



**Town of Hanover Conservation Commission,
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for JUNE 05, 2013**

Those Members and Staff present: Chair Lou Paradis; V. Chair Lisa Satterwhite; Hearing Officer, Frank Brierley; Commissioner William Woodward; Conservation Agent, Amy Walkey; DMI Admin. Asst. Sandra MacFarlane
Those not present: (vacant) Commissioner, (vacant) 2 Associate Members
Others present: as per attached list.

6:30 PM I. ANNOUNCEMENTS & DATES TO REMEMBER: The Chair opened the meeting and made the following announcements:

1. **Summer Schedule starts~ Next meetings: June 19, July 17, and Aug. 14, 2013 @ 6:30 PM** in 2nd Flr Mtg Room~Town Hall
2. **Vacancies on Commission~** 2 Associate positions, 1 full Member

II. DISCUSSIONS:

1. **#86 Old Washington St~ Violation**

The Agent reported that as a result of a complaint follow up, it was found that wetland buffer disturbance and wetland fill had been placed at this site. Also that the construction work for the house and other structures on site, although built in 1993 within the Commission's jurisdiction, was conducted without a Conservation permit. The Commission reviewed plans showing the location of Bordering Vegetated Wetland (BVW) on three (3) sides of the house. The Agent pointed out areas of disturbance. Ms. Patricia Bowen, Property Owner, was present to explain that she was not aware that her property had protected areas, and that the Building Permit was approved without a mention of needing Conservation review. She also stated that she was trying to solve problems that resulted from the recent bad weather. The Chair allowed Mr. Rick Garofalo, Redman Construction, to explain his work on the site, including removal of damaged and broken trees, branches, and grading. He also gave a brief history of the site including past construction and an on-going neighbor dispute. Mr. Garofalo further explained that invasive shrubs and vines were spread throughout the site and impacting the structural integrity of the porch. Regarding trees that were not affected by the storms, he explained that they were dying due to the invasive vines. In regard to the driveway, he explained that due to damage to the pavement and substructure, the damaged area was repaired and re-surfaced.

The Agent noted that all work conducted for the repairs was clearly in buffer to BVW, and that the house construction would have been a violation in 1993 when constructed without a Conservation permit.

After a brief discussion including possible enforcement actions, the Commission agreed that a Restoration Order was appropriate for the current work in the buffer. No action was taken regarding the house construction violation. Ms. Bowen agreed to restore the disturbed areas using native New England trees and shrubs including Red Cedar, Balsam Fir, White Pine, azaleas, etc. The Commission also required that any future work on the site would necessitate a Notice of Intent filing.

VOTE: Upon a motion and second made by Commissioners Woodward and Satterwhite, it was voted 4-0-0 to issue a Restoration Order with notation that native New England plants shall be used and that any future work on the site would require the submission of a Notice of Intent.

III. ACTION ITEMS:

1. Request to Rescind vote of DOA from May 15, 2013 meeting:

- a. **BL 13-18, #17 Rose Hill Rd.**~ RDA~ Vote was for a Positive DOA~ *for grading and landscaping in BZ to BVW*

The Agent explained that the concerns voiced at the 5/15/13 meeting regarding this project resulted in a Positive DOA, but that the Applicant and their Representative worked together to resolve the issues. Mr. Dana Altobello, PE, Merrill Associates, Inc., Applicant's Representative, explained that the wetland line had been verified by a professional wetland specialist and that the project was greatly decreased to lessen the amount of disturbance to the buffer to BVW. The Commission agreed that the project had changed significantly enough to rescind the vote and continue the hearing. (see hearing below)

2. Requests for Certificate of Compliance:

- a. **SE 31-1047, #676 Center St.**~ Request based on "all work completed"~ *as per Applicant*
- b. **SE 31-1051, #688 Center St.**~ Request based on "all work completed"~ *as per Applicant*

VOTE: Upon a motion and second made by Commissioners Satterwhite and Brierley, it was voted 4-0-0 to issue Certificates of Compliance for Items III.2.a. and b. No action was taken on Items III.2.c. and d. listed below.

