



Town of Hanover Conservation Commission
Hanover Town Hall, 550 Hanover St., 2nd Floor Meeting Room
MINUTES for AUGUST 14, 2013

APPROVED: 9/04/13

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, Asst. Conservation Agent
Those Members and Staff not present: (vacant), Commissioner; (vacant), 2 Assoc. Members
Others: as per attached list.

6:30 PM

I. ANNOUNCEMENTS & DATES TO REMEMBER: Chairman Paradis welcomed all present and made the following announcements with congratulations going to Ms. MacFarlane for her new position:

1. Regular Annual Schedule commences- next meetings: Sept. 4 & 18 @ 6:30 PM in 2nd Flr. Meeting Room - Town Hall
2. Vacancies on Commission- 2 Associate positions, 1 full Member
3. New Position in Conservation Office - Assistant Conservation Agent, Sandy MacFarlane

II. ACTION ITEMS:

1. Requests for Certificate of Compliance:
 - a. **SE 31-1064, BL 13-01, #1954 Washington St. (Sunoco Station)**- Request based on "all work completed" - as per App. VOTE: Upon a motion and second made by Commissioners Woodward and Satterwhite respectively, it was voted 4-0-0 to issue the Certificate of Compliance.

7:00 PM

III. PUBLIC HEARINGS:

1. **BL 13-51, SE 31-1074, #67 Elm St. - ANRAD**- *continued from 7/17/13 meeting.*

PRESENT: James Pavlik, PE, Outback Engineering, Inc., Applicant's Representative; Mark and Ann Riordan, Property Owners/Applicant

DISCUSSION: Mr. Pavlik explained that the BVW line, as detailed on the plan, was acceptable by all parties, including the Commission's wetland consultant. In response to the Commission's questions regarding the approximation of RFA, Mr. Pavlik explained that the mean annual high water line, which RFA is based on, was not flagged in the field, but that the RFA is located within BVW. The Commission reviewed an Environmental Letter Report prepared by the Commission's Wetland Consultant, Lucas Environmental, which advised that the annual mean high water line and related RFA should be flagged in the field. Property owners Mark and Ann Riordan explained that any structure proposed would be greater than 500 ft. from Iron Mine Brook and located up toward the front property line. They also noted that additional field work and flagging the RFA was cost prohibitive at this time. Commissioner Woodward pointed out that the Order could be issued as accurate for the BVW, but a notation would be added regarding the lack of flagging for RFA. The Agent noted agreement with resource area lines and recommended that plans submitted for future work on this site should include an accurate flagging of the Riverfront Area.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodward and Brierley, it was voted 4-0-0 to close the hearing and issue an Order of Resource Area Delineation for BVW only with notation regarding the lack of field verification of the annual mean high water line and Riverfront Area on this site.

2. **BL 13-53, #87 Larchmont Ln. - RDA**- *for residential addition and deck in BZ to BVW*

PRESENT: Darren Grady, PE, Grady Consulting, LLC, Applicant's Representative

DISCUSSION: Mr. Grady presented a plan dated 6/24/13 detailing a 26 ft. x 32 ft. addition to a single family dwelling with attached 10 ft. x 12 ft. wooden deck, proposed 59 ft. from an off-site Bordering Vegetated Wetland (BVW) with erosion control materials proposed at 50 ft. from the BVW. Mr. Grady pointed out the location of a fence 2-5 ft. in front of a tree line that runs across the rear yard. In response to the Agent's comments regarding conservation posts, Mr. Grady requested placement of conservation post plaques to the existing fence. The Commission agreed and required two (2) plaques evenly spaced on the fence. Ms. MacFarlane noted that a revised plan showing a corrected 100 ft. buffer line to

¹ DEP # has not been assigned by DEP as of agenda posting date if "SE 31- ____" is printed.

