

NOTE: You may attend this meeting in person at the Hanover Town Hall, 1st floor Advisory Comm meeting room at the front of the building (or via remote attendance using the instructions below:

TO JOIN THIS MEETING, FOLLOW THIS LINK:

<https://hanover-ma-gov.zoom.us/j/89638283520?pwd=VlFtdDdpLy95ankwQUdYOWh5bXRQZz09>

Topic: Hanover Conservation Commission Date/Time: Wednesday, Aug 30, 2023 at 06:00 PM

Eastern Time

NEW Meeting ID: 896 3828 3520

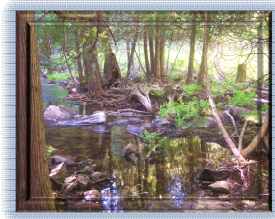
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For those attendees who are not Conservation Commission Members or Staff, speak only when Chairman allows.



Hanover Conservation Commission

Meeting Minutes

AUGUST 30, 2023

Hanover Town Hall, 550 Hanover St.

2nd Floor Meeting Room and via Zoom as per instruction above.

Approved 9/27/23

6:00 PM

A Roll Call of Members resulted in the follow Members in attendance at the meeting:

Brian McLoone- Chairman, Lisa Satterwhite- Vice Chair, Robert Sennett- Hearing Officer, Members James Vaille and Mahendra Patel, Associate Member David Sawin.

Staff Present: Conservation Agent Sandra MacFarlane and IT Host Steve Ryerson

Chair McLoone welcomed all present.

I. GENERAL ANNOUNCEMENTS: Chairman McLoone made the following announcements:

1. This meeting is being recorded and has remote participation.

2. Next Meeting: Wednesday, September 27, 2023 at 6 PM¹

6:05 PM

II. PRESENTATION: Eagle Scout Project- Scout Kian Puleio- *for trail project at Denham Cons Parcel*

Due to unforeseen circumstances, the presentation was re-scheduled to September 27, 2023.

6:15 PM

III. PUBLIC HEARINGS:

1. **68 American Elm Ave. at The Elms of Hanover**- NOI-

for installation of retaining walls for slope stabilization within buffer zones to BVW areas

PRESENT: Richard Grady, PE, Grady Consulting, LLC, Applicant's Representative.

DISCUSSION: Mr. Grady presented a plan dated 7/28/23 showing the installation of two separate retaining walls proposed rear of condo-units at #8 Cherry Blossom² and #18 American Elm Ave. He explained that the grassed slopes rear of the units had become unstable with erosion issues which made them unsafe for residents and landscapers who needed to work in the area. Mr. Grady pointed out plan details describing the block materials to be used and the method of installation, as well as the overall engineered design plan. The Conservation Agent noted the dangerous steepness of the grassy slopes rear of the units and how close they were constructed to the outside stairs, accuracy

¹ Commission's 2023 Annual Schedule:

January 25	February 22	March 29	April 26	May 31-cancelled	June 7	June 28
July 26	August 30	September 27	October 25	November 29	December 27	

² The address of the Condo Community Center (#68) was used for the application due to OpGov and Vision input to computer.

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of the wetland lines, and that the stone retaining walls would help solve these safety hazards, but that they would also help to prevent windblown trash and further erosion into the wetland.

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted 5-0-0 to close the hearing as follows: BM-aye, LS-aye, RS-aye, JV-aye, MP-aye. Upon a motion and second made by Members Vaille and Patel, it was voted 5-0-0 to issue a standard Order of Conditions as follows: BM-aye, LS-aye, RS-aye, JV-aye, MP-aye.

IV. ACTION ITEMS:

1. DISCUSSION/UPDATE- Steve Ivas, PWS – Enforcement Order- 580 Webster St.

Mr. Ivas explained that he had been asked by the Commission to review the Enforcement Order and Restoration Plan prepared by the Applicant's Wetland Specialist, Mark Arnold, PWS, Goddard Consulting. Further, that he had met on site with Mr. Arnold and that there was mutual agreement on a general plan for restoring the riverfront area, bordering vegetated wetland, associated buffer zone, and bank. He noted concern with the amount of invasive Japanese Knotweed growth and a large erosion channel that has developed since the area was damaged. In order to alleviate this, he placed stones strategically in the erosion channel as an immediate, but temporary method to lessen the velocity of the flow. He also observed that historic dumping of various types of debris had been piled on site and was in various degrees of decomposition and rusting. Regarding cut trees, although he didn't observe any cut trees in the damaged areas, he observed remnants in the soils, areas where root systems had been removed by the bobcat machine found working on the site.

