



Town of Hanover Conservation Commission
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for November 6th, 2013
Approved 11-20-13

Those Commission 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
Others: As per attached list.

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

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. **November 20th and December 4, 2013 @ 6:30 PM** in 2nd Flr. Mtg Room - Town Hall
2. **Vacancies on Commission-** 2 Associate positions

II. ACTION ITEMS:

1. Requests for Certificates of Compliance:
 - a. **SE 31-1063, #21 Te Berry Farm Rd.**
VOTE: Upon a motion and second made by Commissioners Woodward and Brierley it was voted 5-0-0 to issue a Certificate of Compliance.
2. Request to Review Plan Revisions for possible Amended Order of Conditions
 - a. **SE 31-749, #1504 Hanover St.**
Brad Holmes, WS, ECR, Inc., Applicant's Representative, and Ms. Sue McLoone, Property Owner, were present to discuss an expired Order of Conditions with 9,240 sf of outstanding replication due. Due to the expired status of the Order, an Amended Order of Conditions hearing is not possible. Mr. Holmes gave a brief history of the site, noting that there was confusion regarding the final approved location of the replication. He noted a 2012 letter from former Conservation Agent Pat Gallivan, which included approval of the replication partially on-site (toward the front of the lot) and the balance done off-site. The Staff noted that the letter was not found in the files or computer and requested a copy of such. In response to the Commission's concerns with the requested decrease in square footage (9,240 to 7,400), Mr. Holmes explained that the decrease results from calculations of what was actually disturbed for the driveway, in comparison to what the original estimate was for driveway disturbance.

III. PUBLIC HEARINGS:

1. **BL 13-73, #96 Oldfield Dr.- RDA-** *for removal of outside stairway and const. of new wooden deck in BZ to BVW*
PRESENT: Property Owner, Brian Durkin
DISCUSSION: Mr. Durkin presented a plan dated 10/18/13 showing an existing outdoor stairway supported on cement blocks and explained that it was to be removed and replaced with a new wooden deck and stairs constructed up to current building codes. He noted that if necessary, trenched silt fence would be used at the 35 ft. setback to an on-site Bordering Vegetated Wetland (BVW). The Agent will monitor and make recommendations on site regarding erosion control materials or other issues that arise.
VOTE: Upon a motion and second made by Commissioners Woodward and Shepard respectively, it was voted 5-0-0 to close the hearing and issue a Negative #3 Determination of Applicability.
Conditions: none
2. **BL 13-75, #37 Samoset Dr.- RDA-** *for septic upgrade in RFA to Torrey Brook*
PRESENT: Steven Nelson, RS, Clearwater Recovery, Applicant's Representative
DISCUSSION: Mr. Nelson explained that all work to replace a failed residential septic system was proposed within outer riparian to Torrey Brook and greater than 100 ft. from an on-site BVW. As such, erosion control materials are proposed as needed. In response to the Commission's question, he noted that the location and design of the system have Board of Health approval. The Conservation Agent noted that the project was an improvement to the site and was proposed as far away from the brook as possible.

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

VOTE: Upon a motion and second made by Commissioners Woodward and Shepard, it was voted 5-0-0 to close the hearing and issue a Negative #3 Determination of Applicability.
Conditions: none

3. BL 13-67, SE 31-1079, #551 Main St.- NOI- *continued from 10/16/13 meeting*

PRESENT: Brad Holmes, WS, ECR, Inc., Applicant's Representative

DISCUSSION: Mr. Holmes presented a plan showing the construction of a residential addition and installation of a new septic pump chamber with erosion controls and limit of work proposed at 55 ft. from a Bordering Vegetated Wetland. He noted that the system had Board of Health approval as well as Zoning Board of Appeals. The Commission approved the use of straw wattle as erosion control. The Agent noted no issues with the project.

VOTE: Upon a motion and second made by Commissioners Brierley and Woodward it was voted 5-0-0 to close the hearing and issue a standard Order of Conditions.