BVW and several other administrative items had not been received as of yet. Mr. Grady assured the Commission that a revised plan showing the corrected line, the location of the existing fence with details for the conservation post plaques was forthcoming, as well as other items required.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodward and Brierley, it was voted 4-0-0 to close the hearing and issue a Negative #3 Determination of Applicability with a condition for the attachment of two (2) conservation post plaques to the existing fence and the requirement of submission of a revised plan with the following information:

- Detail showing the existing fence location
- Detail showing the conservation post plaque locations on the fence
- Corrected 100 ft. buffer line from BVW

3. BL 13-54, #95 Ponderosa Dr.- RDA- *for septic repair in BZ to BVW*

PRESENT: Shayne McGlone, RS, McGlone Enterprises, Inc., Applicant's Representative

DISCUSSION: Mr. McGlone presented a plan showing a septic upgrade including the abandonment of a failed cesspool system and the installation of a new Title V rated residential septic disposal system within buffer zone to an on-site BVW. He pointed out that the new tanks are a minimum of 54 ft. from the BVW with the location of the leaching field proposed at greater than 100 ft. from the BVW. Also, that no work was planned beyond the erosion control material located at the 50 ft. setback to wetlands. In response to Commissioner Woodward's questions regarding Board of Health approvals, Mr. McGlone stated that the current plan dated 7/9/13 was approved by the Board of Health. The Agent reported on her recent site inspection noting that the new system is an improvement to the site and that the choice of location was limited. Upon the Agent's recommendation for conservation posts on this site, Mr. McGlone objected due to the nature of the project, adding that he felt it was an imposition to the family. However, after a brief discussion, agreed to the installation of two (2) conservation posts at the tree line, as the site has been historically mowed to that point for many years. The location of conservation posts was added via hand to the plan and agreed to by all.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodard and Brierley, it was voted 4-0-0 to close the hearing and issue a Negative #3 Determination of Applicability with a condition requiring the installation of two (2) conservation posts at the tree line out from wetland flags WF 3 and WF 2.

4. BL 13-55, # 1054 Webster St.- RDA- *for septic repair in BZ to BVW*

PRESENT: Shayne McGlone, RS, McGlone Enterprises, Inc., Applicant's Representative

DISCUSSION: Mr. McGlone presented a plan showing a septic upgrade including the abandonment of a failed cesspool system proposed 54 ft. from an on-site BVW and the installation of a new Title V rated residential septic disposal system with leaching field components 88 ft. from the BVW. In response to Commissioner Woodward's questions regarding Board of Health approvals, Mr. McGlone stated that the current plan dated 7/30/13 was approved by the Board of Health. The Agent noted that impacts to wetlands would be lessened due to the new system and the increased distance from BVW of the old system. In response to Commissioner Brierley's questions regarding stormwater flow, Mr. McGlone pointed out that it flows toward the rear of the property due to the natural elevations on site. In response to the Agent's recommendations regarding conservation posts, Mr. McGlone reiterated his opposition, but agreed to install 2 posts at the tree line in the rear yard at 35 ft. setback to BVW out from WF's 4 and 6, the location, of which, was added via hand on the plan.

VOTE: Based on the discussion above and upon a motion and second made by Commissioners Woodard and Brierley, it was voted 4-0-0 to close the hearing and issue a Negative #3 Determination of Applicability with a condition requiring the installation of two (2) conservation posts at the tree line 35 ft. out from wetland flags WF 4 and WF 6.

5. BL 13-56, SE 31-____, #1566 Hanover St.- NOI- *for single family dwelling, etc. in Riverfront Area and BZ to BVW*

PRESENT: none

VOTE: Upon a motion and second made by Commissioners Woodard and Brierley, it was voted 4-0-0 to continue the hearing to September 4, 2013 at 7 PM as per the Applicant's request.

IV. ADMINISTRATIVE:

1. **Minutes-** 7/17/13 VOTE: Upon a motion and second made by Commissioners Woodard and Brierley, it was voted 4-0-0 to approve the minutes.

2. **Correspondence-** Reviewed without comment.

