

TOWN OF HANOVER CONSERVATION COMMISSION

550 HANOVER ST., HANOVER MA

2ND FLOOR HEARING ROOM

MINUTES FOR AUGUST 15, 2018

APPROVED 9/5/18



Those Members and Staff present: Vice Chairman Lisa Satterwhite, Robert Sennett, James Vaille, and Conservation Agent Sandra MacFarlane.

Those Members not present: Chairman Brian McLoone, Hearing Officer Frank Brierley, Associate Member Otis Magoun.

6:30 PM- Vice Chair Satterwhite opened the meeting and made the following announcements:

I. ANNOUNCEMENTS & DATES TO REMEMBER:

1. Next Meetings: September 5 and 19, 2018
2. One Associate Member position on the Conservation Commission is available. Volunteer applications are available at the Selectmen's Office or online at the link:
http://www.hanover-ma.gov/sites/hanoverma/files/file/fy_14_talent_bank_application.pdf
3. Member or Member's designee needed as voting member on Community Preservation Comm.

II. PRESENTATIONS:

1. **BL 18-61, Eagle Scout Candidate Alex Jassie-** Boardwalks for Shingle Mill Brook trails
Scout Alex Jassie was present to update the Commission on the status of his boardwalk projects. He explained that with supplies now on site, some vista pruning and trail maintenance has been completed and the project is expected to be completed by mid-Fall. Due to encountering several felled trees across access to the project area and within the boardwalk layout, the Commission allowed additional tree removal for access and safety reasons. Scout Jassie also noted that his fund raising efforts at the Transfer Station have been successful.
2. **BL 18-67, Eagle Scout Candidate Jamie Parry- Update-** Boardwalk for Melzar Hatch Reservation. As Scout Parry could not attend tonight's meeting, this item was rescheduled for 9/5/18.

III. ACTION ITEMS:

1. Enforcement Order- 965 Washington St.- No action taken, Property owner not able to attend.
2. Review of Hanover Conservation Commission Rules and Regulations

- *Coverpage/Title, b. Table of Contents, c. Introduction, d. Purpose*

The Commission was provided copies of the above listed Rules and Regs sections revised and updated by the Conservation Agent for their review. This item will be on the 9/5/18 agenda for further discussion and/or acceptance of these 4 sections.

IV. PUBLIC HEARING:

1. **BL 18-62, 42 Meadowbrook Rd.-** RDA- *for septic upgrade in BVW BZ*

PRESENT: Shayne McGlone, RS, Property Owners Derek and Jennifer Tawa

DISCUSSION: Mr. McGlone presented a plan dated 7/13/18, showing the abandonment (pump, crush, fill with clean sand) of a failed septic system with the installation of a new Title V rated residential septic disposal system, including a 1500 gal tank proposed at 52' from an on-site Bordering Vegetated Wetland (BVW), and the leaching field proposed at 90' from BVW. He pointed out that erosion control and limit of work are proposed at 50 ft. from BVW. Also that the new system was located as far from the resource area as possible. The Agent noted confirmation of the wetland lines and accuracy of the plan.

VOTE: Upon a motion and second by Commissioners Sennett and Vaille, it was voted 3-0-0 to issue a Negative #3 Determination of Applicability (*Notice of Intent submission not necessary*).

2. BL 18-63, SE 31-1181, 405 Washington St.- NOI- *for parking lot expansion, SWM, in BVW BZ at the Cardinal Cushing Complex*

PRESENT: Peter Palmieri, PE, Merrill Engineers and Land Surveyors- Applicant's Representative, Thomas Jennings, Cardinal Cushing Centers.

DISCUSSION: Mr. Palmieri presented a plan dated 7/26/18, noting that conservation setback required with a previous Orders of Conditions (SE 31-1081 and SE 31-1099) are still in place, that the additional parking area is out of the 35 ft. no-structure Bordering Vegetated Wetland (BVW) setback and that as proposed, and that the project results in decreased impacts to the BVW due to stormwater management improvements to the site. The Commission required snow storage signage to prohibit snow plowing toward the conservation setback markers and to direct snow storage out of the 100 ft. BVW buffer.

VOTE: Upon a motion and second by Commissioners Sennett and Vaille, it was voted 3-0-0 to close the hearing and issue an Order of Conditions with special conditions as follows:

- Signage to prohibit snow plowing into the resource area shall be installed.
- Signage for snow storage areas shall be installed to direct snow piles out of the 100 ft. BVW buffer.