Special Conditions: none

4. BL 13-74, SE 31-1081, #369 Washington St.- Cardinal Cushing-NOI- *for parking lot expansion, stormwater improve in BZ to BVW*
See Applicant's request to continue to Nov. 20, 2013 at 7:00 PM

PRESENT: none

VOTE: Upon a motion and second made by Commissioners Satterwhite and Brierley it was voted 5-0-0 to continue the hearing to November 20, 2013 at 7:00 PM as per the Applicant's request.

5. BL 13-76, SE 31-____, #67 Elm Lot-A- NOI- *for std, inground pool, patio, etc. in BZ to BVW*

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

DISCUSSION: Mr. Youngquist presented a plan showing a the construction of a single family dwelling with attached garage, paved driveway, inground swimming pool with pervious paver patio surround and proposed erosion control and limit of work at 25 ft. from an on-site Bordering Vegetated Wetland (BVW). In response to the Commission's concerns for future work, Mr. Youngquist explained that there is not enough upland to build any structures other than the small single family dwelling detailed on the current plan. The Agent added that there are no issues with the structures as to location and setbacks, but suggested that due to the proximity to the setbacks to BVW, pavers be used for the driveway to help with stormwater recharge. Mrs. Riordan expressed cost concerns. Commissioner Woodward explained that a 12" x 6" cape cod berm could be added along the driveway to direct stormwater to a more desirable location on the lot or into a nearby street catch basin. Also suggested was a swale along the driveway, as was recently approved on another lot. Mrs. Riordan suggested relocation of the driveway further away from the setbacks to eliminate the necessity of pavers. She pointed out a possible new location showing the entrance located on the other side of an existing utility pole. Mr. Youngquist explained that relocation was possible but may also require shifting the house location to accommodate the necessary angle of the driveway. A brief discussion ensued regarding number and locations of conservation posts resulting in agreement to detail four (4) on a revised plan. Due to the requirement of the revised plan and possible relocation of the house and driveway, the Applicant requested a continuance of the hearing to the next available meeting.

VOTE: Upon a motion and second made by Commissioners Satterwhite and Brierley it was voted 5-0-0 to continue the public hearing to November 20, 2013 at 7:00 PM.

6. BL 13-65, SE 31-1078, #82 Buttercup Ln.- NOI- *for const. of ±1,400 l. ft. for driveway & underground utilities through 925 sf - BVW*

PRESENT: Henry Nover, PE, Nover-Armstrong, Inc., Applicant's Representative; Steve Ivas, WS, Ivas Environmental, Commission's Wetland Consultant.

DISCUSSION: Mr. Nover explained the project as the construction of a driveway to a single family dwelling that necessitated crossing wetlands to access upland for construction of a single family dwelling and new septic system proposed greater than 100 ft. from the BVW. He pointed out that although 925 sf of BVW alteration was proposed, mitigation included more than a 1:1 ratio of wetland replication. He explained that the ±1400' long driveway was proposed as paved the full length because of the need for extra stability and that it would have less impacts on the wetlands over time. In response to questions regarding the several changes in width along the driveway, Mr. Nover explained that he proposed a decreased width over the wetlands, but widened the area where the driveway makes a turn to accommodate delivery trucks and similar vehicles. Also, to create turnouts for passing cars. He pointed out on the plan that the driveway follows the path of an existing woods road and is already cleared of vegetation. In response to questions regarding snow storage and/or removal from the driveway, Mr. Nover offered to add such areas to a revised plan.

