



**Town of Hanover Conservation Commission,  
Hanover Town Hall, 550 Hanover St., 2<sup>nd</sup> Floor Meeting Room  
MINUTES for APRIL 17, 2013**

Approved 6/05/13

Those Members and Staff Present: Lou Paradis, Chairman; Lisa Satterwhite, Vice Chairman; Frank Brierley, Hearing Officer; William Woodward, Commissioner; Amy Walkey, Conservation Agent; Sandra MacFarlane, DMI Admin. Asst.  
Those not present: (vacant) Commissioner, 2 (vacant) Associate Members  
Others: as per attached sign-in sheet

**6:30 PM** - Chair Paradis opened the meeting and made the following announcement:

**I. ANNOUNCEMENTS & DATES TO REMEMBER:**

1. **May 1 and 15, 2013 @ 6:30 PM** in 2<sup>nd</sup> Flr. Meeting Room - Town Hall

**II. ACTION ITEMS:**

1. Requests for Certificates of Compliance:

- a. **SE 31-1036, 1775 Washington St., Dick's Sporting Goods-** based on "work completed"  
No action taken.

2. Review of Revised Plan for possible Amended Order of Conditions:

- a. **SE 31-1043, # 637 Washington St., Starland**

The Agent gave a brief history of the site and explained that the Applicant has requested the Commission to review revisions to the plan that may require an Amended OOC. She reported on a meeting she attended with the Applicant's Representative, Peter Palmieri, PE, Merrill Associates, Inc., and the Assistant Planner, Margaret Hoffman. The revisions included:

- i. installation of a Zip Line for which the landing pad (10 ft. x 10 ft. concrete base) infringes on the 35 ft. no structure setback to BVW;
- ii. grading beyond the 25 ft. no-disturbance setback to BVW;
- iii. an increase to impervious area;
- iv. installation of a 60 ft. x 25 ft. tent to cover the go-carts;
- v. relocation of parking which infringes on the 35 ft. no structure setback;
- vi. and construction of a kiosk outside of the 100 ft. buffer to BVW.

The Agent read MA DEP guidelines for Amended Orders of Conditions and reviewed an e-mail correspondence from Mr. Palmieri. She explained that Mr. David Nyman, PE, CEI, Planning Board's Engineering Consultant, is in the process of reviewing the revisions for the Planning Board and in regard to stormwater management including calculations. The Commission reviewed the approved plan of record compared to the revised plan submitted to the Planning Board.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Satterwhite and Woodward, it was voted 4-0-0 that a new Notice of Intent submission was not required for the proposed revisions, but that due to the substantive changes to the plan including work proposed within both No-structure and No-disturbance setbacks to the BVW, an Amended Order of Conditions is required.

3. Replication/Restoration Plan Review:

- a. **SE 31-749, #1504 Hanover St.-** Wetland Replication

The Agent reported that the approved wetland replication location was changed to the front northerly corner of the lot along the driveway and is underway; however, no notes or minutes can be found to attest to the Commission's approval of the relocation. Further that the homeowner and wetland specialist, Brad Holmes, stated that the former Agent approved the change during a site inspection. The Commission briefly discussed ramifications for the neighbor, including creating a 25 ft. no-disturbance buffer on the abutting property, and that the 35 ft. no-build setback would be infringed upon by the existing house. Further, that individual site inspections are necessary to fully understand these issues. The Commission required work to stop with notification to the homeowners and Mr. Holmes to attend the next meeting. In response to Vice Chair Satterwhite's concerns for off-site mitigation and a decreased amount of replication on site, the Commission required replication at the full 1:1 ratio and that it shall be done on site.

VOTE: Upon a motion and second made by Commissioners Satterwhite and Woodward respectively, it was voted 4-0-0 to require the full amount of replication, 9,240 sq. ft., and that it remain on site.

b. **SE 31-918, #33 Union St.** (formerly #95 Union St, Lot #1) ~ Wetland Replication

The Agent explained that a Minor Activities Permit was issued to remove storm damaged trees and branches from the rear and side yards of this property. Also, that the new owner, Raj Patel, was unaware of the conservation restriction, vernal pool regulations, and other issues on the site. A copy of the Order of Conditions will be sent to Mr. Patel. She further explained that the wetland replication due on the site is under the responsibility of the developer, Mr. Robert Tomaselli, and that she has been in contact with him for his schedule of planting, etc. An update to the replication progress will be discussed at future meetings.

4. Review of Conservation Post Setback for Non-subdivision lots

and "historic" mowing or similar disturbance within *No-disturbance setback*:

a. **SE 31-1005, #25 Chestnut St.**

The Staff reported that the new homeowners requested information regarding the installation of expanded lawn and an inground swimming pool on the property during a recent visit to the Conservation Office. Due to the constraints of the lot, including that the house is partially built within the 25 ft. no-disturbance setback to a BVW, the rear lawn, shed, and gardens are all within the 25 ft. setback. Ms. MacFarlane explained that "historic" mowing up to a resource area has been reviewed in the past, and that due to the lengthy time that mowing has been allowed, the Commission has continued to allow it in some cases. However, she added that it depended on the lot creation date in most cases.

The Staff requested the Commission to consider a more uniform regulation for this and similar situations. After a brief discussion it was agreed to continue on a case-by-case basis.

