



## Town of Hanover Conservation Commission

Hanover Town Hall, 550 Hanover St.  
1st Floor Hearing Room

### **May 1, 2019 Minutes**

**Approved May 15, 2019**

Those Members and Staff Present: Chairman Brian McLoone, Vice Chair Lisa Satterwhite, Hearing Officer Frank Brierley, Members Robert Sennett, and James Vaille, Conservation Agent Sandra MacFarlane

Others Present: As per Sign-in Sheet

**6:30 PM** Chair McLoone opened the meeting and welcomed those present.

I. Enforcement Order/Cease and Desist – 61 Stone Meadow Ln. David Newhall, PE, Merrill Engineers and Land Surveyors, as applicant's representative and property owner Mr. Chris Carney were as a result of an immediate Cease and Desist Order from the Conservation Agent due to violations on his property. The Commission reviewed a plan dated 5/1/19 showing existing and estimated wetland, wetland fill and riverfront area disturbances. Wetland Specialist Brad Holmes explained that the true wetland line could not be ascertained at this time due to the +2 ft. thick gravel fill, but could be estimated from the 2003 plan approved with a previous Order of Conditions, SE 31-781. The Conservation Agent summarized the violations found on site and added that the Wetland Protection Act and the Town of Hanover Bylaw are clear on what activities and areas of work require permitting through the Conservation Commission adding that there is no doubt that the work and area of work are in violation of both the Act and the Bylaw. She noted sections of the MA DEP Enforcement Manual, the primary function of which is enforcement including a). to stop the activities which are causing the damage (this has been done), b). rectify the situation with replication and restoration, c). educate the property owner so it will not happen again. The Commission required/allowed the following actions:

- Peer review by a professional wetland scientist for wetland delineation and restoration activities as per MGL c 44, s. 53G- also to serve as Environmental Monitor for restoration and for a period of 3 growing seasons.
- Establishment of a Guarantee Deposit Fund with a minimum amount of \$2,000.00 for peer review.
- Payment of a fine as per MGL c. 40, s. 21D- *postponed due to Mr. Carney's continued cooperation.*
- Removal of retaining wall blocks and wetland fill as the materials are in clear violation of the bylaw and the Act and fill is of questionable materials that may have additional negative impacts to ground water.
- Use of motorized equipment is allowed for expedient removal of the above and to ensure that proper wetland elevations are met for the appropriate amount of inundation necessary for regrowth of existing and new wetland vegetation growth- under the guidance of the Environmental Monitor.
- The establishment of a surety fund to be held by the Town until all materials are removed from the wetland and to cover replication/restoration activities. Amount to be submitted: \$10,000.

The funds to be release in two phases- a). \$5,000 to be released upon full removal of all fill and blocks; b). \$5,000 to be released upon successful growth of wetland and buffer vegetation for three (3) growing seasons.

- Relocation of the shed out of the wetland, to be placed no closer than 35 ft. from the wetland.
- Removal of electrical conduit within the 25 ft. no-disturbance setback to the shed.
- Removal of the 5" PVC pipe discharging swimming pool water into the BVW buffer and riverfront area.
- Installation of a drywell for seasonal swimming pool discharge as per the approved plan of record.
- Installation of a drywell for roof runoff as per BL 03-22, SE 31-781, an existing Order of Conditions.
- Submission of a Notice of Intent within one month for required work on this site.
- Installation of the nine (9) conservation setback markers to meet the conditions of SE 31-781.

VOTE: Upon a motion and second made by Members Vaille and Satterwhite, it was voted 5-0-0 to ratify the Enforcement Order and all requirements as listed above.

## 6:45 PM

### II. PUBLIC HEARING:

#### 1. **BL 19-37, 216 Whiting Street.- RDA-** *for a gravel access way proposed at 35 ft. from a BVW*

PRESENT: George Collins PE, Applicant's Representative

DISCUSSION: Mr. Collins presented a plan dated 4/8/19 showing a gravel access pathway 35 ft. from a Bordering Vegetated Wetland (BVW) in association with a residential septic upgrade project proposed greater than 100 ft. from the BVW and not within the existing on-site riverfront area.