The Commission reviewed an Environmental Letter Report from Ivas Environmental dated 11/4/13 which included 2008 USGS Orthophoto & StreamStats Output Near 82 Buttercup Lane, Hanover and 2008 USGS Orthophoto & Data Layers around 82 Buttercup Lane, Hanover. Mr. Ivas was present to answer the Commission's questions. Mr. Nover stated that he

was not prepared to respond to the letter tonight, as he just received it. In response to the Agent's questions regarding soils and hydrology, Mr. Nover stated that soils testing was done by Marta Nover, WS, as well as other required evaluations. In response to the Chairman's questions regarding the extent of wetland delineation of the 32+ acre parcel, Mr. Nover stated that it was limited to only those portions that would be effected by the construction work.

The Agent noted several outstanding issues, including general and technical details missing from the plan. She gave a brief history of the parcel, noting that the lot was detailed as "Not a buildable lot" on approved Planning Board Plans dated in 1986. Such approved plans were also listed on Conservation documents. Due to the fact that these issues, and others, such as Fire Dept. review of the driveway for fire apparatus accessibility, are required, she recommended a continuance of the hearing for an indefinite timeframe. She explained that this would keep the hearing active, but allow enough time to resolve the many issues with other departments.

A brief discussion ensued regarding the Planning Board decision to essentially eliminate construction on a single lot in a general subdivision design. Commissioners Brierley and Shepard shared concerns regarding *intentions* of the Planning Board that may have included the elimination of the lot to allow for some other exception to take place.

Current Property Owner Ronald Polisenio, stated that he was the owner prior to 1986 and during the period that the subdivision was approved by the Town. He explained that it was always his intention to build on this lot, but that lot line placement made it not conducive to doing so. He disagreed with the assessments made by the Commission regarding the 1986 plans. He added that since the lot lines have changed since that time, the lot no longer falls under the 1986 plan restrictions.

Chairman Paradis agreed that there were outstanding issues, other Departments to meet with, and that the hearing should be continued, but requested that Mr. Ivas present his concerns at this time.

Mr. Ivas reported that due to the size and nature of the site, as well as the extended length of the driveway, he supported the continuance of the hearing to allow for site inspections with the Commission Members. He offered to conduct such, either in a group or individually during the continuance period. Site inspections will be arranged. Mr. Ivas reviewed his report which included the following in brief:

- NOI incomplete;
- Plan incomplete;
- wetland delineation does not include the entire site;
- photos of stream are inconsistent with DEP protocols and do not include necessary documentation of other variables which proved a more complete and realistic picture of site status;
- several adjustments need to be made to the wetland line as delineated by Nover-Armstrong;
- potential vernal pools exist on the lot that have not been detailed on the plans as such, and therefore do not have the essential habitat setbacks detailed, effecting the location of the roadway;

In summary, he noted 11 recommendations in his report, one of which included the inspection of the potential vernal pools during the months of March through May, 2014.

Mr. Polisenio stated that he did not want to wait that long to close the hearing, but agreed to a 2 week continuance, no longer. Mr. Nover reiterated that he was not prepared to respond to the review because he had just received the report.

In regard to revised plans, Commissioner Brierley requested additional details including the location and associated notations for snow storage, stockpiles, and/or removal. Mr. Nover stated that snow removal and storage would be at a minimum and that he felt such details were not required. Commissioner Shepard requested the submission of buffer zone alteration calculations prior to the next meeting. Mr. Nover agreed to submit. A brief discussion ensued regarding the debris stored within the cul-de-sac. Mr. Polisenio assured the Commission that it would be cleaned up and removed. In response to Commissioner Woodward's concerns for the quality of the fill to be used on site and related stockpiling, Mr. Nover stated that construction stockpiles were minimal and temporary due to the anticipated construction schedule. Due to outstanding issues, a continuance was recommended and accepted.

VOTE: Upon a motion and second made by Commissioners Brierley and Shepard it was voted 5-0-0 to continue the hearing to November 20, 2013 at 7:00 PM with the above required submittals, plan revisions and inspections as listed above.

