



**Town of Hanover Conservation Commission,
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for January 23rd, 2013**



Those Members and Staff present: Lou Paradis, Chairman, Lisa Satterwhite, Vice Chairman, Frank Brierley, Hearing Officer, and William Woodward, Commissioner, Sandra MacFarlane, DMI Admin. Asst.
Those not present: Keith Calder, Associate Member, (vacant) Conservation Agent, (vacant) Commissioner
Others: As per attached list.

6:30 PM - The Chair opened the meeting and made the following announcements:

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. **February 6 and 20, 2013 @ 6:30 PM** in 2nd Flr. Meeting Room - Town Hall
2. Upon a motion and second made by Commissioners Woodward and Satterwhite respectively, it was voted 4-0-0 for Commissioner Brierley to become Hearing Officer.

Anthony Marino, Director of Community Services and Amy Walkey were present. Mr. Marino announced that Ms. Walkey was hired as the new Conservation Agent and will be starting next week on Monday, January 28th. He added that Ms. Walkey was present to observe the meeting. Later in the meeting, Mr. Marino added that a change to Staff job descriptions / upgrade was forthcoming, pending Board of Selectmen approval on February 4, 2013. Chairman Paradis commented on a recent joint meeting that included Mr. Marino and several Committee Chairmen, noting that it was very informative and positive.

II. ACTION ITEMS:

1. Certificates of Compliance:

a. **SE 31-901, #12 Homer Rd.** *work completed*

Ms. MacFarlane reported that as a result of a site inspection it was found that all but two standard conditions were complied with at this site. However, that, in speaking to the homeowner, the pile of yard debris and broken tree/branches (Condition #48) generated from the last few storms will be removed from the site this weekend. Also that the conservation post laying on the ground will be righted and the missing conservation post near the gate will be re-installed. A second site inspection will be conducted prior to release of the Certificate.

VOTE: Upon a motion and second made by Commissioners Woodward and Brierley respectively, it was voted 4-0-0 to issue the Certificate.

b. **SE 31-1035, #1792 Washington St, Sullivan Tire** *work completed*

Ms. MacFarlane reported that as a result of a site inspection it was found that the standard and Special Conditions #D.3.ppp through D.3.rrr were complied with as required by the Order of Conditions. She stated that no tires were found stored outside of the building, no materials of any kind were stored in the rear parking lot, and that the landscaped plantings were in great shape. She noted that although the dumpster pad did not specifically comply with Condition D.3.rrr. (in that it did not have a built up "lip" on three sides of the containment area), the pavement was laid at an elevated level around the dumpster pad that directed run-off toward the collector basin in the center of the parking area. In addition within the dumpster pad area, a gravel swale was built to the lower side of the area to further contain leaching or stormwater. Also noted were several trees that were missing from the original landscape design along the southern property bound. As per the Applicant's Representative, Jack O'Leary, PE, Merrill Associates, Inc., due to the possible traffic flow impacts smaller trees were purchased and planted elsewhere on the site. As mitigation Ms. MacFarlane suggested removal of invasive plants that were observed choking the wetland and buffer trees at the rear of the property. The Commission agreed.

VOTE: Upon a motion and second made by Commissioners Woodward and Brierley respectively, it was voted 4-0-0 to issue the Certificate notify Mr. O'Leary regarding the invasives.

c. **SE 31-1036, #1775 Washington St, Dick's Sporting Goods** *work completed*

Ms. MacFarlane reported that as a result of a site inspection it was found that several of the standard and special conditions within the Order of Conditions were not complied with. In particular, she noted several areas on the hill past the loading dock, where the grass had not taken hold. These areas also had eroded channels with silt and sedimentation flowing toward the hay bales. No sedimentation was found beyond the erosion controls. In addition, a 3" - 4" deep channel was found at one of the catch basins at the head of the rain garden to the south side of the front parking area. She noted minor sedimentation in the catch basin, which will require

cleaning. Mr. Marino, Director of Community Services, also on site, suggested an approximate 14" extension of the stone at the outfall so that it is placed up to the edge of the catch basin. Ms. MacFarlane also noted questions regarding the Operation and Maintenance Plan in regard to post-construction stormwater management system clean out and snow storage/snow signage. Due to these unresolved issues and lack of response from the Applicant's Representative, the Commission took no action on this Request for Certificate of Compliance. It will be listed on the 2/6/13 agenda for further consideration.

7:00 PM

III. PUBLIC HEARINGS:

1. **BL 12-68, #775 Main St.-** RDA- *for wetland delineation only- continued from 01/09/13 meeting*

PRESENT: Terrance McGovern, PE, Morse Engineering Co., Inc., Applicant's Representative, Diane Campbell, Property Owner

DISCUSSION: Mr. McGovern explained that the wetland lines were delineated by Brad Holmes, Environmental Consulting and Restoration, LLC (ECR) and reviewed by the Commission's Wetland Consultant Walter Hewitson. He noted that several flag locations were revised and approved on the plan by Mr. Hewitson. The Commission reviewed a 1/2/13 Hewitson Environmental Letter Report. In response to the Commission's questions regarding agreement on stream status, Mr. McGovern submitted a 12/24/12 Environmental Letter Report from Mr. Holmes detailing the status of the stream as intermittent, noting that Mr. Hewitson.

