

Hanover Conservation Commission

MINUTES for MARCH 2, 2022

Approved March 30, 2022

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

Those Members present in person by Roll Call:

Chairman Brian McLoone, Vice Chairman Lisa Satterwhite, Hearing Officer Robert Sennett, Member James Vaille, Member Mahendra Patel (Zoom) Associate Member David Sawin (Zoom), Associate Member Otis (Duke) Magoun

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

Others Present: as per sign-in sheet and via Zoom list.

6:00 PM

Chairman McLoone welcomed all present and stated for the record that this meeting is being recorded.

I. GENERAL ANNOUNCEMENTS: Those below were made by Chairman McLoone.

1. A mask mandate has been lifted at Town Hall.
2. Board meetings will be held in person and also via Zoom.
3. The next meeting was confirmed for March 30, 2022 at 6 pm.

II. ACTION ITEMS:

- 1. Request to Review Revised Plan – off King Street, Fireworks Site – SE 31-1182 and SE 31-1237-** *proposed modification results in decrease to alteration of resource areas and associated buffers and are locked with the approved limit of work.*

VOTE: Upon a motion and second made by Members Sennett and Vaille it was voted as listed to approve the modifications as presented by Peter Dillon, Tetra Tech, and the revised plan:
B. McLoone- yes, L. Satterwhite- yes, R. Sennett- yes, J. Vaille- yes, M. Patel- yes.

6:15 PM

III. PUBLIC HEARINGS:

- 1. COOC-21-20, SE 31-1246, 62 Larchmont Ln-** NOI- *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 gave a brief history of the project and noted revisions since the last hearing (1/26/22). He noted that the lot was created in 1977, and that the Planning Board Decision required access for building and utilities was from Larchmont Lane, as no access was available at the rear from Ash Ln. He pointed out that the driveway was proposed at its present location to minimize wetland alteration. He added that the wetland replication plan shows a greater than 2:1 ratio, more than is required, and that the plan has been revised to accommodate peer review and abutter comments. In response to the Chairman's questions regarding stormwater management, Mr. Hassett and the Conservation Agent confirmed that stormwater management has been addressed. The Conservation Agent confirmed that the catch basin on Larchmont Ln. is listed on DPW's bi-annual cleanout schedule, as per the DPW Supt.

The Chair opened the floor to public comment and noted the discussion must be limited to wetland issues.

50 Ash Lane- Alex Alpert:

- questioned the classification of the lot as “unbuildable” by the Assessor’s Office, but now it is “buildable”- This was deemed not an appropriate topic by the Chair.
- expressed concerns for tree removal that would increase flooding; The Chair explained existing site conditions including the drainage easement and noted that it directs stormwater through a culvert to a wooded, town-owned property across the street.
- questioned expanding wetlands and water on the site, whether it will affect the 100 ft. buffer- The Conservation Agent explained stormwater in relation to land subject to flooding, wetlands, and associated buffers. Mr. Hassett further explained stormwater management on site, adding that the plan met MA DEP Stormwater Regulations, although it is not required to by DEP for a single family home.
- questioned the lack of capacity and was still concerned with impacts to his property- The Chair confirmed certification of the plans by professional engineers as required by MA DEP and as accepted by the Commission. Commission members agreed that the applicant has gone beyond the requirements to satisfy the Commission’s pre-hearing requirements, DEP’s comments, and all comments and requests from the abutters. In response to the Chair’s question regarding *denial a project*, the Conservation Agent explained that the house construction, septic system installation, and grading within the upland is allowable without a Conservation permit because it’s out of the 100 ft. BVW buffer zone and in upland. Further, that the driveway crossing is allowable under the MA DEP Regulations as a “limited project”, and that the wetlands were confirmed a second time by the Commission’s professional wetland consultant. She further explained that denying a wetland crossing to reach upland that meets MA DEP’s criteria would be considered a “taking” of land and that the Applicant himself could then appeal the Commission’s denial. The Conservation Agent reviewed the appeal procedure for the abutters, as per the Chair.

