

Hanover Conservation Commission

MINUTES for JANUARY 26, 2022

Approved 3/2/22

This meeting was held at the Hanover Town Hall, 2nd Floor Meeting Room, 550 Hanover St., Hanover MA and via Zoom.

Those Members present in person by Roll Call:

Chairman Brian McLoone, Vice Chairman Lisa Satterwhite, Hearing Officer Robert Sennett, Member James Vaille, Associate Member David Sawin

Staff present: Conservation Agent Sandra MacFarlane and Dir. of Communications/Meeting Host Stephen Ryerson

6:00 PM

Chairman McLoone welcomed all present and stated for the record that this meeting is being recorded by the IT Host via Zoom. The Chair made the following announcements:

I. GENERAL ANNOUNCEMENTS:

1. A Mask Mandate is in effect at Town Hall
2. Board Meetings to be remote until further notice due to COVID-19 and variants
3. Next Meeting: confirm for February 23, 2022- Due to the possible absence of the Chair and Vice Chairman, the next meeting was confirmed for March 2, 2022 at 6 pm.

II. ACTION ITEMS:

1. Request for Extension Permit- SE 31-1189, 16 Stone Meadow and 20 Ancestor Ave.
VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to issue a 3-yr. Extension Permit for SE 31-1189.
2. Request for Certificate of Compliance- SE 31-1213, 1236 Hanover St.
VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to issue a Certificate of Compliance for SE 31-1213.

6:15 PM

III. PUBLIC HEARINGS:

1. COOC-21-20, 62 Larchmont Ln- *for driveway over BVW and replication, in association with new single family dwelling located +100' from BVW*

PRESENT: Jeffrey Hassett, PE, Morse Engineering Co., Applicant's Representative, John Zimmer, WS, South River Environmental, Jack Spurr, AW Perry, Applicant, Paul and Jay Gallagher, Applicant's Representatives

DISCUSSION:

Mr. Hassett presented a plan dated 1/19/22 and gave an overview of site conditions and location on Larchmont Ln. He noted that the wetland delineation was conducted by John Zimmer of South River Environmental. He explained that the Planning Board created the lot in 1977 with approval for access and utilities for the lot only off Larchmont Lane and that a Conservation filing would be required. He pointed out both the single family dwelling and septic system were proposed outside of 100 ft. wetland buffer, that this project met DEP requirements for a "limited project" (access to upland with a wetland crossing) and that the driveway crosses a minimum amount of wetland. He explained the wetland mitigation plan including the location of wetland replication and wetland restoration of a previously disturbed and filled area near the road. He noted that as designed, there were no negative drainage impacts to adjacent sites. He further explained that as a "limited project" 5,000 sf of alteration to wetland is allowed under the Wetlands Protection Act (WPA), and that the current design alters only 615 sf. He noted that the WPA and Bylaw, the applicant is required to replace wetland at a 1:1 ratio, where the current plan offers double that amount (2:1) which will be monitored for 2 growing seasons by the wetland consultant John Zimmer.

Upon request by the Chair, the Conservation Agent noted that there were initial inspections and review due to resident inquiries in July 2021 prior to the submission of the current Notice of Intent. She noted that she reviewed the application and plan, met with the Town's Engineering Consultant, the Zoning Enforcement Officer, and the Town Planner; that review of comment letters is ongoing; that she has the 8/19/21 Planning Board Release of Lot, and explained that according to the Zoning Enforcement Officer, Planner, and DPW Supt., a driveway is not considered a structure, therefore can be built within a drainage easement. She provided MA GIS map samples of several residential parcels in Hanover

with similar conditions. She also discussed the drainage outlet, recommended adding more conservation setback markers, and noted that the Fire Dept. policy for width and slopes of a 100+ ft. driveway was met. In addition, that the guardrail on the wetland side of the driveway and other similar requirements were met to further protect the wetland. She also noted other required revisions to the plan and that Mr. Paul Gallagher had approved the hiring of Pinebrook Consulting for peer review.

Mr. Hassett noted that he responded to DEP's comment letter and is awaiting a second response from DEP. He added that he will be meeting with the Conservation Agent to discuss the Town Engineer's review comments. In response to the Chair's questions, Mr. Hassett explained that surface runoff from Ash Lane enters an underground pipe within the upper drainage easement and flows to an outlet on the subject property and into the wetland to a culvert that runs under Larchmont Ln. to a second outlet and a larger wetland. He noted that the driveway layout minimizes alteration and that the guardrail was added to protect the wetland to the left, that conservation posts were relocated to further protect the rear outlet and to minimize obstruction to the stormwater flow into the wetland. In regard to the wetland delineation, he stated that John Zimmer, PWS, delineated the wetland in accordance to MA DEP Guidelines, which included soils, vegetation, and hydrology.