VOTE: Upon a motion and second made by Members Vaille and Sennett it was voted 5-0-0 to close the hearing and issue a negative #3 Determination of Applicability.

#### 2. **BL 19-38, 189 Mann's Drive.-NOI-** *restoration of disturbed wetland buffer*

PRESENT: Michele Grenier, WS, and property owners Richard & Meredith Desharnais

DISCUSSION: Conservation Agent MacFarlane explained that as a result of an Enforcement Order (EO) for unpermitted work in a wetland buffer, a Notice of Intent was required. She pointed out that clearcutting of mature trees, shrubs, and ground cover within the 25 ft. *no-disturbance* buffer to an on-site Bordering Vegetated Wetland (BVW) and within the remaining 100 ft. buffer had taken place. She noted that an immediate cease and desist had been adhered to as required, and that a wetland specialist had been hired by the applicants to ascertain the extent of the damage in preparation of restoration. Ms. Grenier presented a Restoration Plan dated 5/1/19 showing full restoration using native New England species that enhance wildlife habitat. Mr. Desharnais informed the Commission that he maintained the Agent's cease and desist since imposed, and that he would cooperate in any way he could. Due to the applicant's immediate and continued cooperation, a fine was not imposed at this time. The Agent noted that as part of the current application, the applicant seeks *after-the-fact* approval a portion of the work- that within the buffer area between 26 ft. to 100 ft. BVW buffer. As this work was within the scope of allowable buffer activities had an application been filed, the Commission allowed this portion of work with conditions. The removal of semi-large boulders from the rear yard (displaced by heavy equipment activities) was also requested at this time by Mr. Desharnais. The Agent recommended against further disturbance within the 25 ft. setback and wetland, noting that efforts should be made to maintain original elevations in these areas for proper functioning. The Commission agreed. Activities allowed outside of the aforementioned area included minor grading, stump grinding, and stone removal for the installation of lawn. Ms. Grenier will serve as the environmental monitor during all site activities. In addition to the work required within the EO, the Agent noted that since the time of the clear cutting incident, additional trees in the outer buffer were felled by recent storms and constituted a safety issue. The Commission allowed removal of said trees. Abutter Arlene Traylor, 207 Stone Meadow Ln., noted concerns for the loss of the visual buffer to her home noting that without the mature white pines, her second story rooms would have increased light exposure. The Chair explained that the growth rate, size, and species of the trees required for the restoration were considerations designed into the plan.

VOTE: Upon a motion and second made by Members Vaille and Sennett it was voted 5-0-0 to close the hearing and issue an Order of Conditions, with conditions as stated above.

### III. ADMINISTRATIVE: Chair McLoone made the following announcements:

1. Next meetings: 5/15/19, Summer Schedule begins with 6/19/19, 7/17/19, 8/14/19
2. Conservation Commission Positions available (*contact Conservation Agent if interested*):  
An Associate Member is needed for ConsComm, and member designees are needed for Community Preservation Committee and the Master Plan Implementation Committee
3. The 4/17/19 minutes were approved 5-0-0 after a motion and 2<sup>nd</sup> made by Members Sennett and Vaille.
4. Minor Activities Permits/Events issued and updates:- reviewed without comment.
  - a. BL-19-33, Luddams Ford Park. – event- NSRWA Family Day
  - b. BL-19-39<sup>1</sup>, 162 Old Farm Rd.- Minor Acts- removal of unsafe trees
5. Agent's Report- reviewed without comment.
6. Correspondence- reviewed without comment.
7. Other - *items not reasonably anticipated by the Chair within 48 hours of the meeting*- none

Minutes Respectfully Submitted by Conservation Agent Sandra D. MacFarlane, CDMI, Conservation  
Documents Provided at Meeting: 5/1/19 agenda, BL 19-40 Enforcement Order, BL 19-37 RDA packet, BL 19-38 NOI packet, Draft 4/17/19 minutes, SE 31-1158 revised plan, Minor Acts Permits and Events as listed above, Agent's 5/1/19 report