- c. **SE 31-1057, #73 Sunset Point**~ Request based on "all work completed"~ *as per Applicant*
- d. **SE 31-1036, #1775 Washington St., Dick's Sporting Goods**~ Request based on "all work completed"~ *as per App.*

7:00 PM III. -PUBLIC HEARINGS:

1. BL 13-18, #17 Rose Hill Rd.- RDA- *for grading, repair of stone retaining wall, landscaping in BZ to BVW*

PRESENT: Michelle Cummings, Applicant/Property Owner; Dana Altobello, PE, Merrill Associates, Inc., Applicant's Representative

DISCUSSION: Ms. Cummings pointed out the revisions to the project noting that the overall repair area had been substantially decreased and that the wetland line had been updated. In response to the Commission's concerns for access to the site and equipment within the buffer to BVW, Ms. Cummings explained that no vehicles would enter the buffer because motorized wheel barrows were to be used. Also that due to the decrease in project size, access is less intrusive. The Agent pointed out the area of wetland line that had been reviewed and noted agreement with the line as well as the Annual Mean High Water Line. She also agreed that the project size was reduced and that the additional details were added to the plan as required.

VOTE: Based on the discussion above and within Action Item #1, and upon a motion and second made by Commissioners Woodward, respectively, it was voted 4-0-0 to close the hearing and issue a Negative #3 Determination of Applicability.

2. BL 13-32, #51 Summer St.- RDA- *for repair to stone retaining wall (cut along rear/fill) in BZ to BVW*

PRESENT: Ms. Eileen St. Onge, Applicant/Property Owner

DISCUSSION: Ms. St. Onge explained that due to the poor condition of a stone retaining wall, repairs were necessary and that to avoid future damage to the wall, minor grading and other improvements to stormwater management were built into the design. She pointed out that the work area included the walk-in area to her basement, which also will be re-graded to eliminate flooding the entry way. She submitted photos showing the damaged wall and walk-in area. The Commission agreed that stormwater improvements were necessary to the functioning and stability of the wall. The Agent noted that the project was planned for approximately 10 days, and also agreed that it was necessary and a good plan.

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

3. BL 13-36, #180 Dillingham Way- RDA- *for minor grading and landscaping up to 25 ft. to BVW*

PRESENT: Mr. Nathaniel Egan, Applicant/Property Owner

DISCUSSION: Mr. Egan explained the project to repair damaged areas within his rear yard and an area at which he would like to expand the lawn up to the 25 ft. no-disturbance setback to BVW. He pointed out that proposed work included minor grading, removal of two (2) trees, loaming and seeding, and the placement of a small shed (less than 120 sq. ft.) in the rear yard. The Agent noted no concerns with the project.

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

4. BL 13-30, #68 Honeysuckle Ln.- RDA- *for install of inground swimming pool in BZ to BVW- cont'd from 5/15/13 mtg.*

PRESENT: Mr. Dana Altobello, PE, Merrill Associates, Inc., Applicant's Representative

DISCUSSION: Mr. Altobello explained the project which includes the installation of an inground swimming pool, spa, patio surround, and associated site work with erosion control materials proposed at 51 ft. from a BVW. He pointed out that the depression of the pool was 72 ft. from the BVW and that no work was proposed within Riverfront Area.

The Agent noted no concerns with the revised project, stating that the erosion control and updated wetland lines were acceptable. She also explained that a public walking easement exists on the lot and noted concerns with public access. The Commission required that the Property Owner maintain the easement including clearing the path of overgrown vegetation and the removal of debris that has accumulated along the easement.

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

5. BL 13-23, SE 31-1070, #34 Twin Fawn Dr.- NOI- *for std, septic, pool, etc. in BZ to BVW- cont'd from 5/15/13 mtg.*

PRESENT: none

VOTE: Upon a motion and second made by Commissioners Woodward and Satterwhite, respectively, it was voted 4-0-0 to continue the hearing to 6/19/13 at 7:00 PM as per the Applicant's request.