3. BL 18-69, SE 31-____¹, King St. rear, Fireworks Site- NOI- *for add'l pavement, SWM, in BVW BZ*

PRESENT: Ronald Marnicio, Project Mgr., and Larry Kahrs, PE/Mgr., Tetra Tech, Inc., both Applicant's Representatives.

DISCUSSION: Mr. Marnicio gave an update of work at the site being conducted under the Orders of Conditions SE 31-1149 and SE 31-1163. He added that the site, including waterbodies, continues to be under strict security measures with warning signs on trails and buoys to prevent water access. He stated that to date, 33,569 pieces of munitions of varying size and type have been found (5.25 tons), 9,501 pieces were detonated, and that safe removal of a small amount of asbestos and PCB's² has been completed. Also found was a metals-forming machine site which used explosive force to form metal items around a pre-formed shape. He confirmed that the area and soils have been fully examined with removal of any residue materials. He assured the Commission that all off-site disposal of said items is strictly regulated and follow appropriate protocols. With appreciation to Associate Member Otis Magoun and his former boss, both of who were 1940's+ Atlantic Research employees, Mr. Marnicio noted that several new areas of interest were investigated this month and found to be unmapped test ranges and repositories for a variety of munitions and manufacturing related items and that in order to accommodate these additional investigations, the range of the project has now expanded. Hence, the new NOI application. Further that the resulting 6/27/18 *Immediate Response Action Plan Modification Change Order #1 to Scopes of Work for Munitions-Related Activities at the Fireworks Site* received Conditional Approval from MA DEP on 7/9/18. The Agent presented an amended Access Agreement, vetted by Town Counsel and signed by the Town Manager and Tetra Tech, Inc. personnel that expands the area of investigation to include all inland areas in order to expedite the process and cover future unexpected work areas. Mr. Marnicio added that the amendment to the Access Agreement allows for a more timely process, as each change would require review by numerous parties. Regarding work within wetlands, he assured the Commission that all investigations and removal activities will take place using hand tools when possible to minimize impacts. For areas where target materials are found such as concrete blocks, railroad ties, and massive steel plates, a mini-backhoe on appropriate wetland matting (as per Army Corp's of Engineers Best Management Practices for work within a resource area), will be used to minimize wetland impacts. As a final restoration plan would be difficult to design until all investigations and removal activities are completed, the Commission allowed for temporary restoration measures at this time with full wetland and buffer restoration design to be added to the Order as an amendment in the future. Mr. Marnicio added that looking toward future uses of the site, whenever possible, larger trees- deciduous and evergreen- continue to be saved, that 2 large slabs of concrete have been removed, soils testing is pending, additional LiDar³ exploration is scheduled with a Geophysicist due on site next week, and that any historic trenches/pits filled with burn residue have been

¹ DEP file number not issued at time of public hearing, but is expected prior to permit issuance.

² PCB- polychlorinated biphenyls were once commonly used as dielectric and coolant fluids in electrical apparatus- i.e., transformers, carbonless copy paper and in heat transfer fluids.

³ LiDar- a surveying method that measures distance to a target by illuminating the target with pulsed laser light and measuring the reflected pulses with a sensor.

investigated, cleared and filled using current safety methods. It was understood by all parties that future work within waterbodies for testing with newer detection equipment and any munitions removal from the ponds, including dredging, will require a new Notice of Intent.

VOTE: Upon a motion and second made by Members Vaille and Sennett, it was voted 3-0-0 to close the hearing and issue an Order of Conditions contingent upon DEP file number⁴.

V. ADMINISTRATIVE:

1. Chairman's Report – Chairman McLoone gave a brief update from his attendance at the August 6th Board of Selectmen's' meeting, noting that it was accepted without comment.

2. Agent's Report- Reviewed without comment.

✚ Reminder of the Security Protocols at the Fireworks Site- Entry to the Fireworks Site remains on an *as needed-by appointment only* status with approval by Peter Dillon, Tetra Tech Site Manager.

✚ Fireworks Site Update- On Wednesday, Aug. 8, 2018, I met with DEP and Tetra Tech, Inc. representatives, and 2 former employees of the Atlantic Research Co. Several areas on site were confirmed as to types of work conducted from the early 1940's through the 70's and several areas were clarified for types of activities that were previously unknown. It was a very fruitful discussion.

