

Conservation Commission Meeting Minutes

April 26, 2023

Hanover Town Hall, 550 Hanover St.

2nd Floor Meeting Room and via Zoom as per instruction above.

Approved 6/7/23



6:00 PM

Roll Call of Members and Welcome by the Chairman.

A roll call of those Members present resulted in the following:

Chairman Brian McLoone, Vice Chair Lisa Satterwhite, Hearing Officer Robert Sennett, Members James Vaille and Mahendra Patel, Associate Member David Sawin

Members not present: Associate Member Otis (Duke) Magoun

Staff present: Conservation Agent Sandra MacFarlane, IT Host Quentin Collins.

I. GENERAL ANNOUNCEMENTS: Chair McLoone opened the meeting and made the following announcements:

1. This meeting is being recorded and has Zoom participation.
2. Next Meeting: Wednesday, May 31, 2023 at 6 PM¹

II. ACTION ITEMS:

1. Certificate of Compliance

- a. 2060 Washington St., SE 31-1027, BL 11-02, *based on all work complete.*

VOTE: Upon a motion and second made by Members Sennett and Vaille it was voted to issue a Certificate of Compliance as follows: BM- aye, LS- aye, RS- aye, JV- aye, MP- aye

2. Enforcement Order, *Revised* – Ratification

- a. 580 Webster St.- *for alteration of BVW, RFA, pond bank, unpermitted work including construction of a dock*

Conservation Agent MacFarlane and Members Vaille, Sennett, and Associate Member Sawin reported on individual site inspections regarding the clear-cut of riverfront area, bordering vegetated wetlands and associated buffer zone and the illegal construction of a dock on the bank of Hackett's Pond.

Agent MacFarlane stated that during an on-site inspection, a verbal cease and desist was issued for Conservation and a cease and desist was issued by the Zoning Enforcement Officer (ZE Officer) Joseph Stack at the same time. Due to the lack of cooperation from the violator on site, continuation of work after the cease and desist orders, and aggressive behavior towards Agent MacFarlane and ZE Officer Stack, the Hanover Police delivered a third cease and desist. A meeting is scheduled with the property owner's representative next week. It was noted that the violator is a renter of a house located on this property. The Agent also reported that in order for the area to be restored in a more timely manner, MA DEP suggested that the restoration work be conducted as a *Restoration Order* and that the requirement to submit a Notice of Intent application be eliminated.

VOTE: Upon a motion and second made by Members Sennett and Vaille it was voted to ratify the Enforcement Order (EO) with additional requirements for the removal of the dock by a licensed professional, to issue a \$5,000 fine, and to eliminate the requirement of an NOI submission. The motion was voted as follows : BM- aye, LS- aye, RS- aye, JV- aye, MP- aye

6:15 PM

III. PUBLIC HEARINGS:

1. 37 Nash Landing, CDOA-23-3- RDA- *for sports court, landscaping, grading in BZ to BVW*

PRESENT: Matthew Haverty, Property Owner

DISCUSSION: Mr. Haverty explained that the project included minor re-grading of a play area in the rear yard to a sports court located on the same footprint, and the installation of a shed with a ½ bath connected to the existing septic system. He noted approval of the plan from Board of Health for the septic connection. The Agent reported that the wetland flagging was confirmed recently for a Minor Activities Permit for the installation of a swimming pool on this site that is located +70 ft. from an on-

¹ Commission's 2023 Annual Schedule:

January 25	February 22	March 29	April 26
May 31	June 28	July 26	August 30
September 27	October 25	November 29	December 27

site bordering vegetated wetland (BVW). Also that the current project for the ½ bath and sports court resulted in no activity beyond the 50 ft. wetland setback.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted to close the hearing and upon a motion and second made by Members Sennett and Satterwhite, it was voted to issue a negative Determination of Applicability (NOI not required) as follows: BMC- aye, LS- aye, RS- aye, JV- aye, MP- aye.

2. 439 Cedar St., COOC-23-7, SE 31-1270- NOI- *see App's Request to continue- inground pool project*

VOTE: Upon a motion and second made by Members Patel and Sennett, it was voted to continue the hearing to the May 31, 2023 meeting at 6:15 PM due to a defect in abutter notification.

3. 103 Center St.-Lot 1, COOC-23-5, SE 31-1268- NOI- *for grading, landscaping, associated site work in BZ to BVW and RFA.*

PRESENT: Paul Gunn, PE, Merrill Engineers and Land Surveyors, Applicant's Representative

DISCUSSION: Mr. Gunn presented a plan showing the construction of a single family dwelling and associated site preparation including grading, landscaping, seed and loam for residential lawn up to the 35 ft. no-touch setback to an on-site bordering vegetated wetland (BVW). It was noted that only the site prep work was within the buffer zone and RFA and that the construction of the house, septic, utilities, and driveway were greater than 100 ft. from the BVW with a minor amount located within the outer riparian. As there were no further questions from the Commission Members or those present, the Chair called for a vote.