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

IV. ADMINISTRATIVE:

1. **Minutes-** 4/17/13 and 5/15/13 *(5/01/13- hearing was not held- No minutes to review).*

VOTE: Upon a motion and second made by Commissioners Satterwhite and Woodward, respectively, it was voted 4-0-0 to approve both sets of minutes.

2. **Correspondence-** Reviewed without comment

3. **Reports and Minor Permits:**

- a. Conservation Staff- General and Enforcement issues-

- (i) **BL 13-26, #808 Circuit St.- EO update-** The Agent reported that the Enforcement Order is ready and will be mailed this week. The Applicant was notified that the Commission ratified the EO. A meeting is scheduled for next week with Mr. Pongratz and the potential new owner of the property.
- (ii) **#409 Columbia Rd.- Building 19- EO update-** The Agent reported that Hajjar Mgt. submitted a revised plan as per the Commission's requirements and has begun the restoration work.
- (iii) **BL 13-34, #311 Pleasant St.- EO update-** The Agent reported that the Property Owners have begun the planting and cleanup on this site.
- (iv) **SE 31-1052, #838 Circuit St.- update on wetland restoration project-** The Agent reported that the restoration project is progressing and is going well.
- (v) **#369 Washington St.- Kennedy Bldg. @ Cardinal Cushing- preliminary info re: parking lot expansion/remodel**
The Staff reported that no applications have been received for this project.
- (vi) **BL 12-53, #957 Webster St.- update on buffer restoration-** The Agent reported that all parties have reviewed restoration areas and have expressed agreement and approval.
- (vii) **SE 31-925A, #70 Elm St.- Tolman Rd.- review of wetland replication and rain garden status**
The Agent reported that the project is moving forward, but that there are still outstanding issues, including one of the rain gardens. Mr. Rodriguez, Applicant/Property Owner, was present and disagreed that there was anything left outstanding, noting that both rain gardens are functioning. The Commission required compliance with the Environmental Letter Report prepared by Mr. Dave Nyman, PE, CEI, Planning Board Consultant, who has reviewed stormwater management at the site in regard to functionality and possible impacts to the resource areas.
The Agent will follow up with Mr. Nyman and Mr. Rodriguez and will update the Commission at the next meeting (July 17, 2013).

- (viii) **Morrill Allen Phillips Wildlife Sanctuary- update in vandalism**

The Staff reported on a second site inspection conducted at this site and provided photos of the disturbance from the construction and use of a large moto-cross course. Mr. MacFarlane reported that additional work has been done at the site to create new jumps, activity has taken place within and around the fire pit and that more trash was found along the trails. The Agent reported that the Director of Community Services, Tony Marino and related Dept. Heads have been notified of the situation. Further review of the files for the site show that the parcel is under the care and maintenance of the Board of Selectmen and that if the "use" does not remain a wildlife sanctuary, it reverts to the heirs. More review of the situation is necessary and the Commission will be updated as the situation progresses.

- b. Open Space Committee Liaison Report and Community Preservation Committee Report: none
- c. Minor Permits/Event Cards Issued: Ms. MacFarlane announced the following Minor Activity Permits and Event Card were issued from the Office:
 - (i) **BL 13-37- #22 Whiton Ct.- for tree damage clean up due to storms**
 - (ii) **BL 13-38- #Town Trail Filming Project- Colby Phillips, Indian Head Trail, French's Stream Trails**
 - (iii) **BL 13-39- #Luddams Ford Park- Scout event**

8:30 PM: Upon a motion and second made by Commissioners Brierley and Satterwhite, it was voted 4-0-0 to adjourn the meeting.

Minutes Respectfully Submitted by
Sandra D. MacFarlane, DMI Administrative Assistant
Conservation Office