On Thursday, August 9, 2018, I met with Peter Dillon, Tetra Tech, Inc., Fire Chief Blanchard, Chair of the BOH and the Health Agent for a pre-hearing discussion regarding the Notice of Intent filed for additional work at the Fireworks Site. It was confirmed that all health data is on the Hanover website on the Fireworks Site page.

Regarding the existing Nov. 2017 Access Agreement, Ron Marnicio, Tetra Tech, Inc. and I have completed a draft amendment to include work proposed within the current Notice of Intent application, as well as more inclusive verbiage for additional work at the site. The amended language results in a more efficient and timely process that eliminates the necessity for future amendments requiring repeated vetting by Town Counsel. Upon the request of Town Counsel, I have also sent previous Access Agreements from 1997 forward, including those effective February, March and November 2017, July 2000, November 2001, and June 1997.

✚ Merchant's Row- All work and stockpiles remain out of the 35 ft. no-touch setback boundary as required within the Order of Conditions. Work to expand the detention basin is still pending.

✚ Cardinal Cushing property off Washington St.- An RFP was recently issued by Cardinal Cushing to attract development ideas for the upland areas on this site. No submittals were received as of 8/15/18. However, additional discussions with the Planner, Acting Community Development/Municipal Inspections Director, and the engineer have taken place. Access to the parcels remains an issue as their perimeter is almost completely surrounded by privately owned property. Access to several isolated upland areas on this property that range in size from 3 acres to 32 acres is also an issue, as it will require up to six (6) wetland crossings. Although a Notice of Intent application has not been received as of this date, I have reviewed and provided a copy of MA DEP's Guidelines #88-2 *Access Roadways* for the Commission's review.

✚ 965 Washington St.- The property owner responded positively to the recent Cease and Desist Enforcement Order issued for clearing within resource area, buffer zone, possible RFA disturbance and within Well Protection zone. Although the issue is pending for the August 15, 2018 Conservation meeting, due to the required hiring of a peer review consultant, this issue will be continued to the Sept. 5th meeting. I am working with Grady Consulting, LLC for future restoration of all disturbed areas.

✚ 1800 Washington St.- On 7/23/18 I met with the Planner to discuss a project at this site that includes the installation of chain link fence dog kennels on pavement within BVW buffer zone for a Doggy Day Care Center. As a result, a Minor Activities Permit was issued for this project.

✚ 1082 Broadway- On 7/24/18 I met on site with the property owners, contractor, and architect for a single family home to discuss a revision to the recently approved plan of record. The project was approved at the 7/11/18 Conservation meeting. A slight change to the driveway location, removal of dead/diseased mature trees along the proposed driveway layout, and additional plantings of weeping Norway Spruce was approved. Also, I approved the use of a new variety of Weeping Willow along the adjacent property line, as this species is highly effective in areas of flooding and have a high wildlife value, providing rich habitat and food for diverse organisms. Notation of said revisions was made to both sets of plans and signed. All revisions will be detailed on the future As-Built plans.