7. BL 13-68, SE 31-1080, #295 Webster St, Webster Village- NOI- continued from 10/16/13 meeting

PRESENT: Jonathan Novak, PE, Coneco, Inc., Applicant's Representative and Michael McGonigle, Applicant

DISCUSSION: Mr. Novak submitted BVW data forms, as requested at the last meeting as well as revised plans dated 10/31/13. Mr. Novak addressed concerns regarding the amount of impervious area proposed within the 25 ft. no-disturbance setback to the BVW. Mr. Novak explained that in comparison to the total area of disturbance, it was minimal (less than .2% of the total acreage). Mr. McGonigle agreed to relocate the concrete dumpster pad outside of the 25 ft.

buffer, but reiterated his concerns for excess costs to relocate Building #2. In response to Commissioner Brierley's concerns regarding buffer disturbance and replication, Mr. Novak explained that it was not required with a 40B project. The Agent noted that the standard eight interests of the Wetlands Protection Act and Stormwater Policy were still required with this project. Mr. Novak referred to comments from David Nyman, PE, CEI Inc., Planning Board's Consultant, and stated that the project met State requirements.

Several general concerns were discussed including:

- installation of conservation posts;
- submission of all other required local and State permits;
- submission of Long Term Pollution Prevention Plan including the proper use of fertilizers, as well as snow storage and/or removal, and type of ice melt to be used near sensitive areas;
- submission of Construction Sequence Plan;
- submission of Invasive Species Maintenance and Monitoring Plan;
- and use of an Environmental Monitor.

Mr. Novak agreed to install conservation posts in specific areas (to be determined on site by the Conservation Agent), and to submit all required documents and revisions as requested.

The Agent also suggested a transitional design of the landscaping in the areas of the back parking lot, detention basins, retaining wall, and near the tennis court. She explained that by using native vegetation the landscaping would create a more naturalized setting and would result in an increase to habitat areas, as well as being maintenance free with less impacts on the nearby BVW. Mr. Novak agreed to submit a revised Landscaping Plan. He also noted that he would make revisions to the Operation and Maintenance Plan to accommodate the above suggestions. Regarding the Environmental Monitor, he noted that the team has one as approved within State applications/permits.

VOTE: Upon a motion and second made by Commissioners Woodward and Shepard it was voted 5-0-0 to close the hearing and issue a State only Order of Conditions contingent upon the submission and approval of all required documentation and revised plans.

Conditions: 1. installation of conservation posts as per the Conservation Agent.
2. Environmental Monitor

IV. ADMINISTRATIVE:

1. **Minutes-** 10/16/13

VOTE: Upon a motion and second made by Commissioners Brierley and Satterwhite, it was voted 5-0-0 to approve the 10/16/13 minutes.

2. **Correspondence-** Reviewed without comment.

3. **Reports and Minor Permits:**

- a. Conservation Staff- General and Enforcement Issues: none
- b. Open Space Committee Liaison Report and Community Preservation Committee Report: A brief discussion ensued concerning hunting on Conservation Parcels. The Commission reviewed the current policy of deer hunting on the Clark Bog and Summer St. parcels for bow only. Commissioner Shepard suggested that the topic be listed on the Nov. 20 agenda for a more comprehensive discussion.
- c. Minor Permits/Event Cards Issued: Reviewed without comment.
 - (i) **BL 13-70- #775 Washington St.** for installation of monitoring well within BZ to BVW
 - (ii) **BL 13-71- #30 Whiting St.** for expansion of deck within BZ to BVW
 - (iii) **BL 13-72- #270 Mann's Dr.** for tree work within BZ to BVW

4. **Other:** The Commission voted to revised permit forms with the elimination of the Notary block on the signature page for Determinations of Applicability as per DEP. (Motion- Commissioner Brierley, Second- Vice Chair Satterwhite- vote- 5-0-0)

9:00 PM

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

Minutes Respectfully submitted by
Sandra D. MacFarlane, Asst. Conservation Agent
Department of Municipal Inspections, Conservation Office