Mr. Ivas also noted that there was a wire coming onto the property from across the pond of unknown origin or purpose. He surmised that it may have been a support wire for a small electrical tower in the past. Regarding the stream, he agreed with the Agent's finding that although it was noted on maps as *intermittent*, it was confirmed with MA DEP stream calculations that the *stream is perennial*. He recommended that a small detention basin be constructed in the rear of the parking lot, and that the erosion channel be extended down through to the stream with a stone lined channel to help remove any sediments prior to flowing into the stream. He read similar recommendations from his report. A comment regarding the negative effects of the fine by Mr. Ivas was met with a reminder by the Chairman that the Commission had clear reasons for the fine.

In response to the Chairman's question regarding the dock, the Agent noted again that the dock is at this time still unpermitted, it is in disrepair and is in the EO as being removed. Mr. Arnold spoke to the requirement of removing the dock, noting that a Chapter 91 permit could be submitted to get the dock legally permitted once repaired. He explained that several parishioners had written letters as evidence of the age of the dock, and that although they understand that the regulation preceded the dock's installation, there has been no actual State enforcement. However, to move forward, he would like to proceed with the M.G.L. c. 91 submittal, if the Commission would allow the dock to

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stay, once appropriately permitted. The Agent noted that if the Commission chose to allow moving forward with the c. 91 permitting process, a vote to do so was needed in order to revise the EO. The Chairman so noted.

A brief discussion further ensued regarding replacement of the trees. It was agreed that at least six trees at 3 to 5 ft. tall would be acceptable and all are to be native New England trees suitable for riverfront area. Mr. Arnold requested that an engineered restoration plan be avoided due to cost, and that a written report be acceptable instead. He suggested meeting with the Agent and Mr. Ivas regarding the placement and types of trees to be planted. The Chairman noted that the report style vs. plan was acceptable and that the EO can be revised to include oversight of the report contents, including species, size, number, and location of the trees and other plantings will require prior approval of the Conservation Agent. The Chairman also requested confirmation of monitoring the restoration will be conducted by the Conservation Agent.

The Agent noted that both Mr. Arnold's and Mr. Ivas's report had been recently sent to the Commission, and that Mr. Ivas's report reflects the items/violations within the EO. Also, that Mr. Goddard and Pastor Greg have worked with Mr. Ivas cooperatively so far. Further, that all the right steps have been taken by the Pastor to rectify the situation. She upheld the recommendation for six or more trees in the disturbed areas, that both consultants will continue to work together for restoration, and that a Restoration Plan in the form of a report is acceptable. Also, that the restoration plan shall include species types, locations, and size of plantings. She noted that the goal is for returning the area to its natural riverine condition.

The Chairman also made a statement regarding the fine. He noted that the behavior of the violator (renter) was so belligerent and disrespectful toward the Agent and Building Inspector that it was his recommendation at the previous meeting to issue a stern notice, that behavior like this was not acceptable and that a fine was necessary as a future deterrent. However, he added that since that time, the Agent has reported consistent cooperation on the part of the Pastor and his representative, Goddard Consulting. Also, that Mr. Ivas has reported that although a Police escort was required, there were no further incidents with the initial violator during his site inspection. As such, the Chairman asked the Members if consideration for reducing or removing the fine was possible so that those funds could be better used toward remediation.

Vice Chair Satterwhite agreed with waiving the fine, but offered the caveat that she'd maintain her vote only as long as the violator never approaches the Agent or any other Town employee on site again. The Agent explained that since the time of the incident in April, the Town Manager and Police Chief have required that no Town employee, including consultants, enter the site without a police

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escort. Mr. Ivas noted that there were two Police Officers on site during his visit. Mr. Arnold stated that Pastor Greg has been and will always be present on site during all site visits as well.

The Chair noted that if there was another incident with the violator, there would be further consequences.

The Pastor stated that many of the congregation were present at tonight's meeting and that as is clear, the church has limited funds. He added that he has apologized to the Agent and Building Inspector personally for the behavior of the renter/violator, and noted that it has been dealt with on their end. Further, he gave other examples of cooperation, including the immediate payment for the services of the Commission's consultant, Mr. Ivas (*to set up the Guarantee Deposit Account with the Town Treasurer, for said peer review*).

