

**MINUTES - AUGUST 25, 2021**

Approved 9/29/21



**6:00 PM**

A Roll Call of those Members and Staff present by Chairman McLoone resulted in the following:

Those Members and Staff present: Chairman Brian McLoone, Vice Chair Lisa Satterwhite, Hearing Officer Robert Sennett, Member James Vaille, Associate Members Duke Magoun and David Sawin, Conservation Agent Sandra MacFarlane

Not present: Member Mahendra Patel

Zoom Meeting Host: Stephen Ryerson, Director of Communications

The Chairman noted that there were also participants joining the meeting via Zoom.

Chairman McLoone welcomed all present and made the following announcements:

I. GENERAL ANNOUNCEMENTS:

1. Request for Conservation Representative to the Community Preservation Committee
2. Request for Conservation Representative to the Master Plan Implementation Committee

As no members volunteered for the above positions, the choice of a designee representative will be discussed at the next meeting.

3. Next Meeting: September 29, 2021 at 6 PM

**6:15 PM**

II. PUBLIC HEARINGS:

1. CDOA-21-6, 23 Karen Rd., RDA-*for septic upgrade in riverfront area*

PRESENT: Peter Lyons, Project Engineer, Collins Engineering Group, Inc., Applicant's Representative

DISCUSSION: Mr. Lyons presented a plan dated 8/17/21 showing the abandonment of a failed septic system and the installation of a new Title V rated residential septic disposal system located 75 ft. from a stream. He pointed out that the stream (located across Karen Rd.) was intermittent and that on-site erosion control materials and limit of work were at 60 ft. from the stream. Further, that due to the constraints of the site rear of the house and location of the septic pipe from the house, the propose leaching field location was the most appropriate for the situation. The Agent noted that upon her site inspection, it was found that the conservation posts were not necessary for this site. The Chair agreed and removed the necessity for the four (4) conservation posts.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to close the hearing and issue a Negative #3 Determination of Applicability.

2. COOC-21-10, 78 Bates Way, SE 31-1239- NOI- *for tree clearing and lawn installation in bz to BVW*

PRESENT: Angela Botto, PE, Merrill Engineers and Land Surveyors, Inc., Applicant's Representative

DISCUSSION: Ms. Botto presented a plan dated 7/26/21 for the removal of trees within the buffer zone to an on-site bordering vegetated wetland (BVW) and the expansion of lawn and landscaping, that stump removal is proposed with small manual equipment, and that grading will be kept to a minimum. She also noted that an email was sent to the Conservation Agent today with a request for a minor modification to the NOI which included the removal of dead and diseased trees within the BVW. The Agent confirmed receipt and explained that the tree company has been instructed to submit a report for each additional tree as to its condition and accurate locations within the buffer and wetlands. Ms. Botto noted acknowledgement and pointed out that conservation posts will be installed at the 35 ft. BVW setback prior to any cutting. The Agent noted that the contractor will mark trees, notify her prior to cutting, and that she required installation of the posts and temporary orange snow fencing at the 35 ft. setback prior to and during work on site to further protect the wetland.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to close the hearing and issue an Order of Conditions with description of project and special condition for the additional tree removal.

3. COOC-21-11, 474 Whiting St., SE 31-1235- NOI- *for inground swimming pool in bz to BVW*

PRESENT: Brad Holmes, PWS, Env'l Consulting, LLC, Applicant's Representative and Applicants Nick Pecora and Aimee Drainville

DISCUSSION: Mr. Holmes presented a plan dated 8/22/21 showing the installation of an inground pool, patio, fence, drywell, and associated site work 35 ft. from an on-site bordering vegetated wetland (BVW). He noted that erosion control and limit of work were located at 30 ft. to 35 ft. from the BVW and that five conservation setback markers were already on the plan. The Commission required that the buffer rear of the conservation setback markers be allowed to return to a natural condition, with the understanding that removal and control of invasive species is allowed. Also required was a drywell for seasonal or emergency pool discharges and the extension of the erosion control to include the excavated soils stockpile area. In response to concerns from abutters, the Chairman shared information regarding the maintenance of a Gunite-type pool. Applicant Drainville also noted that the filter to be used is a salt generating cartridge. Mr. Holmes added that there were only minor changes to the elevations, no significant fill would be added to the lot, so there would be no change to or increase of stormwater off the property.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to close the hearing. Upon a motion and second made by Sennett and Satterwhite, it was voted 4-0-0 to issue an Order of conditions with special conditions as stated above.

