

Town of Hanover Conservation Commission
Hanover Town Hall, 550 Hanover St.
2nd Floor Hearing Room

MINUTES for SEPTEMBER 4, 2019

Approved 11-6-19



Those Members and Staff present: Chair Brian McLoone, V. Chair Lisa Satterwhite;
Frank Brierley, Hearing Officer; Members Robert Sennett and James Vaille
Conservation Agent Sandra MacFarlane

Those not present: Assoc. Member Duke Magoun

Others present: As per Sign-In Sheet

NOTE: This meeting includes all items that were scheduled for the cancelled 8/14/19 Conservation Meeting.

6:30 PM Chair McLoone opened the meeting and made the following announcements:

I. ANNOUNCEMENTS:

1. Change to Commission's Annual Meeting Schedule- Upon a motion and second made by Members Vaille and Sennett, it was voted 5-0-0 to change the Commission's meeting schedule effective immediately to the following: *The Conservation Commission shall meet once per month on the first Wednesday of each month starting immediately. It is understood that if Action Items require timely attention and action by the Commission, the Agent/Chair shall post a meeting as per Open Meeting Law regulations for those items.*

It was also noted that Action Items such as requests for Extensions, Certificates of Compliance, Enforcement Order ratification, review of revised plans for minor modifications, and similar, can be heard and voted upon in additional meetings if necessary. However, due to the necessity of posting public hearings (*for Notices of Intent, Abb. Notice of Resource Delineation, Requests for Determination*) in the newspaper, which requires a 2-week lead time for the ads to be published, said applications will only be scheduled during the Commission's regular once per month meetings.

2. Next Meeting- October 2, 2019

3. Conservation Commission Positions available (*contact Conservation Agent if interested*):

- a. One Associate Member position on the Conservation Commission- It was noted that an interested party for this position was present and submitted a volunteer form to the Selectmen. (*See Section III.1. below*)
- b. Conservation Member or designee for the Community Preservation Committee
- c. Conservation Member or designee for the Master Plan Implementation Committee

II. Eagle Scout Presentation- **BL 19-57, Michael Reidy – Iron Mine Brook Trails**

Scout Reidy explained the process of Eagle Scout candidacy and presented his project which included the clearing and enhancement of approximately 2 miles of walking trails within the Iron Mine Brook Trail system. He pointed out several areas with downed trees across the path that were cleared and areas of vista pruning along the trail to make it passable for all who visit the trails. Also that the trail markers posted on trees along the Chapman's Landing trail were cleaned and repainted to enhance their visibility. He noted that installation of a sign at the intersection of the trail and Riverside Drive was completed as well. He explained that he was in the process of scheduling of the work, adding details to the design of the project, fundraising, learning about the application process through the Town, and scheduling/managing volunteers. He added that the volunteers were not just from his Troop #38, but also from West Virginia, London England, and others from the neighborhood. It was noted that he had received approval and encouragement for the project from the Open Space Committee and Conservation Agent. The Agent confirmed that a Minor Activities Permit was issued for the work as it did not involve work that required an RDA or NOI. The Commission thanked Scout Reidy for his accomplishments and wished him well with the project and in pursuit of his Eagle Scout designation. Chair McLoone presented Scout Reidy with a Certificate of Appreciation for his Eagle Scout Project from the Commission.

III. ACTION ITEMS:

1. Support letter- Associate Member volunteer Mahendra Patel- Mr. Patel was present and upon being introduced by the Chair, gave a brief history of his experiences. Of special note is his background in engineering, construction, and environmental issues. The Chair thanked Mr. Patel for volunteering and called for a vote of support.

VOTE: Upon a motion and second made by Members Sennett and Vaille, it was voted 5-0-0 to sign the letter of support.

2. Enforcement Order- **BL 19-72, 96 Webster St.-** *for illicit discharge into perennial stream*

The Agent reported that as a result of a complaint, a site inspection was conducted with the Building Inspector to ascertain the conditions at this site. It was found that this non-conforming lot contained 3 structures- 2 wooden sheds and a commercial building with 2 active businesses within it. Although the lot has water service, it does not have a septic disposal system of any kind and never has had a septic system. The Agent explained that an immediate and perpetual cease and desist was now in place for disposal of waste within wetland buffer and riverfront area, as well as within the river. Further, the owner was told that the area was not to be used for disposal of any waste of any kind. A cease and desist was also verbally issued from the Building Inspector for violations and activities under his jurisdiction. A two-week period was established for acting on recommendations for improvements at this site and a follow-up site inspection was scheduled for that period as well.

VOTE: Upon a motion and second made by Members Brierley and Sennett it was voted 5-0-0 to ratify the Enforcement Order as written.

3. Certificate of Compliance- **BL 16-49, SE 31-1133, 265 Silver Street**

VOTE: Upon a motion and second made by Members Sennett and Satterwhite, it was voted 5-0-0 to issue a Certificate of Compliance.

