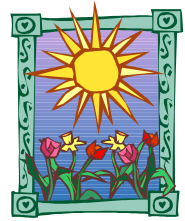




**Town of Hanover Conservation Commission,
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for APRIL 3, 2013**

Approved 4/17/13



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, and 2 Associate Members
Others: as per attached list

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

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. **April 17 and May 1, 2013** @ 6:30 PM in 2nd Flr. Meeting Room - Town Hall

II. ACTION ITEMS:

1. Requests for Certificates of Compliance: **No action taken, pending information to be submitted.**
 - a. **SE 31-1036, 1775 Washington St., Dick's Sporting Goods-** based on "work completed"
2. Request for reduction of Bylaw Fees:
 - a. **Tolman Rd. Subdivision-** Lot 1A and Lot 3A pending NOI submittals
Ms. MacFarlane explained that a request was received to reduce application fees for two separate NOI's in lieu of submitting a single NOI for two (2) single family house projects. She noted the importance of separate filings regarding administrative functions as well as confusing post-construction situations. Further, that in a past situation, a request for Certificate of Compliance for a pending sale was negatively affected due to a similar situation. Regarding NOI fees, she noted that it has been done in the past, but that only the Bylaw fees can be reduced or waived. The Agent noted that the construction schedule is similar for both lots so the inspections could be conducted together. Commissioner Satterwhite agreed with the necessity of separate applications, but was concerned about the reduction in fees.
Commissioner Satterwhite motioned to require two separate NOI's and to disallow the reduction in fees, which was seconded by Commissioner Woodward. The Commission voted 4-0-0 to deny the request.

7:00 PM

III. PUBLIC HEARINGS:

1. **BL 13-04, SE 31-____, #1131** (formerly #1123) **Webster St.-** NOI- *cont'd from 3/20/13 meeting*

PRESENT: Fred Geisel, PE, CEC, Applicant's Representative; James Paskell, Applicant

DISCUSSION: Mr. Geisel gave a brief history of the project to date, and explained that the plan was revised (4/2/13) as per the Commission's Wetland Consultant, Christopher Lucas, Lucas Environmental, Inc. He pointed out that the revised plan now shows the accurate locations of the streams and that the Riverfront Area was revised. Also that missing flags were replaced and that a Bordering Vegetated Wetland (BVW) located on the opposite side of Webster St. was flagged as buffer zone to this BVW existed on the front of this lot. He added that locations of drywells, temporary stockpiles and erosion control materials were now included on the plan as required by the Commission's regulations. The Commission reviewed the Alternatives Analysis. Mr. Geisel explained the current design as a best case scenario to keep out of the 100 ft. buffer zone and out of the inner riparian zone and FEMA Flood Zone.

In response to Chairman Paradis questions regarding the status of the project with Zoning Board of Appeals and the Planning Board, Mr. Geisel stated that they were all set.

The Agent reported agreement with the April 1, 2013 Environmental Letter Report from Lucas Environmental, Inc in regard to the BVW wetland flags and location, but noted that the annual high mean water line (AHMWL) had yet to be determined. She explained that the line was important to setting the riparian zones accurately. Further that the buildable area of the lot could change depending on the AHMWL.

Mr. Geisel stated that he determined the AHMWL to be top-of-bank.

The Agent stated that for the stream banks closest to Webster St., where banks are clearly defined, that may be true, but going further back, it is not so clear.

¹ DEP # has not been assigned by DEP as of agenda posting date.

Mr. Geisel reported that he had been on site on many occasions over several years and that he did not see any flooding beyond the banks, even in the rear of the property.

The Agent and several abutters present disputed that statement.

Abutter Joseph Kersanske, 41 Vine Street, stated that he was at all the ZBA meetings and submitted photos taken of the area in question (on 1131 Webster near the stream) that showed pockets of flooding and similar wet conditions. He also stated concerns with the accuracy of the plan and submitted a 3/13/13 Environmental Letter Report prepared by Webby Engineering, Inc., Plympton, MA, which stated concerns with possible discrepancies of property lines on the NOI plan. Mr. Kersanske pointed out that the difference found in the field by Webby was 8"-9" and stated that no matter how great or small, it shows a discrepancy exists.

