



Town of Hanover Conservation Commission,
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for January 9th, 2013
Approved 2/06/13



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

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

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. **January 23, 2013 & February 6, 2013 @ 6:30 PM** in 2nd Flr. Meeting Room - Town Hall
 2. Farewell to Conservation Agent Pat Gallivan- Jan. 11, 2013 and Commissioner Neal Merritt- Jan. 10, 2013
- The Commission and Staff reviewed the resignation letter of Commissioner Merritt with great thanks and sadness, as Mr. Merritt has been a valued and exceptional member of the Commission for 10 years. It was noted that he was Hearing Officer for several years as well as a past Vice Chairman, and Chairman of the Commission.
- The Commission also said farewell to Pat Gallivan, Conservation Agent as this will be his last meeting. His excellent contributions to the Commission and witty style will surely be missed.
- Also, the Commission welcomed Frank Brierley, Associate Member, as a full member to the Commission. Frank fills the vacancy of past Commissioner Amy Walkey.
- VOTE: Upon a motion and second made by Commissioners Merritt and Satterwhite, voted 5-0-0 for Commissioner Brierley to be the Commission's Representative to the Community Preservation Committee.

II. ACTION ITEMS:

1. Certificates of Compliance:
 - a. **SE 31-____, 21 Te Berry Farm Rd.-** *work never commenced for this project, OOC expired 2008*
VOTE: Upon a motion and second made by Commissioners Satterwhite and Merritt respectively, it was voted 5-0-0 to issue the Certificate.
 - b. **SE 31-1036, 1775 Washington St., Dick's Sporting Goods-** *work completed-* No action taken.
 - c. **SE 31-1055, 112 Candlewood Ln.-** *work completed*
VOTE: Upon a motion and second made by Commissioners Satterwhite and Merritt respectively, it was voted 5-0-0 to issue the Certificate.
2. Enforcement Issues:
 - a. **BL 12-62- #61 Mann's-** Enforcement Issue- The Agent reported that there has been no response from the homeowner since the letter was sent and that although encouraged to attend tonight's meeting, she did not attend. Also that no replication/restoration has been done, the Wetland Specialist remains unpaid, and the required cleanup was not done. A discussion of options resulted in the issuance of a fine with response due by February 1, 2013, or warning of additional fines.
Upon a motion and second made by Commissioners Satterwhite and Merritt respectively, it was voted 5-0-0 to issue a \$300.00 fine with written warning as stated above to be issued this week prior to the Agent's leaving.
 - b. **BL 12-60- #404 Whiting St.-** Enforcement Issue- No report given.
 - c. **#1954 Washington St.- Sunoco-** Violation Issue- The Agent reported that another site inspection and meeting with a representative from Ayoub Engineering was planned for this week.
 - a. **#785 rear Washington St.- Violation Issue-** The Agent gave a brief history of the site including a Cease and Desist issued 12 months ago for damage to surrounding trails by dirt bikes and ATV's. Mr. Scott Almeida who is a renter on site, was present. He explained that he does not have or ride off-road vehicles on the property but has seen neighborhood kids from abutting properties riding on the #785 Washington Street site. He added that access to the site can be gained near the wetland area from an abutting property (#867), owned by Mr. Matthews. He also noted areas on site that he cleaned up and disposed of large amounts of debris at his own expense, pointed out a gate that he installed to keep people off the property and asked the Commission to take the improvements into consideration. The Commission thanked him for his efforts to keep the site clean. The Commission accepted Mr. Almeida's offer to put up "NO ATV Riding" signs with "Public Water Supply" added.

- b. **#155 Union St.-** Violation Issue- The Agent reported that Grady Engineering submitted a Request for Certificate of Compliance, but due to the necessity of cleaning up debris, including iron posts, in the resource area and associated buffer zone, it was not put on the agenda. However, just before the meeting, he received a report that the site was clear, all conservation posts were in, and the debris had been taken off site. As a result, the Commission voted to issue the Certificate contingent upon the Agent's final site inspection.

VOTE: Upon a motion and second made by Commissioners Satterwhite and Merritt respectively, it was voted 5-0-0 to issue a Certificate of Compliance to be released upon the Agent's final site inspection this week.

7:00 PM - Commissioner Brierley left the meeting to attend the Community Preservation Meeting.

III. -PUBLIC HEARINGS:

1. BL 12-70, #21 Te Berry Farm Rd.- NOI- *for single family dwelling and associated site work in BZ to BVW*

PRESENT: Peter Palmieri, PE, Merrill Associates, Inc., Applicant's Representative

