

# Town of Hanover Conservation Commission

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

## **Minutes for December 5, 2018**

**Approved 12/19/18**



Those Members and Staff present: Chairman Brian McLoone; Vice Chair Lisa Satterwhite, Hearing Officer, Frank Brierley, Commission Members Robert Sennett and James Vaille, Associate Member Duke Magoun, Conservation Agent Sandra MacFarlane, Administrative Assistant Derek Vozzella  
Others Present: as per Sign-In sheet

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

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

1. One Associate Member position on the Conservation Commission is available. Volunteer applications are available at the Selectmen's Office or online at the link:  
[http://www.hanover-ma.gov/sites/hanoverma/files/file/file/fy\\_14\\_talent\\_bank\\_application.pdf](http://www.hanover-ma.gov/sites/hanoverma/files/file/file/fy_14_talent_bank_application.pdf)
2. Member or Member's designee needed as voting member on Community Preservation Comm.

### **II. ACTION ITEMS:**

1. Enforcement Order- 189 Manns Dr.- The Conservation Agent reported that upon receiving a complaint of *cutting in wetlands*, an inspection was conducted that resulted in the issuance of an immediate cease and desist order. She explained that a Minor Activities Permit had been issued on 11/14/18 for the removal of three (3) hazardous trees located close to the house within buffer to an on-site wetland. However, she observed that *all* trees on the lot had been cleared from the rear yard in violation of the permit. It was pointed out that the homeowner's copy of a plan from a previous Order of Conditions showing the wetland location was reviewed on site by the homeowner and Agent during the inspection. The Bordering Vegetated Wetland (BVW), 25 ft. no-disturbance buffer and 100 ft. BVW buffer area were pointed out to the homeowner and were all affected by the clear-cutting activities.

Commission Members stated that they had viewed the cut area from Mann's Dr. and agreed that the Agent's assessment and issuance of the cease and desist was in order. Mr. Desharnais questioned the authority of the Members to be on site. It was confirmed that both Members Sennett and Vaille clearly viewed the violation from the sidewalk.

The Commission reviewed the Enforcement Order which included delineation of the wetland, the submission of a Notice of Intent including a Restoration Plan with a submission date of December 19, and possible issuance of fines for disregarding the Minor Activities Permit limit of cutting (three (3) trees only).

In response to the Commission's questions regarding wetland delineation, it was confirmed by the Conservation Agent that Michele Grenier, PWS, NEE, confirmed that she was hired by the homeowner to conduct wetland delineation at the site. Mr. Desharnais stated that he would work with Ms. Grenier to submit a restoration plan, etc., as well as work with the Conservation Commission, but requested an extension of time for the public hearing due to the short amount of time for the delineation to be accomplished (December 19 deadline). The Commission agreed to a submission date of January 2, for a public hearing to commence at the January 16<sup>th</sup>, 2019 Conservation meeting.

VOTE: Upon a motion and second made by Commissioners Brierley and Satterwhite it was voted 5-0-0 to defer the Enforcement Order and public hearing to January 16, 2019, with a submission date of January 2, 2019.

2. RDA/H- BL 18-109, 16 Ellis Avenue – The Conservation Agent explained that due to a failed system, installation of new Title V rated residential septic disposal system was required at this site. As the property has an existing Order of Conditions for a room addition, SE 31-1165, a Notice of Intent applicant was considered. However, due to the emergent nature of

the situation and location of the leaching field at 83+ ft. from the wetland, the applicant was allowed to submit the Request for Determination of Applicability for Minor Activities (RDA/H). The commission agreed that the Agent's assessment for an RDA/H was in order and accepted the application, VOTE: Upon a motion and a second made by members Brierley and Sennett, it was voted 5-0-0 to issue a Negative #3 Determination (*amended NOI not required*).

3. Certificate of Compliance for SE 31-290, 152 Manns Drive.

VOTE: Upon a motion and a second by members Brierley and Sennett, it was voted 5-0-0 to issue a Certificate of Compliance.