Abutter Mrs. Kathy Burke, 1141 Webster Street, stated concern for additional flooding in her house. She gave a history of her home noting that work had already been necessary to abate flooding that she felt was due to the construction of the neighboring house at 1123 Webster St. She detailed the work and noted concern that another house, constructed even closer to her home, would just add to the flooding problems, especially if trees were removed.

Mr. Geisel explained the grading and elevations, noting that due to the precautions taken in the design, she shouldn't get any additional stormwater flowage. Further that the only elevated area was the driveway and that was done to meet the existing elevation of the roadway.

Mr. Wallace Cobe also gave a brief history of the site and area spanning +40 years and including roadway drainage structures on and under several neighboring public roadways. He presented a plan showing drainage structures, easements, and noted great concern for the area in regard to flooding. He pointed out that in his experience, the stormwater actually flows toward the subject property and questioned Mr. Geisel's insistence that the lot does not flood. He stated that he has witnessed it on many occasions over 40 years.

Andrew Pelish, 53 Vine Street stated that he has videos of the tributaries running along the back of the subject property "clearly showing flooding" situations and indistinct bank conditions. Several other abutters present, including Ann Cyr, 52 Vine St., stated concerns for flooding and shared descriptions of basement sump pumps and French drains.

Mr. Cobe, 154 Dwelly, pointed out several houses in the neighborhood that also had sump pumps. "It's a very wet area!" as per Mr. Cobe who voiced further concerns regarding a high ground water level.

Mr. Paskell gave a brief history of the property, noting that he is a resident also and wants only to enhance the neighborhood, not flood out the neighbors. He detailed his efforts and costs to date, adding that he wants to work with the neighbors but also within his legal rights.

Chairman Paradis further reviewed Mr. Webby's letter with the Commission, read the letter into the record, and noted several reasons to continue the hearing including questions regarding the AHMWL vs. top-of bank issue, the pending issuance of a file number by DEP, and possible legal issues with the lot lines.

Mr. Geisel explained that the survey for the NOI plan was not conducted for precise property lines in the field, but were approximated. He noted that they were based on information obtained in the deed.

The Agent recommended further review by the Commission's wetland specialist. Specifically, she noted that the AHMWL and Riverfront Area calculations needed verification and that to do so additional funds were necessary. An amount of \$300.00 was agreed to by Mr. Paskell. She added that the Alternatives Analysis was acceptable, that conservation posts were important due to the small size of the rear yard, and recommended placement at the 25 ft. setback to the BVW.

Mr. Geisel noted that there was room on the lot to relocate the house if the Riverfront Area lines change and that conservation posts will be installed if required.

Mr. Kersanske requested that abutters be allowed to attend the site walk. Mr. Paskell agreed to one being present.

Mr. Cobe was chosen by the residents present to attend the site walk with Mr. Kersanske as his backup.

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 allow Mr. Cobe and Mr. Kersanske as alternate attendee for the site inspection, and further to continue the hearing to April 17, 2013 at 7 PM, and to close the hearing and issue an Order of Conditions with special conditions as follows:

- a. construction material debris or that removed from the dam shall be disposed of at a proper disposal facility.
- b. OOC included in all construction contracts w/ contractor(s) held jointly liable for any violation of this Order resulting from failure to comply with its conditions;
- c. construction in conformance with the construction notes, details and sequence on the final plan set, "Mill Pond Dam-Dam Removal Project, Mill Street and South Street, Hanover/Norwell, Massachusetts" dated January 2013, prepared by GZA GeoEnvironmental, Inc., and prepared for the South Shore YMCA;
- d. Riparian plantings shall be as per the approved planting plan;
- e. invasive species control within the project corridor according to the approved Invasive Species Management Plan;
- f. Construction Period Operation and Maintenance Plan, Construction Period Pollution Prevention Measures, Operation and Maintenance of Erosion and Sedimentation Controls, as detailed in the Stormwater Report Section of the NOI, dated January 2013, and revised as per Amory Engineer's Environmental Letter Reports dated March 13 and 20, 2013, shall be followed with changes or revisions reported to Commission for approval prior to any actions taken.
- g. In order to reduce downstream sediment transport, DEP and Amory Engineers recommended additional dredging in the anticipated final brook channel. The Applicant's Representative, GZA GeoEnvironmental, Inc., shall work cooperatively with DEP when utilizing the "in-stream management" method regarding impounded sedimentation, as well as achieving 401 Water Quality Certification.
- h. stabilization of the newly constructed channel with monitoring of weather forecasts throughout the duration of construction and if necessary modification to their schedule to re-establish the temporary cofferdam in advance of a predicted high precipitation event.