3. Reports and Minor Permits:

a. Conservation Staff- General

- i. **191 Hillside Dr.-** Property Owners Kate and David Canny were present at the request of the Commission in regard to a violation on their property that included the construction of a shed and cutting of vegetation up to the bank of a brook on their property. The Agent pointed out cutting and location of shed in photos from a recent site inspection. She also pointed out historic mowing within buffer areas, as well as old piles of grass clippings (approximately 15 – 20 yds.) located across the brook. Commissioner Brierley commented on the apparent historic mowing that has taken place up to the brook as well. Ms. Canny stated that they were unaware of violating regulations because of a misunderstanding of information that she received from another office at the Town Hall. However, now that they are aware of the situation, an offer was made for mitigation in lieu of moving the shed 15 ft. from the bank, as discussed by the Commission at the 7/17/13 meeting. In response to Commissioner Brierley's questions regarding proposed contents of the shed, Mr. Canny explained that the floor of the shed is gravel and that the contents were to be out door toys, small garden tools, rakes, etc. and that motorized items, like lawn mowers were to be kept in their garage, not the shed. After a brief discussion that included several possible mitigation measures, the Commission allowed the shed to remain in place with specific mitigation to be conducted as listed in the vote below. VOTE: Based on the discussion above and upon a motion and second by Commissioners Brierley and Satterwhite respectively, it was voted 4-0-0 to allow the shed to remain in place with the following mitigation:

- a. removal of grass clippings piles with cleaned up area to be allowed to return to natural buffer vegetation;
- b. installation of a gutter and rain barrel system on the shed;
- c. installation of a rain garden behind the shed, to be planted with native NE buffer species;
- d. prohibition on storing items in the shed that may leach harmful chemicals into resource areas.

- ii. **160 Woodland Dr.-** The Agent reported that as a result a site inspection regarding possible violations to the recent Order of Conditions issued for this property, excessive filling of buffer up to wetland was found along the left side of the driveway, as well as a car parked and construction debris found in this area. In addition, the OOC specifically required that only the area in front of the new garage was to be paved- the entire driveway has been paved in violation of these conditions. Commissioner Satterwhite recommended removal of the pavers as per the OOC within an Enforcement Order/Cease and Desist with a requirement to attend the next meeting. In addition, the Commission considered possible fines for lack of response/actions to correct. VOTE: Based on the discussion above and a motion and second made by Commissioners Satterwhite and Woodward, it was voted 4-0-0 to issue an Enforcement Order/Cease and Desist with notice to attend the next Conservation meeting, cease all activities, and that the Commission is considering fines for this violation.

- iii. **58 Lincoln Ln./276 Brook Cr.-** Mr. Timothy Knight, 276 Brook Cr. was present to discuss the cutting of trees on a neighboring property within wetlands and associated buffer. He explained that due to storm damage, he cut broken limbs and small broken trees on his lot and on the neighboring lot that were infringing on his property to clean up the area. He was unaware that it was in wetlands, or a violation. He stated that he did go over the property line and cut a few trees leaving 8 -10 ft. stumps. He did so as a favor to his neighbor because they were leaning or hanging precariously. Further that he would do whatever the Commission required to rectify the situation. The Agent reported on a recent site inspection confirming that work was done within wetlands, pointing out areas of disturbance on a GIS generated map showing both properties. She added that had either owner contacted the Conservation Office, the work may have been permitted under a Minor Activities Permit. Mr. Knight added that new vegetation had already begun to refill some of the cut areas. The Agent also commented on the location of a shed on Mr. Knight's property that was sitting in no-disturbance setback to the BVW. Mr. Knight indicated that he would look into relocating it. The Agent will continue follow up on this matter and report as necessary.

- b. Open Space Committee Liaison Report and Community Preservation Committee Report: none
- c. Minor Permits/Event Cards Issued: The Commission reviewed the following Minor Activity permits without comment:
 - (i) **BL 13-57- #50 Dana Dr.** *for tree work and vista pruning*
- 4. **Other:** none

8:00 PM

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

Minutes Respectively Submitted by
Sandra D. MacFarlane, Asst. Conservation Agent
Dept. of Municipal Inspections