In response to the Chairman's concerns for snow removal, Jeff pointed out that there was adequate storage space near the house in upland area.

The Chairman spoke briefly to the social media comments, noting that many were inaccurate, which he corrected. He shared that prior to his owning it, his house was permitted through the Conservation Commission and built under similar conditions, including the "limited project status", in that the driveway crosses wetlands to get to the buildable upland area; that when he bought it, he had to establish a large Escrow Account and was responsible for the wetland replication that existed on the parcel, so was very familiar with this process.

Upon opening the discussion to the public, the Chairman requested that Mr. Ryerson explain the process to raise hand in Zoom, etc., for making public comment.

50 Ash Lane- Alex Alpert: Mr. Alpert voiced concerns that as a result of the house being built, there will be additional stormwater flow to his property, questioned the process for test pits, as well as the process used for wetland delineation. Mr. Hassett explained that test pits were conducted as per MA DEP's Title V requirements, that South River Environmental conducted the wetland delineation in April of 2020 using MA DEP requirements, and spoke to the stormwater flow being directed entirely on-site, noting that the plan could be revised to further ensure that no stormwater would flow off the subject lot.

67 Washington St.- Caleb Estabrooks: In response to Mr. Estabrook's questions regarding wetland replication, icing, and drainage from the abutting property (east) to the wetland at the driveway area, Mr. Hassett explained that the proposed elevations, contours, and grades were designed so as not to restrict flow from the adjacent driveway. He also noted that the grades were designed to minimize icing on the subject driveway, and further explained the wetland replication.

50 Larchmont Ln.- Joleen McNamara-Hurley and James Hurley: Noted a back-up of debris and puddling near the catch basin at the front of the house. He noted that at present, his basement doesn't flood and wants to make sure that it remains dry after construction of this house. As the catch basin is on the public roadway, DPW will be contacted.

45 Ash Ln.- Paula Operach: Questioned whether further response from MA DEP was received and if it was available to the public. Mr. Hassett noted that he did address all of DEP's comments in a response email. However, DEP has received, but not responded to that email. She also questioned what changed with Title V so that this could be perc'd and if the tests were done on multiple days. Mr. Hassett explained that it was done in accordance with Title V by a licensed soils evaluator. It was also discussed that the Title V perc rate changed in 2004 from 1"/30 mins to 1"/60 mins; he also gave clarification to DEP's comment that part of the replication was over old fill and shouldn't be used as part of the replication calculations. That in order to meet DEP's request, the plan will be revised to show a second relocated area of wetland replication. DEP requires 1:1, the plan offers 2:1, and with the wetland "repair (restoration) of the filled area", the total wetland replication on site will be close to 3:1.

45 Ash Ln.- Scott Wirtanen: Commented on the *raised level of earth noted by Mr. Hassett at 50 Ash Ln. to prevent run off from the subject property*, and asked if the same will be done for 45 Ash Ln. Mr.

Hassett explained that there is no work proposed within the 20' drainage easement. He also pointed out wetland replication areas on plan and gave additional details.

45 Ash Ln.- Paula Operach- In response to questions regarding the change to Title V, the Conservation Agent provided where to find information online.

Assoc. Member Sawin noted and the Conservation Agent confirmed that the Board of Health approved the septic system at their meeting last night- 1/25/22. In response to whether Board of Health sent abutter notices for their meeting, the Chairman noted that they should contact the Board of Health.

44 Ash Ln.- Sherri Schuler- Questioned whether the BOH approved the reserve field, Brian recommended talking to the Board of Health. In response to the use of the reserve field, Mr. Hassett explained the circumstances that it would be used, and noted that if necessary to use or replace it, it can be replaced in the same location with no disturbance to abutters. In response to questions regarding DEP's 2nd response, the Conservation Agent noted that it will be public record and available when received. The Chair confirmed and explained that DEP comments would be reflected in the conditions on the permit if not already on the plan, and confirmed that the next meeting would be held on March 2nd.

50 Larchmont Ln- Joleen McNamara-Hurley: Noted that stormwater and debris backs up at the catch basin, and questioned whether altering the land will cause greater buildup and if the builders be responsible for cleaning it out. In response to those and the Chair's questions, the Conservation Agent provided a plan showing that the culvert, headwall, pipe and catch basins are within the roadway layout and maintenance is up to the DPW. In response to whether the peer reviewer would look at this, the Agent and Chair explained that the 2nd review would be confined to this property only.

67 Washington St.- Caleb Estabrooks: In response to Caleb's request for clarification to peer review and property rights, the Agent explained that permission from property owners is always necessary before anyone enters a parcel, and that for wetlands off-site, they are delineated with permission so that the associated buffers and/or riverfront area can be accurately added to the subject property.