5. Request for Removal of Mature Trees in Buffer to Resource Areas:

a. **#216 Larchmont Ln.** ~ *not due to storm damage*

The Agent reported that during a site inspection for review of storm damage to this property, the owner requested to remove a mature tree within the no-disturbance zone to a pond. She explained that the tree looked in good health, but the owner felt it may damage a deck attached to the house if another strong wind storm occurred. The Commission will conduct individual site inspections and e-mail their comments to the Agent.

7:00 PM

**III. ~ PUBLIC HEARINGS:**

1. **BL 13-12, #19 Winstanley Way**~ RDA~ *for inground swimming pool in BZ to BVW*

PRESENT: Christopher Bunker and Laurie Lawrence, Property Owners

DISCUSSION: Mr. Bunker pointed out the area proposed for the inground pool, noting that the retaining wall will be moved to widen the patio area. He also pointed out that he is aware of the required buffer restoration (from the previous owner) and that he is willing to complete that during the landscaping process for the pool project. Ms. Lawrence noted that the landscaping plan for the pool can be easily integrated into the restoration and will in fact increase the number of plantings called for, including types of mounded grasses approved for buffer areas.

The Agent noted agreement for the plan. The Commission also allowed the pool construction with restoration work done at the time of the pool project landscaping.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Satterwhite and Woodward, it was voted 4-0-0 to close the hearing and issue a Negative 3 Determination of Applicability

2. **BL 13-04, SE 31-1068, #1131** (formerly #1123) **Webster St.**~ NOI~ *cont'd from 4/03/13 meeting*

PRESENT: none

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Satterwhite and Woodward, it was voted 4-0-0 to continue the hearing to May 1, 2013 as per the Applicant's request.

**IV. ADMINISTRATIVE:**

1. Minutes~ 4/03/13

<sup>1</sup> DEP # has not been assigned by DEP as of agenda posting date.

- VOTE: Upon a motion and second made by Commissioners Woodward and Brierley, respectively, it was voted 4-0-0 to accept the minutes.
2. Correspondence- Reviewed without comment.
  3. Reports:
    - a. Conservation Staff- General and Enforcement issues
      - (i) **SE 31-917, Morse Farms Estates- #7 Bard Rock Ln.**- The Agent reported that wetland replication for the subdivision has not taken place yet due to the Developer's bankruptcy and requested release of the Escrow funds to start the process.  
VOTE: Upon the motion and second made by Commissioners Satterwhite and Brierley, it was voted 4-0-0 to release the Escrow funds for use.
    - b. Open Space Committee Liaison- No report.
    - c. Community Preservation Committee Rep. - No report.
    - d. Minor Activities Permits Issued: Ms. MacFarlane announced that the following Minor Acts. Permits were issued from the Office due to storm damage.
      - i. **BL 13-11, #46 Nash Landing**- minor tree clearing from storm damage in BZ to BVW
      - ii. **BL 13-13, #33 Union St.**- minor tree clearing from storm damage in BZ to BVW
      - iii. **BL 13-14, #26 Union St.**- minor tree clearing from storm damage in BZ to BVW
      - iv. **BL 13-15, #7 Jutila Path**- minor tree clearing from storm damage in BZ to BVW
      - v. **BL 13-16, #216 Larchmont Ln.**- minor tree clearing from storm damage in BZ to BVW
    - e. Conservation Land Event Permits Issued: none
  4. Other: *Items that, as of the posting of the agenda, the Chair could not reasonably anticipate for discussion.*
    - a. **#311 Pleasant St.**- The Agent reported that a violation had occurred on this site that included cutting of mature trees and the placement of wood chips in resource areas and associated buffers, as well as placement of wood chips up to the roadway. Also that according to a previous permit issued for the property, BL 06-50, conservation posts were required to be installed.  
Property owners Paul Mavilia and Dennis Shaw were present as requested by the Agent, as well as neighbor, Richard McKenzie who came with historical information regarding the lot. Mr. Shaw noted that he was not aware that there was a past permit on the site and was only trying to clean up storm damage. He stated that he wanted to plant willows and clean up the area. Neighbor Richard McKenzie added that the lot was full of invasives and broken/dead trees, that the work done was a great improvement to the neighborhood. He added that he has been in his house for 50 years and never saw conservation posts on the site.  
Chair Paradis explained that although it looks better, the work was done in and around a wetland which is a violation of the State Wetlands Protection Act as well as the local Bylaws. The Agent explained the purpose of conservation posts.  
Mr. Shaw stated that he would do whatever is necessary to rectify the situation and submitted photos of the area where the cutting took place. The photos showed stacked cut logs, wood chips in a large area along the roadway slope down to the subject yard, and a wetland area with early growth of skunk cabbages protruding up through the wood chips and in non-covered areas.  
Commissioner Woodward stated that he did not feel that an enforcement order or violation letter were required and recommended a *letter of understanding* for removal of the wood chips from the wetland.  
Individual site visits were planned to view the area during the coming week. In response to Mr. Shaw's questions regarding appropriate planting, Ms. MacFarlane referred him to the Native NE Plant List kept in the Office and noted that there were several species of native NE wetland willows available.  
In response to Mr. Malvia's question concerning number of trees, the Agent suggested a minimum of 8 trees, but also suggested submission of a planting plan from a wetland specialist. A letter of understanding will be sent that includes requirements of the restoration, including removal of the wood chips from the resource area and immediate buffer zone, using manual methods, planting of a minimum of 8 native NE trees, several shrubs of similar kind, and removal of the stacked logs from the resource area.

#### 9:00 PM

Adjourned- Upon a motion and second made by Commissioners Woodward and Satterwhite, respectively, it was voted 4-0-0 to adjourn the meeting.