VOTE: Based on the discussion above and review of the revised plan dated 12/03/12, Revised 1/14/13, and upon a motion and second made by Commissioners Woodward and Brierley, it was voted 4-0-0 to close the hearing and issue a Negative Determination of Applicability with acceptance of the wetland lines and stream status based on the revised plan submitted and so noted above.

2. **BL 13-01, SE 31-____², #1954 Washington St.-** NOI- *for removal of waste oil/fuel oil tanks & install septic in BZ to BVW*

PRESENT: Mr. Alan Micale, Ayoub Engineering Co., Inc., Applicant's Representative.

DISCUSSION: Mr. Micale gave a brief history of the site including an informal discussion with the Commission by the Applicant during last summer requesting review of a Request for Change of Use (from a gas and service station to a gas station/ convenience store. He noted that since then, the requirement of an upgrade to the septic system was required by the Board of Health. The current NOI is the result. Ms. MacFarlane reported that as a result of a site inspection in preparation for the hearing and to review an area cut in violation (found by the former Agent), it was found that there are limited options for location of the septic system due to the constraints and configuration of the parcel. In regard to the cutting, she noted that there was cutting in the buffer to the off-site wetland, but that it was unclear as to the source of the cutting. Mr. Gallivan's notes (former Agent) referred to possible cutting from the landscaping company for the auto dealership at the rear of the property. In regard to the removal of waste oil and fuel oil tanks, the proposed removal activity is well documented in the application and Fire Dept. personnel will oversee the removal. In response to comments from Ms. Walkey, Mr. Micale agreed to submit the results of soils testing after the removal of the tanks. Mr. Micale also pointed out that as a result of the site inspection, the 85 gallon waste oil above ground collector tank has been moved from the back to a location that is further away from the wetland. In addition, through correspondence with the Volkswagen Dealership at the rear, the wetland flags were re-tied on their site for accurate measurements. In response to the Commission's concerns for the violation, Ms. MacFarlane noted that there is a massive amount of invasive plants (Cockle Burr and Japanese Bittersweet and similar) on and around this site, south- up to the highway, and west toward the dealership. She suggested removal of these (within the property bound) and planting of some native woody shrubs in their place. Mr. Micale stated that the idea was acceptable. In response to the Commission's comments regarding proposed erosion control, Mr. Micale noted that bio-mulch tube or filter sock may be used. The Commission encouraged the use of such products.

¹ BZ- Buffer Zone BVW- Bordering Vegetated Wetland BLSF- Bordering Land Subject to Flooding RFA- Riverfront Area

² DEP # has not been assigned by DEP as of agenda posting date.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodward and Brierley, it was voted 4-0-0 to close the hearing and issue a standard Order of Conditions with the following special conditions:

- removal of invasive from the site and replant with native New England trees and woody shrubs or similar;
- submission of a planting plan;
- submission of environmental report regarding the waste oil and fuel oil tank removal;

IV. ADMINISTRATIVE:

1. Minutes- 12/19/12 and 1/09/13- No action taken
2. Correspondence- Reviewed without comment.
3. Conservation Staff Report- General
 - a. **SE 31-918, #33 Union St.-** Update- Ms. MacFarlane reported that the property owner requested holding this issue until the site can be viewed without snow.
 - b. **SE 31-1052, #838 Circuit St.-** Update- Ms. MacFarlane reported that there has been no change in the status of this violation. Further that there is still a dispute over payment of the Wetland Consultant's invoice. It was suggested that this issue be held until a new Agent can review and make site inspection. The Commission agreed.
 - c. **SE 31-1029, #585 Main St.-** Update- Ms. MacFarlane reported that this issue is still in arbitration and made the same suggestion to wait for a new Agent. The Commission agreed.
4. Conservation Staff Report- Violation and Enforcement updates:
 - a. **BL 12-62- #61 Mann's-** Ms. MacFarlane reported that although the Commission voted to issue a \$300.00 fine, the fine was not issued to Ms. Wessling prior to the vacancy in the Agent's position. Further review of this situation is required and may necessitate speaking with Town Counsel. No further action was taken.
 - b. **BL 12-60- #404 Whiting St.-** Ms. MacFarlane reported that no response has been received from the Property Owner. The Commission will hold on this until further inspections can be made as well as contacting Mr. Hewitson for a final report.
 - c. **#785 rear Washington St.-** Ms. MacFarlane reported that a letter was sent to Mr. Almeida, but no response has been received as of yet.

V. REPORTS:

1. Open Space Committee Report and Community Preservation Committee Rpt.
2. Report of Minor Activities Permits Issued and/or Conservation Land Event Permits Issued: none