74 Larchmont Lane – Mark Meskell:

- questioned a 2021 mid-summer site visit at which the Agent expressed concerns for unpermitted work on this site- Mr. Hassett explained that the work was the installation of test pits which fall under the exempt activities in the Wetlands Protection Act. The Agent noted that the test pits were not the concern as they were located in upland, it was the width of the initial access way which she had required of the contractor to be at a minimum. Further, that as a result, the contractor was issued a violation warning. Mr. Hassett noted that the land was surveyed and delineated for the application process.
- questioned the lot having multiple addresses- It was confirmed that the Assessor’s Office had the property listed as “0” Larchmont Lane and had assigned #62 to the lot.
- was concerned for disturbance to vernal pools on the property- The Conservation Agent confirmed that no vernal pools are present on site and that this was also confirmed by John Zimmer, PWS, South River Environmental and the Commission’s wetland consultant.
- requested that the abutters hire their own wetland specialist, stating that there are many species of concern on the property- Mr. Hassett explained that because the wetland has an outlet, it does not exhibit the characteristics of a vernal pool. The Chair noted that a thorough review by a wetland specialist has been done, and if abutters want their own specialist to review the property, they need permission to enter the property by the owner.

45 Ash Lane – Paula Operach (P) and Scott Wirtanen (S):

- (P) questioned if the peer review was simply about location of flags only- It was noted by Mr. Hassett that additional peer review was conducted for this site by Mr. James Donovan PE, the town's Board of Health/Conservation Dept. engineering and stormwater consultant. The Conservation Agent supplied Mr. Donovan's report to the Commission.
- (P) questioned if perk tests records were looked for under "0" Larchmont Ln. as well as "62" Larchmont Ln- It was explained that map and lot was also used, and that the resulting septic system design was approved by the Board of Health.
- (P) expressed concern about areas of wetland replication not working- The Chair stated that if the project is not completed as required, including the replication/restoration, a Certificate of Compliance will not be issued until it meets all requirements. Mr. Zimmer further explained that with the 2:1 replication ratio, the wetland will have double the water storage capacity.
- (P) questioned the inspection schedule for the wetland replication- Mr. Zimmer noted that a series of monitoring events during the two growing seasons will be scheduled at which both plants and hydrology will be reviewed.
- (S) expressed concern for bias in that the experts reviewing the project work for the applicant- The Chair explained that the oversight of the wetland replication is done by the Commission and the Conservation Agent, as well as Mr. Zimmer.
- (S) stated that a third party should be reviewing the project, offering negative opinions of the Commission's actions- The Chair took exception to such comments, commended the Members and Agent, and ended this discussion.
- (P) questioned construction sequence- It was explained by the Agent that wetland replication takes place after construction to further protect these areas.

To further explain the inspection process for abutters, a brief discussion ensued noting that the Conservation Agent as well as Commission members and consultants conduct a series of inspection for each project. Further, that project updates are often contained within the Agent's report.

The Commission confirmed that with the exception of the most recent changes to the plan, the materials reviewed for both hearings have been available to abutters for multiple weeks.

Vice Chairman Satterwhite summarized the findings thus far, having Mr. Zimmer confirm that the size of the wetland areas increase, that the invasive plant species currently damaging the wetland will be removed, that wildlife habitat will be increased, that future invasive species will be monitored and controlled, and that the wetland will be healthier.

Although the Commission noted satisfaction with the information presented by the applicant and his representative, Chairman McLoone asked that the revised plan dated February 22, 2022 be shared to the screen so that Mr. Hassett could detail and explain each change that was made to the plan since the last hearing. He did so.

With no further comments from those present or on Zoom, the Chairman called for a vote of the Members regarding the hearing.

VOTE: Upon a motion and second made by Members Sennett and Vaille to close the public hearing, it was voted 4-0-1 as follows: B. McLoone- yes, L. Satterwhite- yes, R. Sennett- yes, J. Vaille- yes, M. Patel- abstain¹. Upon a motion and second made by Members

¹ Member Patel was not present at the 1/26/22 meeting for this project, however prior to his presence at the 3/2/22 meeting, he reviewed all documents, met with the Agent for an update, and completed a Disclosure that he was prepared for the 3/2/22 hearing. However, due to the fact that the Disclosure was not filed with the Town Clerk prior to the 3/2 meeting, Member Patel abstained.

Sennett and Vaille it was voted 4-0-1 as follows to issue the OOC with special conditions:
B. McLoone- yes, L. Satterwhite- yes, R. Sennett- yes, J. Vaille- yes, M. Patel- abstain.

2. COOC-22-3, 26 River Rd.- NOI- *for installation of new septic in buffer to BVW and w/i RFA*

PRESENT: Darren Grady of Grady Consulting

DISCUSSION: Mr. Grady explained that the application is for a septic repair for a failed system. Approvals have been received from the Hanover Board of Health and the North River Commission. He further stated the new system is a substantial improvement for the property. The project will be outside the flood area and will result in further protection of several species of special concern on the property. Conservation Agent MacFarlane confirmed the wetland delineation and approvals from North River Commission. In response to questions from the Commission, she noted that the existing septic may be in Riverfront Area, but that homes built prior to the 1996 Rivers Protection Act have added flexibility and rights to repair/replace failed systems. Mr. Grady added that he was recently asked to add a second-floor addition to the project and will need additional approvals for that portion of the project. Also, that it will entail no outside work. The Chair opened the floor to public comment, seeing and hearing none.

