

# Town of Hanover Conservation Commission

## **MINUTES- February 24, 2021**

Approved: 3/31/21



This meeting was held via web conference using Zoom Meeting App.

Those Members Present: Chairman Brian McLoone, Vice Chairman Lisa Satterwhite, Hearing Officer Robert Sennett, Member James Vaille, Conservation Commission Member Mahendra Patel, Associate Member Steve Louko, Conservation Agent Sandra MacFarlane

Those not Present: Associate Member Duke Magoun

Others Present: Zoom Meeting Host Stephen Ryerson

### **5:00 PM**

I. GENERAL ANNOUNCEMENTS: Chairman McLoone opened the meeting and made the following announcement:

1. The Town Hall remains closed to the public due to the ongoing CV-19 health crisis. All Conservation applications are due via the email to address below<sup>1</sup> with a single paper copy and checks dropped off at the Town Hall or mailed to the attention of the Conservation Agent, Hanover Town Hall, 550 Hanover St., Hanover MA 02339.

### **5:15 PM**

II. PUBLIC HEARINGS:

1. **BL 20-64, SE 31-1215, 110 Industrial Way-** NOI- *continued from 1/27/21 meeting- for redevelopment project in RFA to Drinkwater River for establishment of professional landscaping company*

PRESENT: none

VOTE: Upon an motion and second made by Members Vaille and Sennett it was voted as follows to continue the hearing to 3/31/21 at 5:15 PM as per the applicant's request:

B. McLoone: yes    L. Satterwhite: yes    R. Sennett: yes    J. Vaille: yes    M. Patel: yes

2. **BL 21-122, SE 31-1225, 32, 58, and rear Oakland Ave.-** NOI- *for 9-lot subdivision roadway*

PRESENT: Al Loomis, PE, McKenzie Engineering Group, Inc., Applicant's Representative, Anthony McSharry, Applicant

DISCUSSION: Chairman McLoone explained the public hearing procedure and added that comments for this hearing would be limited to wetland issues only. He noted that each lot with activity within the Commission's jurisdiction requires its own application to the Commission for permits. Also, that a letter had been received via email just prior to the meeting that could not be opened in its current format, however, it will be referenced in the minutes (see Documents section below).

Mr. Loomis presented a plan dated 1/21/21 detailing a new 9-Lot residential subdivision and noted that all MA DEP Stormwater Standards have been met with the current subdivision design. In response to the Commission's comments, Mr. Loomis explained that in early design consultation with the Planner, Fire Capt., and Conservation Agent, the roadway and stonewalls were relocated to eliminate the 520 sq. ft. of wetland disturbance, which also decreased the overall amount of grading and roadway within the 35 ft. no-structure setback. He noted that other Planning Board waivers were necessary to maintain the plan as presented with no wetland disturbance. Further that although there were concerns for a waiver from the 35-ft. setback, precedent had been set on other subdivisions and projects in town. A brief discussion with Chair McLoone and Member Sennett regarding winter maintenance of the roadway resulted in Mr. Loomis noting revisions to the plan to detail appropriate snow storage areas. The Agent reported that several ideas for mitigation were discussed throughout preliminary discussions which included the installation of double the typical amount of conservation setback markers on each associated lot at the No-disturbance boundary to the wetland, and the posts be completely installed at the start of this project. This would ensure that they are clearly visible to all

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<sup>1</sup> [sandra.macfarlane@hanover-ma.gov](mailto:sandra.macfarlane@hanover-ma.gov)

prospective purchasers of the lots. A discussion with the Commission regarding additional wetland replication as mitigation did not have a resolution, as the regulations do not require such, if no wetland has been altered. Mr. Loomis will further investigate mitigation ideas with the applicant's wetland consultant and offered buffer replication at a 2:1 ratio. Mr. Loomis will work with the Agent and wetland specialist Brad Holmes on the mitigation plan. The Agent also noted as recommended mitigation the use of native New England trees and shrubs in the public areas, alternative ice melt with snow storage and plowing signage, especially at the end of the cul-de-sac and entrance due to the proximity to the wetland. She also recommended submission of a more detailed Landscaping Plan, and regarding the large boulders found on site, and those from the stone walls on site, that they remain on site within the 35 ft. buffer and at end of cul-de-sac for maintaining and enhancing protections for the wetland areas.

Upon invitation by the Chairman, Abutter Dan Bradford, 64 Oakland Ave., shared concerns for the project. He noted that although the Commission had set precedent by approving other subdivision roadways within the 35 ft. wetland setback, he disagreed that the circumstances presented with this one were the same. He also was concerned that there were unknowns, and that Mr. Loomis did not have detailed answers to the Commission's questions. He used as an example, that the materials for the retaining wall at the entrance were not known at this time. A question also arose regarding Fire Dept. approval of the roadway and whether the roadway would be a private or public way, and that there were no answers from Planning Board at this time. Mr. Bradford also questioned tree clearing within wetlands. Chair McLoone noted agreement that additional information is required and anticipates that the applicant will request a continuance to this hearing. The Chair also noted that the Commission will need the Planning Board's votes regarding any waivers issued, to make a final determination for a Conservation permit. Mr. Loomis confirmed the applicant's request for a continuance, and added that the plan clearly shows that there is no cutting or other disturbance within any wetland on site. In addition, he noted that a recent subdivision approved by the Commission under very similar circumstances was located off Main St., and that it had the same conditions as the current one, so was pertinent to the decision. Also, that the Landscaping Plan for buffer restoration as mitigation, is in addition to the one submitted for public landscaping and that he will revise the latter to include native NE vegetation.

