the Tweeter Building and will submit more information in the near future.

- (ix) The Agent reported that Phase I of the 111 Mayflower Dr. project has been completed and that Phase II has begun.

- (x) The Agent reported that she has been assigned with the Water Supt. to publish a newsletter regarding the manganese problem in Hanover's water.

- (xi) The Agent reported that she and Ms. MacFarlane attended a DEP workshop regarding Permitting and Procedures in Hingham recently. Ms. MacFarlane stated that it confirmed our process is proper and complete.

b. General Discussion – Current and Future Hunting Policies (Commissioners Brierley and Shepard)

Commissioners Shepard and Brierley noted that many Towns have hunting of Conservation Parcels and would like to see Hanover expand hunting from 2 parcels to all that could maintain the sport.

Commissioner Brierley explained various hunting seasons as to use of weapons. The Commission agreed

that the topic requires more discussion prior to a public hearing. This topic will be on the next agenda as a general discussion.

- c. Open Space Committee Liaison Report and Community Preservation Committee Report: none
- d. Minor Permits/Event Cards Issued: none

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

8:15 PM

VOTE: Upon a motion and second made by Commissioners Shepard and Brierley respectively, it was voted 5-0-0 to adjourn the meeting.

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