- ✦ 971 Webster St.- A Violation Letter was issued to the property owner regarding the unpermitted work conducted within no-disturbance setback to BVW on this site. Although the work was conducted to repair damage to an underground tank damaged by the tires of an oversized delivery truck, the work required a permit from several departments. Upon a review of the property with the Building Commissioner, calls to the Fire Chief, and a meeting with the contractor, an After-the-Fact Minor Acts permit was issued for this emergency project.
- ✦ 1969 Washington St.- A Minor Activities Permit was issued this week for temporary disturbance from test pits and monitoring wells to be installed in BVW buffer zone.
- ✦ 645 Center St. and others- On 7/27/18, I met with the Planner to review wording in pending and previous Conservation Restrictions held with SE MA Wildlands Trust.
- ✦ off Winter St. site- On 7/27/18, I met with the Planner, Health Agent, and two (2) Winter St. residents to discuss the site in relation to the abutting property, the Fireworks Site. The work proposed includes the construction of several storage units. It was noted that the plan was submitted to the Planning Board, but has not yet been submitted to the Conservation Commission, nor has the necessary Notice of Intent been submitted. However, the plan is to be revised to remove all work from the 35 ft. Commission's no-touch BVW buffer. The residents had concerns with several concrete foundations on the site relating to their past use. The foundations were confirmed as former sheds which housed grinding machinery and that the soils around them would be examined during the 21E process.
- ✦ Sconset Landing- On 8/7/18, I responded to an abutter complaint regarding several perceived issues at this site. As a result, I spoke to the Engineers involved and the site foreman and conducted a site inspection. I found no issues with the current work taking place, as it is as per the approved plan of record.
- ✦ Cardinal Cushing- On 8/9/18, Vice Chair Lisa Satterwhite and Assoc. Member Duke Magoun attended a site inspection with various town and Cardinal Cushing officials regarding a possible future project at this site⁵.
- ✦ 283 Columbia Rd.- Environmental Notifications- EEA # 15854- Work has not commenced at this site.
- ✦ Hunting Update- MA DFW has extended Archery Season for deer hunting by 2 weeks. Archery Season is listed on their website as October 1 through November 24 for 2018.
- ✦ Turkey Count in Progress- Notification was received this week regarding MA DFW's annual reporting of wild turkey sightings across the State. Forms are available in the Conservation Office for identifying and reporting wild turkey counts in Hanover. For past counts of turkeys and other wildlife populations, hunters have been a valuable source of reporting.
- ✦ Forestry Practices MOU between MA DEP and MA DCR- Commissioners Leo Roy, DCR and Martin Suuberg, DEP, signed the 6/8/18 Forestry Memorandum of Understanding to address procedures and responsibilities for each agency regarding forestry activities under the MA Wetlands Protection Act and the MA Forest Cutting Practices Act, and implementing regulations of both. The MOU lays out purpose, procedures for DCR/DEP, as well as Conservation Commissions. DCR and DEP are conducting outreach to stakeholders regarding pertinent regs and requirements of the MOU which will ensure proper training of staff involved in oversight of forestry and wetlands protection laws and regulations. A copy of the MOU is available in the Conservation Office and online.
- ✦ Open Space Parcels: Several scouting events are scheduled for Luddams Ford Park during the month of August, including BBQ's and campouts.
- ✦ Administrative:
 - ❖ On 7/12/18 - I participated in interviews regarding the Agent's job duties, job description and title, as well as related responsibilities, with a Human Resources firm as part of the Board of Selectmen's review of Town Hall positions.
 - ❖ On 7/26 & 27/18 - A website update project was commenced. This will include updates to each section of the Conservation pages as well as all available forms.

⁵ I was not able to attend this meeting as I was needed at BID Hospital in Boston for a family issue.

3. Minutes- 7/11/18- Upon a motion and second made by Members Sennett and Vaille, it was voted 3-0-0 to approve the minutes.
4. Minor Activities Permits/Events/Other Activities- Reviewed without comment.
 - a. BL 18-64, Police Firing Range Event- *for a 45 minute training on Wed. July 25, 2018*
 - b. BL 18-65, 1969 Washington St.- *for soil borings and monitoring wells in BVW BZ*
 - c. BL 18-66, Police Firing Range Event- *for a 1 hour training on Sat. July 28, 2018*
 - d. BL 18-68, 1800 Washington St.- *for kennel fencing on pavement in BVW BZ*
5. Correspondence- Reviewed without comment.
6. Other- *Those items not reasonably anticipated by the Chair within 48 hours of the meeting- none*

8:55 PM- Upon a motion and second made by Members Sennett and Vaille, it was voted 3-0-0 to adjourn the meeting.

Minutes Respectfully Submitted by
Sandra D. MacFarlane, Conservation Agent
Dept. of Municipal Inspections, Conservation Office

Documents provided at the meeting:

- 8/15/18 Agenda
 - Revised Sections- Rules and Regulations as listed above
 - RDA application packet – 42 Meadowbrook Rd.
 - NOI application packet – 405 Washington St.
 - NOI application packet – National Fireworks Site
 - 8/15/18 Access Agreement with Amendment I
 - 8/15/18 Agent's Report for the Conservation Commission
 - August 2018 Hanover Conservation Commission Activity Report for the Acting CD/MI Director
 - Draft- Agent's Goals and Objectives for the Acting CD/MI Director
 - 7/11/18 draft Minutes
 - Minor Acts permits and Events as listed under Section V.4.
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