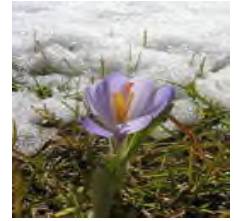




Town of Hanover Conservation Commission
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room

MINUTES for February 6th, 2013

Approved 2/20/13



Those Members and Staff present: Lou Paradis, Chairman; Lisa Satterwhite, Vice Chairman; Frank Brierley, Hearing Officer; Keith Calder, Associate Member; Amy Walkey, Conservation Agent; Sandra MacFarlane, DMI Admin. Asst.

Those not present: William Woodward, Commissioner; (vacant), Commissioner

Others present: as per attached attendance sheet

6:30 PM The Chairman opened the meeting and welcomed Ms. Amy Walkey who began work on the 28th as the new Conservation Agent. The following announcements were made:

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. **February 20 and March 6, 2013 @ 6:30 PM** in 2nd Flr. Meeting Room - Town Hall
2. **MACC Conference-** March 2, 2013 in Worcester- The Staff reported that they will both be attending the conference with Chairman Paradis.

II. ACTION ITEMS:

1. Certificates of Compliance:
 - a. **SE 31-1036, 1775 Washington St., Dick's Sporting Goods-** *work completed-* No action taken.

2. Support Letter to Moderator

- a. **Selection of Conservation Commission Member for appointment to Open Space Committee**

VOTE: Upon a motion and second made by Commissioners Satterwhite and Brierley respectively, it was voted 3-0-0 to send a letter to the Town Moderator in support of Associate Member Keith Calder becoming the Commission's Representative to the Open Space Committee.

7:00 PM

III. -PUBLIC HEARINGS: none

IV. ADMINISTRATIVE:

1. Minutes- 12/19/13, 1/9/13, 1/23/13

VOTE: Upon a motion and second made by Commissioners Satterwhite and Brierley respectively, it was voted 3-0-0 to approve the above listed sets of minutes.

2. Correspondence Review- The Commission reviewed general correspondence without comment. In addition, Ms. MacFarlane explained that a request had been received from Mr. Tasney's Representative, Ms. Deborah Keller, McKenzie Engineering concerning proposed test pit activity at Mr. Tasney's home located at #1226 Webster St., Hanover. She provided a request letter and plan showing the location and size of the activity and added that Ms. Keller was present to answer any questions the Commission may have. Chair Paradis invited Ms. Keller to speak.

Ms. Keller explained the activity as soil exploration within lawn area for the relocation of an existing residential septic system. She cited MA Wetlands Protection Act Regulations 310 CMR 10.02 (2) (a) and (b) regarding minor activities, noting that the activity was temporary and met the criteria of this section of the Regulations. A discussion ensued regarding the distance (69 ft.) of the test pits from the resource area (BVW) and the stream. Specifically reviewed was subsection (b) 1. g. regarding temporary disturbance. The Agent explained that although temporary, it still falls within the criteria of a Request for Determination (RDA). She pointed out that the RDA was used for this kind of issue- *whether the work is subject to the Wetlands Protection Act and/or the Town Bylaw*, (referring to WPA Form 1- Request for Determination, Section B.c. and B.d.). Ms. Keller reiterated above argument and questioned the necessity of filing an RDA. Chair Paradis stated that he would support the idea of the RDA to be certain that the Commission has all the information necessary for a final decision. Ms. Keller objected to this course as it necessitated an additional costs to the Applicant, as well as notice to abutters in Hanover and Rockland, and would add weeks to the Applicant's process due to scheduling a public hearing. VOTE: Based on the discussion above and upon a motion and second made by Commissioners Satterwhite and Brierley, it was voted 3-0-0 to require an RDA application.

3. Conservation Staff Report- General

- a. DEP Stormwater Requirements- Town wide- The Agent explained that an article for the Town Meeting Warrant is forthcoming regarding this topic. She explained that the article is required to meet the State's mandate for improved water quality throughout town. Also that a presentation will be made prior to Annual Town Meeting.
- b. The Staff updated the Commission on the following items:
 - (i) Cardinal Cushing- An interdepartmental meeting was held to discuss a proposal for renovation of a residential building on this property which, when completed, will add to the Town's Affordable Housing index. As there are wetlands on this parcel, and a portion of the work may be done within buffer zone, an application is pending.
 - (ii) 21 Te Berry Farm Rd.- A revised plan is pending for this permitted single family home project, as the prospective purchasers have requested to increase the size of the rear yard by reducing the no-disturbance setback. It was suggested to them that they relocate the house and septic in lieu of going for an Amended Order of Conditions which requires a public hearing. A revised plan is pending.
 - (iii) 50 Hillside Cr.- Notice of a failed septic was received this week and an RDA submittal is pending for the 2/20/13 meeting.
 - (iv) Projects determined as priority for on-site review by Agent are McGee Toyota, Starland, and Prime.
 - (v) 1556 Hanover St. - A request was received for a pre-application inspection for a retreat lot.
 - (vi) 1125 Webster St.- An NOI was received for a single family dwelling project, however is incomplete and the plan was not reviewed by Planning Board for final lot configuration. No hearing scheduled as of yet.
4. Conservation Staff Report- Violation and Enforcement
 - a. Discussion- New Staff Project for determination of enforcement issue status and priority - The Staff reported that the determination of status and priority level of all open enforcement issues has begun but will take some time to complete. Further, that the issues will be placed on the agenda for future meetings accordingly.
 - b. 838 Circuit St.- A letter and proposed Planting Plan was received and will be reviewed at the next meeting for approval.
 - c. 9 Elijah's Path- Upon a site inspection for work permitted under an Order of Conditions for construction of a single family dwelling at this site, it was found that a violation had occurred. As a result, an Enforcement Order (EO)/ Cease and Desist was issued by the Agent for unpermitted work within the 35 ft. no-disturbance buffer to a BVW. Other issues found at the site were the lack of wetland flags and conservation post installation. The Commission reviewed a photo of the disturbance showing a large felled tree and a splintered tree stump with many cut trees/branches around them, all within the no-disturbance buffer. The applicant's explanation prior to the meeting was that it was the result of storm damage. He has since reaffirmed that the posts and flags will be installed as soon as possible. The Commission agreed that the damage was probably storm related and lifted the cease and desist, but ratified the EO with conditions. These included immediate installation of wetland flags and conservation posts, and manual cleanup of the buffer. VOTE: Based on the discussion above and upon a motion and second made by Commissioners Satterwhite and Brierley, it was voted 3-0-0 to ratify the Enforcement Order, lift the cease and desist, require manual restoration of the 35 ft. buffer, re-installation of wetland flags, and installation of conservation posts as required within the OOC. In additions, it was voted that the EO will not be distributed to other departments or DEP.

V. REPORTS:

1. Open Space Committee Report- No report given.
2. Community Preservation Committee Rpt.- No report given.
3. Report of Minor Activities Permits Issued and/or Conservation Land Event Permits Issued: None issued since last meeting.

8:00 PM: VOTE: Based on the discussion above and upon a motion and second made by Commissioners Satterwhite and Brierley, it was voted 3-0-0 to adjourn the meeting.

Minutes Respectfully Submitted by Sandra D. MacFarlane, DMI Admin. Asst., Conservation Office