45 Ash Ln.- Scott Wirtanen: was concerned for privacy when using his pool after construction. The Chairman respectfully called the question off topic, but it was previously noted that no clearing would be done within the drainage easement.

50 Ash Ln.- Alex Alpert: requested to meet with the Gallahgers, the Engineer, and Agent, which was agreed to by all, a discussion will be scheduled at the Conservation Office.

The Conservation Agent explained that Brooke Monroe will be hired as the Environmental Monitor and for peer review, that an Escrow amount of \$2,000 is required for wetland replication surety, and that the Guarantee Deposit amount for Pinebrook Consulting is estimated at \$1,500. Jack Spurr, AW Perry, stated agreement. She also noted that a revised Replication Plan is required, that a discussion will be scheduled with Alex Alpert, the Eng., and Builders to go over his concerns as a direct abutter, and that add'l discussion will take place afterwards with the Agent, Eng., and Builders to review the Town Consultant's stormwater management comments.

The Chairman called for more questions and received no response. He noted that additional documents are to be submitted, and as per the Conservation Agent, further discussions and inspections will take place.

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted 4-0-0 to continue the hearing to 3/2/22 at 6:15 PM.

2. COOC-22-1, 1202 Washington St- *for addition to commercial building, driveway and stormwater improvements-The applicant has requested a continuance to the February meeting to allow for submittal of add'l information, plan revisions, and PB review at the 1/24/22 PB meeting.*

PRESENT: none DISCUSSION: none

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to continue the hearing to 3/2/22 at 6:15 pm as per the applicant's request.

IV. ADMINISTRATIVE:

1. Minutes- 12/22/21- Upon a motion and second made by Members Sennett and Satterwhite, it was voted 4-0-0 to approve the minutes.
2. Agent's Report- Reviewed without comment.
 - CSI-21-30 thru 40- Site Inspections (*not related to application or permit*)- for wetland reviews for parcels on Columbia Rd. and Washington St.
 - 1202 Washington St., former Squires Restaurant- There is a pending sale of this property to another restaurateur who has prepared proposed plans for improvements to the site. A Notice of Intent application is listed above for a hearing at the 1/26/22 meeting. Upon receipt of the NOI application, a pre-hearing meeting with the Applicant's Engineer was held in the Conservation Office to review the NOI packet and resulted in a number of required revisions based on the Cons Agent's comments and those from MA DEP. An interdepartmental meeting was held on Jan. 19th with the Applicant, his Engineer, Attorney, Architect, and other related parties resulting in further required revisions from various dept's. Due to the pending submission of revised applications and plans, the Applicant requested a continuance of the Conservation hearing via email, to the February 2022 meeting.
 - Fireworks Site- A request to amend the Order of Conditions SE 31-1237 is pending due to several modifications to the plan, including the method of soil/dredged materials treatment during removal of hazardous materials. The c. 91/401 WQC application was received for the current work within the pond and is under review by the Cons. Agent.
 - Hanover Crossing, Residential portion- Reports continue to be received as per the SWPPP report. All work has been found to be as per the approved plan.
 - Hanover Crossing, Retail portion- Underground stormwater systems have been installed, construction on main buildings continues, erosion control materials remain in good condition and are being repaired as necessary, and some permanent roadway work has been accomplished. The wetland replication area on the Mill St. boundary is doing well with the winter weather.
 - The Commission has been sent copies of and the Conservation Agent is currently reviewing the following documents for future meetings:
 - *Phase 1 and Phase II Environmental Site Assessments*- 1004 Washington St. SWPPP for Hanover Crossing
 - *Town of Hanover Rules & Regulations Governing the Subdivision of Land- Stormwater Management*, as related to the regulation of discharges to the public stormwater drainage system and as per the MS4 requirements (prepared by the TOH Dept. of Public Works).
 - *Chapter 91 License/Permit Application/water quality certification application* for the Fireworks Site.
3. Other - *Those items not reasonably anticipated by the Chair within 48 hours of the meeting*-
Request for Certificate of Compliance:
 - a. 137 Whiting St. & 145 Whiting St.- based on all work complete.
VOTE: Upon a motion and second made by Members Vaille and Satterwhite, it was voted 4-0-0 to issue the Certificates of Compliance.

7:39 PM

Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to adjourn the meeting.

Minutes Respectfully Submitted by Conservation Agent S. MacFarlane.

Documents provided at the meeting:

- 1/26/22 Agenda
- Request for Extension Permit for 16 Stone Meadow and 20 Ancestor Ave.
- Request for COC for 1236 Hanover St.
- NOI application packet for 62 Larchmont Ln.
- NOI application packet for 1202 Washington St.
- 12/22/21 draft Minutes
- 1/26/22 Agent's Report
- RCOC packet for 137 and 145 Whiting St.