Abutter Cory Miller, 86 Oakland Ave. also shared similar concerns. In addition, that the area was currently undeveloped which presents wildlife and environmental impacts when developed and urged further consideration of a project that in his opinion required "an engineering feat to develop 9-lots". He questioned who conducted the wetland delineation and reiterated that the development would cause negative impacts to the area.

Chair McLoone assured all that the vote tonight concerned a continuance of the hearing to the next meeting, and that Mr. Loomis and the applicant understand that additional information is required.

Abutter Jeff Puleo, 40 Oakland Ave., noted that his lot abuts on the right side of the proposed entrance for the subdivision. He added that he was concerned with all of the issues that were previously brought up, but more so, that there were many preliminary discussions held between the developer, the Commission, the Agent, and other various departments, prior to this hearing. He noted the lack of consideration for the neighbors during any of them, in comparison to the amount of time spent with the applicant and engineer. He recalled that in the past, other engineers had walked away from the site. In addition, he had concerns for the historic significance of the area and urged the Commission to deny the project.

Chair McLoone stated that the Conservation Agent and other town employees met with the developer and Mr. Loomis because it is required within their job to do so. He added that as Members of the Commission, site inspections and preliminary, pre-application discussions often took place. He noted exception to Mr. Puleo's accusations and added that all previous applicants

were treated the same and given the same amount of time and effort by the Conservation Agent and Commission Members. Chair McLoone noted that the applicant had just stated agreement for a continuance of this public hearing, and invited Mr. Loomis to make a final statement prior to that vote.

Mr. Loomis's statement included the following points:

- regarding the stone retaining wall, further review, including the type of material desired by the owner, is currently underway and will be detailed on the final proposed plan for the March meeting;
- that clear precedent regarding the entrance was set- for example, that he was the principal engineer for the off Main St. subdivision during the hearing process with Conservation and he can confirm that the circumstances for the approval of the entrance were the same as the present situation;
- regarding the transition from Oakland Ave. roadway into the entrance of the development, he noted that the initial plans detailed a 30° radius to limit buffer zone impacts, but that it created other issues, including Fire Dept. concerns for proper functioning of fire apparatus during a crisis to get into the site- also that Fire Capt. Freeman is reviewing a plan showing a 40° radius which still results in reduced impacts to buffer, but may not be acceptable to equipment functioning or Planning Board; so this issue needs more time and review;
- regarding concerns for long term roadway and public space maintenance, he explained the Homeowner's Association (HOA) creation and function, and noted that DPW does not maintain stormwater structures on private property; regarding the roadway, he noted responsibility of the HOA until such time that the town accepts the road as a public way at a Town Meeting;
- regarding wildlife and other environmental concerns, Mr. Loomis explained that as part of MA DEP's review of the application, the required threshold or criteria for further review with DEP or EPA for a wildlife study, was not met, therefore such review was not required;

Mr. Loomis also noted that he will be submitting a revised plan prior to the March 31 meeting and that the Stormwater Pollution Prevention Plan (SWPPP) is currently being prepared.

With no further comments, the Chair called for the vote to continue the hearing.

VOTE: Upon a motion and second made by Members Vaille and Sennett it was voted to continue the hearing to 3/31/21 at 5:15 PM as per the applicant's request, as follows:

B. McLoone: yes    L. Satterwhite: yes    R. Sennett: yes    J. Vaille: yes    M. Patel: yes

### III. ADMINISTRATIVE:

#### 1. Minutes- 1/27/21

VOTE: Upon a motion and second made by Members Vaille and Sennett it was voted as follows to approve the minutes:

B. McLoone: yes    L. Satterwhite: yes    R. Sennett: yes    J. Vaille: yes    M. Patel: yes

#### 2. Agent's Report- Reviewed without comment.

- a. Fireworks Site- Work continues on site in the inland areas. DEP approved plans to remove items from the pond are still pending.
- b. Hanover Crossing- Kelly Engineering submitted required photos and documents regarding stormwater structures.
- c. Cumberland Farms- Work continues at the site as per the approved plan of record.
- d. National Grid Submitted their Yearly Operational Maintenance Plan as well as a 2/19/21 proposal for a pole relocation at 110 Industrial Way.

- e. New inspectional software, OpenGov, went on-line as of February 16, 2021 for the inspectional services offices. The Agent explained that the system is welcomed for interdepartmental use so each Dept. can have access to each other's project info, but that it has not been set up to use DEP forms.
- f. The following Minor Activities and Event Permits were issued:
  - BL 20-120- 179 Union St.-Minor Acts Permit- *for removal of hazardous trees 50ft. from BVW*
  - BL 20-121- 73 Clark Cr.- Minor Acts Permit- *for pool 96.6 ft. from BVW*
  - BL 20-123- 121 Bates Way- Minor Acts Permit- *for pool 88.2 ft. from BVW*

8. Other - *Those items not reasonably anticipated by the Chair within 48 hours of the meeting-* None

**7:20 PM** Upon a motion and second made by Members Patel and Vaille, it was voted to adjourn the meeting.

Minutes Respectfully Submitted by  
Sandra D. MacFarlane, CDMI, Hanover Conservation Agent

Documents Provided at the Meeting:

- NOI application packet- 110 Industrial Way
- NOI application packet- Oakland Ave. Estates
- 2/23/21 letter re: Oakland Ave Development
- 1/27/21 draft Minutes
- 2/24/21 Agent's Report
- Minor Acts Permit as listed in Section III.2.f.