4. COOC-21-13, 22 Dillingham Rd., SE 31-1238- NOI- *for septic upgrade in bz to BVW*

PRESENT: Peter, Lyons, PE, Collins Engineering Group, Applicant's Representative

DISCUSSION: Mr. Lyons presented a plan showing the replacement of a failed septic system with a new Title V rated septic disposal system. He noted that the location of the leaching field in the left front corner of the lot was as far from the onsite bordering vegetated wetland (BVW) as possible. Also that the plan proposed four conservation setback markers at the edge of lawn. The Commission required that the area behind the setback markers be allowed to return to a natural state, and that the shed, due to its proximity to the BVW, be limited to dry storage only with a minimal amount of petroleum products for lawn care and similar.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to close the hearing. Upon a motion and second made by Members Sennett and Satterwhite it was voted 4-0-0 to issue an Order of Conditions with special condition as stated above.

5. COOC-21-14, 112 Washington St., SE 31-\_\_\_\_ - NOI- *for asphalt driveway in bz to BVW*

PRESENT: Alyse and John Tucker, Property owners/Applicant

DISCUSSION: Ms. Tucker explained that due to a complaint, the Conservation Agent visited her property during the preparation of her driveway for a coating of asphalt. After explanation of a previous Order of Conditions on the property, the work stopped and a Notice of Intent followed. The Conservation Agent added that the previous Order, SE 31-1075, required in a perpetual condition that the driveway remain pervious, as it was prior to the complaint and noted that the clam shell covering was installed by the original contractor as required. She also noted that the cease and desist was lifted as she found the actual verbiage of the conditions pertaining to the driveway were unenforceable. To further explain- Conditions D.3.ww. and xx. were required based on the original approved plan of record that detailed the driveway only 35 ft. from the wetland, when in fact the driveway was built +67 ft. from the wetland. At that distance, there were, nor are currently, no restrictions on driveway surfaces. Ms. Tucker requested that she be allowed to keep the driveway asphalt, and further that the Commission vote to supersede the above conditions within the previous Order.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to close the hearing and issue an Order of Conditions for after-the-fact work to pave the driveway at +67 ft., allow a small turn around driveway section, and to add a special condition to supersede Conditions D.3.ww. and xx. in SE 31-1075.

6. COOC-21-7, 1004 Washington St., SE 31-1234- NOI- *for redevelopment in bz to BVW- cont'd from 7/28/21*  
PRESENT: Robert Crowell, PE, Crowell Engineering Co., Inc., Applicant's Representative and John Bertone, Applicant

DISCUSSION: Mr. Crowell presented a Rain Garden plan dated 8/25/21 and a revised site plan dated showing the items required at the 7/28/21 meeting including the poly sheet under the dewatering area, the installed fence, conservation setback markers and a rain garden as part of the stormwater management improvements on the site. He submitted an 8/24/21 letter in response to the Commission and Conservation Agent's concerns at the last meeting, noting that the debris, tires, plows, and tractor trailer container have been removed from the site. The Agent confirmed the condition of the site and noted that in regard to the 1985 enforcement issues, the site was in compliance, except for the results of the monitoring wells. A discussion regarding the outdoor lift and monitoring wells resulted in a condition from the Commission that the Order of Conditions would specifically permit the septic system work only, but would not approve any work related to the monitoring wells, removal of the lift, or any related work to install tight tanks within the building, as per the Zoning Enforcement Officer. Also that the applicant or any new owner is responsible for all permits required for cleanup resulting from the monitoring, and review by the Zoning Enforcement Officer. Further that the applicant must send any and all information regarding the 21E review to the Commission immediately upon receipt by the applicant or any new owner.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to close the hearing and issue an Order of Conditions with special conditions for the submission of 21E information, that the lift is not in compliance and shall be removed (requiring a new NOI) or brought up to code and permitted with a safety berm at its base, that floor drains be installed in the building if required by the Zoning Enforcement Officer which requires the submission of a new NOI, an annual maintenance report for the rain garden be submitted, that CONECO or other firm contact the Conservation Agent asap regarding the monitoring wells.