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted to close the hearing and upon a motion and second made by Members Sennett and Patel, it was voted to issue a standard Order of Conditions as follows: BMC- aye, LS- aye, RS- aye, JV- aye, MP- aye.

4. 103 Center St.-Lot 2, COOC-23-6, SE 31-1269- NOI- *for demo of house/barn, grading, landscaping in BZ to BVW and RFA*

PRESENT: Paul Gunn, PE, Merrill Engineers and Land Surveyors, Applicant's Representative, Melsi Xhengo, property owner

DISCUSSION: Mr. Gunn presented a plan showing the demolition of a single family dwelling, barn, and fencing for a paddock, and the construction of a new single family dwelling, driveway, septic, and associated site preparation including grading, landscaping, seed and loam for residential lawn. It was noted that only the site prep work and a portion of the house and driveway were within the buffer zone and that no work was proposed within 35 ft. of the BVW. The Agent noted that the wetland line had been confirmed and that the plan had been revised to meet the regulations prior to the hearing. Also, that the corral at the rear of the property was to be restored to a natural condition with native plantings and trees as mitigation. Abutter Donna Hartigan requested that no trees be planted in that area due to previous damage to her property. The Agent explained that the area was +40 ft. from the property line and that the trees would be of a kind that did not grow to a height of more than 30- 35 ft. The Commission accepted the mitigation. A brief discussion ensued regarding pest control during demolition activities. The Agent will work with the pest-control personnel to ensure proper use of pest control materials and devices and removal of any wildlife that is caught. There shall be no disposal of such on site. Although not within the Commission's jurisdiction, Mr. Xhengo agreed to put up construction fencing in the upland (front) work areas.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted to close the hearing and upon a motion and second made by Members Sennett and Satterwhite, it was voted to issue a standard Order of Conditions as follows: BMC- aye, LS- aye, RS- aye, JV- aye, MP- aye.

5. 70 Herring Brook Way, COOC-21-15, SE 31-1243- Revised NOI- *The public hearing was closed at the 2/22/23 Conservation Commission meeting, prior to issuance of OOC a Request to Reopen the hearing was rec'd for addition of work within the buffer to wetlands to install an inground swimming pool and irrigation well.*

PRESENT: Alan Loomis, PE, McKenzie Engineering Group, Applicant's Representative, Kevin Sealund, property owner, and Matthew Dacey, project contractor.

DISCUSSION: The Agent explained that at the March 29th Conservation Commission meeting, the Commission had voted to re-open the public hearing for this project so that the potential new owner could see if an inground pool, cabana, and irrigation well could be added to the construction design. As the additional work was entirely within the original limit of work, the Commission re-opened the hearing, and allowed the revision to the plan for the additional work.

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted to close the hearing and upon a motion and second made by Members Sennett and Vaille, it was voted to issue an Order of Conditions with special conditions as discussed, as follows: BMc- aye, LS- aye, RS- aye, JV- aye, MP- aye.

IV. ADMINISTRATIVE: Reviewed with no comments.

1. Administrative Permits/Events/Other:

- a. CHPD-23-8, *for add'l training events in April 2023.*
- b. CSI-23-4, *for general inspections on Old Bridge Rd.*
- c. CEvP-23-1, Great River Race- Post-race Gathering and Award Ceremony- 7/30/23
- d. CDMA-23-2, 37 Nash Landing- *for pool, patio, fence, +70 ft. from BVW*
- e. CMA-23-3, 84 Summer St.- *for removal of hazardous trees*
- f. CMA-23-4, 611 Webster St.- *for volunteer cleanup of felled trees w/i BZ to BVW*
- g. CDMA-23-3, 327 Old Town Way- *for septic repair 93.0 ft. from BVW*

2. Minutes- 3/29/23 meeting- Upon a motion and second made by Members Sennett and Satterwhite, it was voted to approve the minutes as follows: BMc- aye, LS- aye, RS- aye, JV- aye, MP- aye.

3. Agent's Report- Reviewed with no comments.

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

8:05 PM

Upon a motion a motion and second made by Members Sennett and Satterwhite, it was voted as follows to adjourn the meeting: BMc- aye, LS- aye, RS- aye, JV- aye, MP- aye.

Minutes Respectfully Submitted by
Sandra MacFarlane, CDMI, Conservation Agent

Documents provided at meeting:

- COC Request packet for 2060 Washington St.
- EO packet for 580 Webster St.
- RDA application packet for 37 Nash Landing
- NOI application packet for 439 Cedar St.
- NOI application packets for 103 Center St- Lots 1 & 2
- NOI application packet for 70 Herring Brook Way
- Admin. documents as per Section IV. Above
- Draft 3/29/23 Minutes
- 4/26/23 Agent's Report