Member Vaille noted agreement to waive the fine and advised on several native trees that could be used on this site for riverfront restoration. Mr. Arnold explained that the trees were not an issue and that he would work with the Agent for all the mitigation activities. Member Vaille also suggested a rain garden instead of the swale for stormwater management. Mr. Ivas and Mr. Arnold will work with the Agent to rectify the erosion issue, but Mr. Arnold felt that the rain garden would add to the costs.

Member Sennett made suggestions for double mulch sock barriers for added erosion controls, to which Mr. Ivas agreed. Mr. Arnold noted the use of rip-rap with mulch sock would be beneficial as well. A brief discussion ensued regarding other methods for preserving organic soils for healthier growth of the plantings and natural emergent vegetation. Mr. Sennett agreed with waiving the fine.

Associate Member Sawin supported waiving the fine due to the participants' continued cooperation.

In response to Member Patel's concerns regarding full compliance with the restoration plan, the Chair noted agreement with Mr. Arnold's suggestion that restoration monitoring be done by the Conservation Agent, with her recommendations followed in the field, instead having to come back to the Commission each time. In this way, he explained, the restoration can take place in a more timely manner.

The Chair noted the following revisions to be entered into the Enforcement Order:

- The dock can remain during the c. 91 application process, but is to be removed if the application is not submitted to the State in a timely manner or if it is denied.
- The fine will be waived in light of the cooperation by the Pastor and church members.
- Stormwater management implementation and all mitigation shall be overseen by the Agent.

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2. DISCUSSION/UPDATE – Steve Ivas- continued:

- The final restoration plan approval, implementation thereof, any revisions during work, and on-site supervision shall be as per the Agent.
- Erosion control types and amounts shall be overseen by the Agent.
- Monitoring the restoration areas for 2 growing seasons, and final sign off shall be overseen by the Agent with final report to the Commission with a Request for Certificate of Completion for the EO submitted by the church.

VOTE: Upon a motion and second made by Member Sennett and Patel it was voted 5-0-0 to revise the Enforcement Order as so stated and listed above and as follows:

BM-aye, LS-aye, RS-aye, JV-aye, MP-aye

3. CERTICATES OF COMPLIANCE:

a. 250 Elm St.- SE 31-1255, BL 20-7

VOTE: Upon a motion and second made by Members Sennett and Patel it was voted 5-0-0 to issue a Certificate of Compliance as follows: BM-aye, LS-aye, RS-aye, JV-aye, MP-aye.

b. 103 Ponderosa Dr.- SE 31-1261, COOC-22-17

VOTE: Upon a motion and second made by Members Sennett and Patel it was voted 5-0-0 to issue a Certificate of Compliance as follows: BM-aye, LS-aye, RS-aye, JV-aye, MP-aye.

V. ADMINISTRATIVE: Reviewed with minimal comments.

1. Administrative (Minor Acts) Permits/Events/Other:

- a. CHPD-23-16, *for training events at HPD Firing Range in Sept., Oct., and Nov. 2023*
- b. CMA-23-9, 253 Elm St., Luddam's Ford Park- *for repairs of the fish ladder by MA DCR*
- c. CMA-23-8, 25 Chestnut St.- *for stabilization of wooden deck (hand dug sono tubes) in BZ to BVW*
- d. CDMA-23-5, 1448 Hanover St.- *for installation of replacement septic 78.8 ft. from BVW*
- e. CDMA-23-6, Spring Meadow Lane- *for removal of cul-de-sac island and pavement for septic upgrade in upland with storage of materials and soils stockpiles located within 35' of BVW (on paved area).*
- f. CSI-23-11 thru 36, *for general inquiries & SI update entry into OpGov system*

2. Minutes- 7/26/23 meeting

VOTE: Upon a motion and second made by Members Sennett and Patel it was voted 5-0-0 to approve the minutes as follows: BM-aye, LS-aye, RS-aye, JV-aye, MP-aye.

3. Agent's Report – Reviewed with minimal comment.

4. Other - *Those items not reasonably anticipated by the Chair within 48 hours of the meeting*

7:13 PM Upon a motion and second made by Members Sennett and Vaille it was voted 5-0-0 to adjourn the meeting.

Minutes Respectfully submitted by Conservation Agent Sandra MacFarlane, CDMI

Documents provided at the meeting:

- 8/30/23 Agenda
- NOI application packet for 68 American Elm
- Enforcement Order file for 580 Webster St.
- COC Request packet for 250 Elm St.
- COC Request packet for 103 Ponderosa Dr.
- Admin items as listed in Section V. a – f
- 7/26/23 draft Minutes
- 8/30/23 Agent's Report