## **6:45 PM**

### **III. PUBLIC HEARING:**

1. **BL 18-108, SE 31-not assigned 263 Webster St.-** NOI- *for residential accessory bldg. in BVW buffer.*

PRESENT: Philip Doucette, homeowner,

DISCUSSION: Mr. Doucette presented a plan dated 8/17/18 showing the demolition of an existing structure and the construction of a wooden accessory structure proposed on previously disturbed area 35 ft. from an on-site Bordering Vegetated Wetland (BVW) with erosion control and limit of worked proposed at 25 ft. from a BVW. The Conservation Agent noted that the final plan was the result of a series of revisions accepted by Mr. Doucette in order to maintain the 35 ft. BVW setback for structures and recommended the installation of conservation setback markers due to the constraints of the site.

**VOTE:** Upon a motion and a second by members Brierley and Vaille, it was voted 5-0-0 to issue an Order of Conditions requiring four (4) conservation posts to be installed at locations to be determined in the field and detailed on the As-Built Plan.

### **IV. ADMINISTRATIVE:**

1. Other- *Those items not reasonably anticipated by the Chair within 48 hours of the meeting*

- a. Associate Member Magoun reported that trees had been felled across the Open Space trail adjacent to #875 Webster Street. The Conservation Agent confirmed that the owner of #875 had been issued a Minor Activities Permit for the removal of up to six (6) storm damaged and diseased trees on the left side of his driveway, but that the permit included a warning not to remove any other trees on or off his site. Mr. Magoun stated that the trail was impassable in its present condition and requested a site inspection by the Agent. The inspection will take place as soon as possible this week.

2. Agents report- Reviewed without comment.

NOTE: This report includes 11/7/18 and 11/21/18 reports (*meetings cancelled*).

Fireworks Site- Strict security protocols remain in place for inland and water access, as well as entry from the bridge. Work permitted under Order of Conditions SE 31-1163 continues as approved.

Merchants Row- Work continues to be monitored at this site.

263 Winter St.- As a condition of the Order of Conditions, a preconstruction meeting was held on 11/29/18 with the Applicant, contractors, engineer, Town Planner, Building Commissioner, Fire Captain, and myself to review the Order, familiarize all present with the conditions and Inspection Schedule that will be followed throughout the project. Among the many preventative and best management practices discussed was the construction of a temporary detention basin to help keep the site from excessive stormwater issues, as well as a temporary sediment forebay at the rear right corner of the building for additional sediment control to Torrey Brook.

1775 Washington St.- No word has been received from Town Counsel regarding the issue of the Norwell/Hanover town line in regard to the National Grid bridge replacement over Third Herring Brook.

965 Washington St. (EO addition)- I issued a verbal and immediate cease and desist order on 11/17/18 to a tree company for unpermitted work on this site. The work included the clearing of Bordering Vegetated Wetland buffer vegetation and three (3) mature white pine trees. The cut trees were left in place as so ordered. It was explained that the work was conducted to create a clear view of the

billboard, however, the trees were not impeding the street view of the billboard. Contact was made with the property owner and billboard company (renter). As the property owner is currently under an existing Enforcement Order for similar violations on this site, the Enforcement Order will be revised to include this work. A meeting was held on 11/29/18 with the property owner's wetland specialist who presented a preliminary restoration plan for all areas. On-site meetings and review of the revised plan are pending.

189 Mann's Dr.- (new EO) After receiving notice from a local tree service regarding tree removal, on 11/14/18 I conducted a site inspection and issued a Minor Activities Permit for the removal of three (3) trees that were in poor condition and created a safety issue for the dwelling. On 11/29/18 a site inspection was conducted as a result of a complaint of "cutting in wetlands". Upon arriving at the site, I placed an immediate cease and desist on the work in progress as it was found that the rear yard had been clear-cut of all vegetation with soil disturbance, including clear-cutting in the 25 ft. no-disturbance wetland buffer, within the 100 ft. buffer and possibly in the wetland. A written Enforcement Order was issued on 11/29/18 and will be reviewed at the Commission's December 5th meeting.