7. BL 20-64, 110 Industrial Way, SE 31-1215, - NOI- *for building construction and landscaping company in RFA- cont'd from 6/30/21- See request to continue to 9/29/21*

PRESENT: none

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted to continue the hearing to September 29, 2021, at 6:15 PM with note to the Applicant that since the hearing has been continued for many months, that the applicant either attend the next hearing, or present a plan showing the minor cleanup work and removal of invasive species that's currently been completed, or withdraw the NOI for the construction of the building.

### III. ADMINISTRATIVE:

1. Capital Plan (CP)- General discussion in prep for FY'23 CP Budget- The Commission had no items at this time to add to the CP budget. This item will be on the 9/29/21 meeting for further discussion.

2. Minutes- 7/28/21

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 4-0-0 to approve the minutes.

3. Agent's Report- Reviewed without comment.

a. Fireworks Site- The Environmental Notification Form (ENF) was received for the next phase of the cleanup at this site. Additional information in the form of an Expanded ENF was also received, as was Supplemental information to the EENF from Tetra Tech dated 8/2/21 in response to comments from other State/Fed agencies. An 8/20/21 email from MEPA Office listed an extended comment period to 9/10/21. Also received was a request to Conservation from the applicant to re-open the public hearing for work within Factory Pond, SE 31-1237 for necessary modifications to the project and to submit additional information. The hearing was scheduled for 9/1/21, but has since been rescheduled to the 9/29/21 regular meeting.

b. Hanover Crossing- A site inspection was conducted for the residential portion of the project on 8/6/21 and found the site as per the approved plan of record. Additional inspections took place this month for erosion control and other initial required inspections for the residential portion and review of the wetland replication area adjacent to Mill St. found it in good condition. Work continues as approved within the both portions.

- c. Executive Director of NSRWA is moving forward with the NRD grant opportunity with BOS, DPW, and Conservation Commission support for restoration of areas along the Indian Head River corridor.
- d. Linden Ln. dumping issue- Numerous site inspections were conducted this month to monitor this site. It is disappointing that the vandalism has not stopped and actually resulted in breaking over a metal post. The post had a "No Dumping" sign on it. HPD surveillance showed that many residents ignore the signs, have pushed apart the boulders and continued to dump on the site. A meeting was held on 8/11/21 with the CDMI Director, Wildlands Trust (owner of property), and Conservation Agent, to discuss the continuing vandalism. Wildlands Trust will coordinate with Hanover Police and their legal team take further action for this issue. As of 8/23/21, the signs have been reinstalled and the boulders re-positioned.
- e. Recent Site inspections based on other complaints resulted in a verbal warning and 2 possible enforcement actions.
- f. The following Minor Activities and Event Permits were issued: Reviewed without comment.
  - CMA-21-9- Minor Acts Permit- *for installation of irrigation well +95' from Torrey Brook*
  - CHPD-21-10 & 11- Scheduled Event- *for July 15 & 26, 28, 30 training events at Clark Bog Firing Range*
  - CSI-21-15-Site Inspection (not related to application or permit)- *for wetland review on Union St.*
  - CSI-21-16-Site Inspection (not related to application or permit)- *violation review on Laurie Ln.*
  - CSI-21-17-Site Inspection (not related to application or permit)- *for tree inspection/ removal in BVW buffer*
  - CRLO-21-1- Lot Release from OOC- *for 47 Stone Meadow Ln/16 Stone Meadow Ln.*
  - CRL-21-1- Lot Release from Subdivision OOC- *for 36 Sunset Point/ Sunset Point Subdivision*
  - CMA-21-9- Minor Activities Permit- *for 11 Samoset Dr.- irrigation well +95 ft. from Torrey Brook*

3. Other - *Those items not reasonably anticipated by the Chair within 48 hours of the meeting-* none.

### **7:50 PM**

Upon a motion and second made by Members Sennett and Satterwhite, it was voted 4-0-0 to adjourn the meeting.

Minutes Respectfully submitted by  
Sandra D. MacFarlane, Conservation Agent, CDMI  
Conservation Office

#### Documents Provided at Meeting:

- RDA application packet for 23 Karen Rd.
- NOI application packet for 78 Bates Way
- NOI application packet for 474 Whiting St.
- NOI application packet for 22 Dillingham Way
- NOI application packet for 112 Washington St.
- NOI application packet for 1004 Washington St.
- NOI application packet for 110 Industrial Way
- Capital Plan- General information
- 7/28/21 draft Minutes
- 8/25/21 Agents Report
- Minor Acts and Event Permits as listed in Section III.3.f.