6:45 PM

IV. PUBLIC HEARINGS:

Chair McLoone recused himself from this hearing. Vice Chair Satterwhite stepped in as Acting Chair.

1. **BL 19-77, 1464 Hanover St.-** RDA- *for demo and construction of multi-family dwelling & parking lot in BVW buffer*

PRESENT: Sean Hardy, PE, Hardy Engineering, Applicant's Representative

DISCUSSION: Mr. Hardy presented a plan dated 7/31/18 showing the demolition of a multi-family home, new septic system, driveway with extended parking area, and landscaping within the buffer to a Bordering Vegetated Wetland (BVW). The Agent explained that a Determination of Applicability for Minor Activities was issued for the work detailed on the plan outside of the 50 ft. BVW setback, and that the current hearing was for the work proposed up to the 35 ft. no-structure setback, including the extended parking area and landscaping. Mr. Hardy explained that due to the reduction in the size of the new house, the total impervious area on the lot will be less than pre-construction conditions.

VOTE: Upon a motion and second made by Members Vaille and Brierley, it was voted 4-0-0 (w/ Chair recused) to issue a Negative #3 Determination of Applicability.

Chair McLoone returned to the meeting.

2. **BL 19-66, SE 31-1199, 476 Webster St., So. Shore Reg'l Voc. Tech. High School-** NOI- continued from 7/17/19 meeting- *for campus improvements in BVW and resource area buffers*

PRESENT: Susan Sprat, PE, McKenzie Engineering Group, Inc., Applicant's Representative

DISCUSSION: Ms. Sprat explained that the hearing was continued so that the applicant could meet requirements for stream status, buffer area restoration, fencing, and conservation posts. She reported on a meeting held with the Conservation Agent at which further resource area protections were discussed in detail, resulting in the current revised plan. The Agent confirmed that the revised plan included status of the stream (intermittent) and delineation of the inland bank, that a Planting Plan was submitted utilizing all native New England species, a 4' high post and rail fence was added in required areas, that 2 trash barrels were added in the parking area next to the stream to reduce

trash buildup and transfer to the stream, and that conservation posts were added to the plan. Also, that no changes were made for the baseball and lighting phases of the campus project.

VOTE: Upon a motion and second made by Members Sennett and Vaille it was voted 5-0-0 to close the hearing. Upon a motion and second made by Members Satterwhite and Vaille, it was voted to issue an Order of Conditions with special conditions for additional conservation posts, snow plowing and snow storage areas and signage, and the removal of grass clipping piles from the BVW buffer.

3. BL 19-61, SE 31-1198, 1775 Washington St, Hanover Crossing.- NOI-

continued from 7/17/19 meeting- *a redevelopment project in multiple resource areas*

PRESENT: Brandon Li, PE, Kelly Engineering, Inc., Applicant's Representative, Ed Callahan and Michael Hoban, Hanover Mall Mgt.

DISCUSSION: Mr. Li updated the Commission on changes to the stormwater management design as per Bob Hartzel, PE, CEI, Inc., the Commission's Wetland Consultant. It was noted that prior to the meeting, the applicant requested to present this evening without the presence of Mr. Hartzel, as it was felt that the remaining issues would be resolved before the next meeting. The Chair noted that he had agreed to the request, but that review of items listed on CEI's 8/14/19 environmental review letter was still required. Said review resulted in a brief discussion regarding the following:

- the value of the IVW and BVW near Mill St. to be filled,
- the resulting wetland replication,
- revision of the plan to further disperse up to 7 of the 13 stormwater infiltration units throughout the site,
- resulting in additional temperature reduction of stormwater prior to entering into the Third Herring Brook which was recently designated as an Outstanding Resource Water and an important resource for cold water fisheries.

Mr. Li stated that MEPA review allowed land banking at the easterly end of the site which will further reduce 1 ½ acres of impervious surface area totals. The Agent questioned the removal of forested area for compensatory flood storage. Mr. Li explained that this issue was further discussed with Mr. Hartzel resulting in no change to the design at this point. The Agent reported that as of CEI's comments this morning, Mr. Hartzel maintained that the area should not be disturbed and that there are alternatives. Mr. Li was instructed to further research this issue with Mr. Hartzel. Mr. Li assured the Commission that the other comments presented by CEI within the 8/14/19 letter will be addressed prior to the October 2 Conservation meeting. Mr. Li was encouraged by the Conservation Agent to correspond with Mr. Hartzel directly in order to aid in achieving a timely final design that would protect resource areas and meet the required interests of the Act and Bylaw. Other documents provided at the meeting for the Commission's review were not reviewed as per the Chair, in the absence of Mr. Hartzel.

VOTE: Upon a motion and second made by Members Vaille and Sennett it was voted 5-0-0 to continue the hearing to October 2, 2019 at 6:45 PM as per the applicant's request.