875 Webster St.- On 11/14/18 I conducted a site inspection at this site and found preparation (marking of trees paint) for tree clearing at the left side of the driveway. A Violation Letter was sent to the property owner with instructions to take no actions on site, contact the Conservation Office and to submit a letter from a professional tree service confirming the diseased condition of the trees to be cut. Upon receipt of that letter, a Minor Activities Permit was issued for the removal of six (6) hazardous trees located to the left side of the driveway, with notation that *no trees beyond those listed in the permit could be touched, as the remainder were in good condition, located in a wetland, and were located on Town-owned property.*

179 Union St.- An erosion control inspection at this site found that the project is proceeding as permitted under the Determination of Applicability BL 18-75.

Wood Hollow Way- Several brief meetings have been held with the Town Planner regarding the relocation of street trees in this subdivision. Information from the DPW Supt. is pending and a revised plan may be submitted to the Planning Board for a Minor Plan Modification request. The Conservation Office has supplied support in this matter as per the types of trees, etc. that are suitable for sidewalk areas and other public spaces within subdivision projects.

16 Ellis Ave.- In addition to the approved Order of Conditions for this site, a Request for Determination of Applicability is pending due to the proposed replacement for an emergency septic system repair. As the work for the new system is 83 ft. from the wetland an amended or new Notice of Intent submission was not required.

152 Mann's Dr.- As per a pending sale of this property, a site inspection was conducted on 11/29/18 to confirm compliance with the Order of Conditions, SE 31-290 from 1994. An email to confirm compliance was sent to the applicant's attorney. The COC will be reviewed at the 12/5/18 meeting.

34 Hillside Dr.- On 11/28/18 I issued a Minor Acts Permit for the removal of hazardous trees as per a statement from Bay State Tree Service confirming that the trees caused a safety issue due to their poor condition and location to structures. A subsequent call was made to Bay State Tree as a reminder that no trees beyond those listed in the permit could be cut, as the remainder were in good condition, located in near a wetland, and would result in enforcement actions and possible fines.

136 Brook Cr.- On 12/05/18, a meeting was held with the representative of the property owners estate in order to complete an RDA application packet for the Dec. 19, 2018 meeting.

Administrative- The Commission did not meet in November as the meeting scheduled for the 7th was cancelled by the Chair due to the absence of public hearings and for the 21st as the Town Hall was closed by the Board of Selectmen at 4 pm for the Thanksgiving Holiday.

A tentative schedule of Wednesday 1 pm to 5 pm and Thursday 8 am to noon has been arranged with CDMI Admin. Assistant Derek Vozzella to work in the Conservation Office. Upon the arrival of the new CDMI Director, I will be requesting additional hours as the office is in need of additional hours per week to function properly.

Hanover Town Counsel Cynthia Amara has arranged monthly office hours at the Town Hall that are open to each department as necessary. I attended an early morning appointment with her to discuss the four (4) active enforcement orders, issuance of fines, and the Hanover Mall town line issue with Norwell.

Due to excessive time spent on legal ad payables for the Conservation and Planning Office, I suggest that we return to the previous system of having Gatehouse Media directly bill the applicants. Although this will result in the elimination of the municipal discount and a substantial increase to the cost of legal

ads for applicants, it is no longer a process that can be completed in-house due to the lack of staffing in both offices.

An increase in calls from Realtors and Attorney's offices was seen this month. Most were in regard to pre-1999 permits that remain open on the chain of title at the PC Registry of Deeds. All such inquiries were resolved in a timely manner.

Although on hold in regard to meeting presentation, I continue to work on updating the Commission's 2007 Rules and Regulations.

### **7:45PM**

Upon a motion and second made by Members Vaille and Sennett, it was voted 5-0-0 to adjourn the meeting.

Minutes Respectfully Submitted by  
Sandra MacFarlane, Conservation Agent, CDMI-Conservation Office  
and  
Derek Vozzella, Administrative Assistant, CDMI

Documents provided at meeting:

- 12/05/18 Agenda
- Enforcement Order for 189 Mann's Dr.
- RDA-H application packet for 16 Ellis Ave.
- COC Request packet for 152 Mann's Dr.
- NOI application packet for 263 Webster St.
- 12/05/18 Agent's Report