DISCUSSION: Mr. Palmieri explained the project as a single family dwelling and associated site work on a lot in a three-lot subdivision created prior to 1996. He pointed out that although the wetland flagging was approved more than 10 years ago, (the wetland line must be less than 3-years old as per MA WPA and Hanover WPBL), it was recently confirmed by the Conservation Agent. He gave a brief history of the subdivision permitting and noted that an Order of Conditions for a similar house project on this lot was issued several years ago, but no work was started and the Order expired. A Certificate of Compliance, issued earlier in the meeting, will close out that Order on the title, but, as he explained, a new Notice of Intent was required. He also pointed out that although no house exists on the lot, a lawn does and has been mowed historically up to the stream. The Agent explained that this mowing was being done within the 35 ft. no-disturbance setback as well as in resource area, as BVW extends outward from the stream bank. Mr. Palmieri noted that the limit of work and conservation posts were proposed at the 35 ft. setback and that the area would be allowed to return to its natural state. Abutter Jane Barry, 202 Cross Street, stated concerns for stormwater runoff onto her property if the house is built, as the street drainage within the cul-de-sac was never properly addressed. The Agent stated that he would contact DPW for more information on cleanout schedules, etc. Abutter David Nagel, 1119 Broadway, questioned the stream status and noted that he did not believe it was intermittent. Mr. Palmieri explained the process by which he determined it as intermittent. In response to Mr. Nagel's continued concerns, the Agent added an explanation of the USGS reporting as it showed intermittent on that particular map as well. In response to Mr. Nagel's request to re-direct the flow of stormwater back onto the site instead of into the street drainage, Mr. Palmieri offered to revise the plan to do so by adding swales along the driveway. The Commission approved this revision which will be detailed on a revised plan to be submitted prior to issuance of the Order.

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

- a. submission of a revised plan as stated and detail as per above discussion;
- b. any future work on this site beyond this Order, shall require a new wetland delineation;
- c. the area beyond the conservation posts and the 35 ft. no-disturbance buffer zone shall not be mowed and shall be allowed to return to its natural state with invasive removal only under the approval of the Commission and/or its designee.

2. BL 12-68, #775 Main St.- RDA- *for wetland delineation only- continued from 12/19/12 meeting*

PRESENT: none

VOTE: Upon a motion and second made by Commissioners Woodward and Merritt respectively, it was voted 4-0-0 to continue the hearing to 1/23/13 at 7:00 PM as per the Applicant's request to allow for further review of the wetland lines by both wetland consultants.

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

3. **BL 12-64, SE 31-1061, #1226 Webster St.- ANRAD-** *for wetland delineation only- continued from 12/19/12 meeting*

PRESENT: Deborah Keller, PE, McKenzie Engineering Group, Inc., Steve Ivas, WS, Ivas Environmental, Applicant's Representatives, Mr. Thomas Tasney, Property Owner/Applicant

DISCUSSION: Ms. Keller explained that the plan was revised as per the Commission's Wetland Specialist, Chris Lucas, Lucas Environmental and agreed upon by Mr. Ivas. She also thanked Mr. Lucas for his work and cooperation. The Agent questioned several flags that were missing on the plan and in the field. Ms. Keller pointed out that B107R and B128R were both on the plan and that she'll check the line again this week to be sure they are all present, including B135 which was also questioned. In response to the Agent's questions regarding changes to calculations for BVW linear measurement, Ms. Keller said she would submit appropriate revised pages of the NOI. In response to questions from Rockland abutter Amanda McCloy, Maplewood Rd., Rockland, Mr. Ivas reviewed the stream status process and calculations.

VOTE: Based upon the discussion above and upon a motion and second made by Commissioners Satterwhite and Merritt respectively, it was voted 4-0-0 to close the hearing and issue an Order of Resource Area Delineation based upon a Modified Plan.

8:05PM- Commissioner Brierley returned to the meeting.

IV. ADMINISTRATIVE:

1. Minutes- 12/19/12- No action taken.
2. Correspondence-Reviewed without comment.
3. Conservation Staff Report- General
 - a. **#838 Circuit St.-** Update- The Agent reported that the Property Owner has not completed the required work nor has the Wetland Specialist been paid. Also that he will contact her this week to attempt another resolution of this problem.
 - b. **#957 Webster St.-** Update- The Agent reported that he will draft a letter to send to the Property Owner to begin work in the Spring as per Hewitson's Restoration Plan and that Mr. Maynard will be copied on the letter.
 - c. **#585 Main St.-** Update- The Agent reported that an Arbitrator has been engaged by the Property Owner to work with him and the contractor to resolve several issues on the site. Also that there has been no further cutting in the resource area or associated buffer, but that the restoration has not taken place either. A letter will be sent this week as a follow-up.

V. REPORTS:

1. Open Space Committee Report and Community Preservation Committee Rpt.
 - a. **off Oakland Ave.-** The Agent reported that progress was being made on a Conservation Restriction (CR) for this property and that Town Counsel was contacted for possible use of the Conservation Land Fund to pay the \$5,000 necessary to establish the CR.

Commissioner Brierley reported that a discrepancy between the appraised and assessed value of several parcels was causing confusion. Follow up by the Open Space Committee is required. The topic was tabled at their meeting until the next scheduled meeting. Also that the 48 acre parcel off Webster St., near North St., that was previously considered for Forestry, was also discussed for purchase and voted in the affirmative.

2. Report of Minor Activities Permits Issued and/or Conservation Land Event Permits Issued: none

8:45 PM- Upon a motion and second made by Commissioners Brierley and Woodward respectively, voted 5-0-0 to adjourn the meeting.

Minutes Respectively submitted by:
Sandra D. MacFarlane, DMI Admin. Asst.
Conservation Office