4. BL 19-83, off Whiting St.(Melzar Hatch Conservation Parcel) – RDA-

for construction of a 32' long boardwalk as part of an Eagle Scout Project

PRESENT: Eagle Scout Candidate Ethan Ritchie

DISCUSSION: Scout Ritchie presented his project to the Commission which included the removal of a damaged boardwalk located along the trails on the Melzar Hatch Conservation Parcel and enhancements to the trail system including cleanup and signage. The Commission observed from photos that the bridge is such disrepair that the trail around it had been further degraded from its non-use. These conditions were confirmed by the Conservation Agent. Scout Ritchie presented photos showing a 6" difference in elevation from the end of the bridge and the ground, displaced and twisted boards, which all represent a tripping hazard. Additional photos showed stormwater pooling around the boardwalk and in the trail which resulted in the adjacent wetland area being walked on, further damaging sensitive and protected areas. The Agent pointed out young ferns (obligate wetland species) in the photos, adding that the boardwalk and trail were originally installed through a wetland, and that because of a lack of maintenance, a much wider area of disturbance now exists. She added that this project will result in a more pleasurable and safe experience for walkers, and that as observed in the photos by the new growth of obligate species, will offer further protections to the wetlands. Scout Ritchie explained the construction of the boardwalk, noting that he added a pillar in the center with a concrete post and two (2) 6' ramps at each end for added stabilization and ease of use. He added that as well as designing the project, he consulted with Town committee

members and department heads, including Facilities Manager Robert Murray for design approval. He added that his process also included a schedule of volunteers, application preparation and processing through the Town hall. In response to questions from the Commission, he added that the boardwalk sections were to be built off site, that manual equipment included a post hole digger for the center concrete support, and that trail maintenance and enhancement would also be conducted without motorized equipment. The Commission thanked Scout Ritchie for his efforts in the project. Chair McLoone presented Scout Ritchie with a Certificate of Appreciation and congratulated him on a great project that will be appreciated by many residents and visitors to the trail system for years to come. VOTE: Upon a motion and second made by Members Brierley and Sennett, it was voted 5-0-0 to close the hearing. Upon motion and second made by Members Satterwhite and Brierley it was voted 5-0-0 to issue a Negative #3 Determination of Applicability.

V. ADMINISTRATIVE:

1. 5- Yr. Capital Plan Discussion- Conservation and Open Space- The Commission reviewed the current 5-yr. Capital Plan to get an idea of items that were being requested by other departments. In response to a request from the Town Manager and CDMI Director for submission of capital plan items for purchase, the Commission noted that there are no such items at this time that are necessary to purchase. Notification of such will be sent to the CDMI Dir. by the Agent.
2. Minutes- 7/17/19 (*8/14/19 meeting cancelled*)- No action taken.
3. Minor Activities Permits/Events issued and updates: Reviewed without comment.
 - a. BL 19-71, 263 Union St.- Minor Acts Permit- *for test pits +50 ft. from BVW*
 - b. BL 19-73, King St., Clark Bog Firing Range- HPD Training Event- 7/30/19
 - c. BL 19-74, 1456 Hanover St.- Minor Acts Permit- *for residential parking area +75 ft. from 2 BVW's*
 - d. BL 19-76, 541 Webster St.- Minor Acts Permit- *for test pits +50 ft. from BVW*
 - e. BL 19-75, 1464 Hanover St.- Minor Acts Permit- *for demo of dwelling and shed +60 ft. from BVW*
 - f. BL 19-78, King St., Clark Bog Firing Range- HPD Training Event- 8/7/19
 - g. BL 19-79, 55 Cedarcrest Rd.- DOA-H Minor Acts- *for septic work -tanks @76' +SAS @101' from on-site BVW*
 - h. BL 19-80, 41 Longwater Dr.- Release from Subdivision Order of Conditions
 - i. BL 19-81, King St., Clark Bog Firing Range- HPD Training Event- 8/15/19
 - j. BL 19-82, King St., Clark Bog Firing Range- HPD Training Event- 8/22/19
 - k. BL 19-84, 738 Whiting St.- DOA-H Minor Acts- *for septic work -tanks @72' +SAS @147' from on-site BVW*
 - l. BL 19-85, King St., Clark Bog Firing Range- HPD Training Event- 8/23/19
4. Agent's Report- Reviewed without comment.
5. Correspondence- Reviewed without comment.
6. Other - *Those items not reasonably anticipated by the Chair within 48 hours of the meeting*- None.

8:45 PM

VOTE: Upon a motion and second made by Members Vaille and Satterwhite, it was voted 5-0-0 to adjourn the meeting.

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

Documents provided at meeting:

- 9/4/19 Agenda
- Volunteer Form- Mahendra Patel
- Commission's Support Letter for M. Patel as Assoc. Member
- 96 Webster St. EO
- 265 Silver St. COC request
- RDA application packet for 1464 Hanover
- RDA application packet for Melzar Hatch Scout Project
- NOI application packet for So. Shore Reg'l. Voc. Tech.
- NOI application packet and related docs for Hanover Crossing Project
- 5-yr. Capital Plan FY'20
- 7/17/19 draft Minutes
- 8/14 & 9/4/19 Agent's Report