1. BL 13-10, #298 East St.- RDA- upgrade of failed cesspool to new Title V septic system in RFA

PRESENT: Robert Crowell, PE, Crowell Engineering, Inc., Applicant's Representative; Paul Silvia, Applicant

DISCUSSION: Mr. Crowell explained that due to the constraints of the site and a failed cesspool, the proposed design and location of the new Title V rated residential septic disposal system was the most practicable. He pointed out that the leaching field was proposed 137 ft. from a Bordering Vegetated Wetland (BVW) and the tanks were located at 128 ft. from the BVW, but that all work was proposed within Riverfront Area to the Third Herring Brook. The Agent explained that due the proximity of a failed cesspool to the stream, the new system, although within RFA was an improvement over the current situation. Ms. MacFarlane noted that proof of notification for Hanover abutters was complete, but that proof of notification for the Norwell abutters was not submitted. Mr. Crowell explained that he was missing some documents from his file and that he would submit them to the Conservation Office in the morning.

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 #2 Determination of Applicability contingent upon submission of proof of recording for Norwell abutters to this project.

2. BL 13-02, SE 31- 1065, Mill St., Mill Pond Dam Project- NOI- cont'd from 3/20/13 meeting

PRESENT: Chad Cox, PE, GZA GeoEnvironmental, Inc., Applicant's Representative; Thomas Richard, _____ Development Co., Inc.; Ms. Dowd, SS YMCA Executive Director

DISCUSSION: Mr. Cox gave a brief history of the project to date, noting that comments were received from the Commission's Consultant, Amory Engineers. He noted that Amory's concerns were answered to their satisfaction. Also that they had minor suggestions regarding the draft OOC that was sent via e-mail by the Conservation Staff. Ms. MacFarlane reviewed the revisions with the Commission which were accepted.

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 an Order of Conditions with special conditions as follows:

- a. construction debris removed from site;
- b. OOC shall be included in all construction contracts;

- c. final plan revised date listed;
- d. the riparian plantings shall be as per the approved plan;
- e. invasive species control shall be monitored;
- f. O & M Plans and similar shall be listed as well as Amory's Environmental Letter Reports dated March 13 and 20;
- g. cooperation with DEP and Amory Engineers regarding downstream sediment transport;
- h. stabilization of new channel and flow restoration shall take place as per the approved plan and as indicated in the approved NOI.

IV. ADMINISTRATIVE:

1. Minutes- 3/20/13- VOTE: Upon a motion and second made by Commissioners Satterwhite and Woodward, it was voted 4-0-0 to approve the minutes.
2. Correspondence- Reviewed without comment.
3. Reports:
 - a. Conservation Staff- General and Enforcement issues
 - (i) 19 Winstanley Way- The Agent gave a brief history of the site noting that a restoration area was required within an Enforcement Order. She noted that property owner Mr. Gambale had attempted some plantings, but had recently sold the house and left the area. The new owners have agreed to complete the restoration. Commissioner Woodward stated that he had done an inspection of the site prior to Mr. Gambale leaving. He stated that the plantings looked acceptable, but did need additional trees/shrubs. The Agent added that the new property owners, Mr. and Mrs. Chris Bunker, have been cooperative. Also that they will be submitting an application for a swimming pool in the near future. Commissioners Satterwhite and Brierley both expressed concerns over acceptance of the application prior to completion of the restoration work. The Agent explained that the timing for the pool excavation and landscaping for the patio, etc., may be advantageous for the restoration work. The Commission agreed. The Agent will monitor the situation and report at the next meeting.
 - b. Open Space Committee Liaison- No action taken.
 - c. Community Preservation Committee Rep. - No report given.
 - d. Minor Activities Permits Issued: none
 - 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.*

8:07 PM

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

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