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted 5-0-0 as listed to close the public hearing: B. McLoone- yes, J. Vaille- yes, R. Sennett- yes, L. Satterwhite- yes, M. Patel- yes. Upon a motion and second made by Sennett and Vaille it was voted 5-0-0 as listed to issue the OOC: B. McLoone- yes, J. Vaille- yes, R. Sennett- yes, L. Satterwhite- yes, M. Patel- yes.

3. COOC-22-2, 1410 & 1422 Washington St.- NOI- *for parking lot and SWMgt improvements in buffer to BVW*

PRESENT: Brandon Li of Kelly Engineering Group, Rich Newberg, Centercorp

DISCUSSION: Mr. Li explained the location of the properties adding that the existing infrastructure on the property included buildings, utilities, septic systems and parking area. Mr. Li noted the location of the BVW, intermittent stream and culvert. The owner intends to improve the property including re-grading the parking area for improved stormwater management, add new landscaping, and additional lighting for safety. Mr. Li added details of the stormwater management upgrades being proposed. He noted that the closest limit of work is 21 feet from the BVW. The Agent confirmed adequacy of the erosion controls materials. Mr. Li added that the project will reduce the impervious surface area. The Chair expressed concern about the removal of snow from the parking area. Conservation Agent MacFarlane recommended installation of signage to make sure snow is not plowed toward or dumped into the BVW. The Commission confirmed water in the catch basins flows to Washington Street and the islands proposed in the parking area are solely for landscaping. Conservation Agent MacFarlane confirmed the wetland delineation is accurate and stated that the dumpster will be moved further away from the BVW. The Chair opened the floor to public comment, seeing and hearing none.

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted 5-0-0 as listed to close the public hearing: B. McLoone- yes, R. Sennett- yes, J. Vaille- yes, L. Satterwhite- yes, M. Patel- yes. Upon a motion and second made by Sennett and Vaille it was voted 5-0-1 as listed to issue the OOC with a condition for the installation of snow storage signs: R. Sennett- yes, J. Vaille- yes, L. Satterwhite- yes, M. Patel- yes, B. McLoone- yes.

4. COOC-22-1, 1202 Washington St- NOI- *for addition to commercial building, driveway and stormwater improvements*

The applicant requested a continuance to the next meeting to allow for submittal of add'l information, plan revisions, and continuing Planning Board review.

PRESENT: NONE

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted 5-0-0 as listed to continue the public hearing to March 30, 2022 at 6:25 PM:

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

IV. ADMINISTRATIVE:

1. Permits/Events/Other issued from Cons Office: Reviewed with minimal comment.
 - a. CSI-22-41, CSI-22-1 thru 22-8- *for non-application/permit inspections at Union St., Washington St., off Stonegate Ln., Main St.*
 - b. CMA-22-1, Minor Acts Permit- 117 Bates- *for damaged tree removal in bz to bvw*
 - c. CHPD-22-1, HPD Scheduled Event Permit- Clark Bog Parcel- *for use of Firing Range 1/22/22*
 - d. CEVP-22-1, Event Permit- Luddams Ford Park- *NSRWA Great River Race 7/2022*
2. Minutes- 1/26/22- Upon a motion and second made by Members Sennett and Vaille, it was voted 5-0-0 as listed to approve the minutes: B. McLoone- yes, M. Patel- yes, R. Sennett- yes, J. Vaille- yes, L. Satterwhite- yes.
3. Agent's Report- Reviewed with minimal comments.

8:16 PM

Upon a motion and second made by Members Sennett and Patel, it was voted 5-0-0 as listed to adjourn the meeting: B. McLoone- yes, R. Sennett- yes, J. Vaille- yes, L. Satterwhite- yes, M. Patel- yes.

Minutes Respectfully Submitted by
Conservation Agent Sandra MacFarlane
CDMI, Conservation Commission Office

Documents provided at the meeting:

- 3/02/22 Agenda
- Request to review revised plan for Fireworks Site
- NOI application packet for 62 Larchmont Ln.
- NOI application packet for 1202 Washington St.
- NOI application packet for 26 River Rd.
- NOI application packet for 1410 & 1422 Washington St.
- 1/26/22 draft Minutes
- Admin permits listed in Section IV. A. a – d
- 3/02/22 Agent's Report