

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF MAY 8, 2018
TOWN HALL, 542 LIBERTY STREET, HANSON, MA**

Called to Order at 7:00 PM under M.G.L. c 131, §40 and the Hanson By-Law 3-13, §5 and Rules and Regulations by Paul Andruk, Vice Chairman, in Meeting Room A at the Town Hall.

Present: Paul Andruk, Vice Chairman
Sharon LePorte, Member
William Woodward, Member
Michael DeVeuve, Member
Not Present: Phil Clemons, Chairman
Also Present: Matthew Tanis, Interim Agent
Rebecca Nehiley, Administrative Assistant

Minutes

The minutes of April 24, 2018 were tabled until the next meeting.

Public Hearings

7:00 PM Request for Determination of Applicability for the replacement of a dock at 279 Lakeside Road, Map 79, Lot 4 for Michele & Nicholas Rubino (**New Hearing**)

Mr. Andruk read the public hearing notice and the abutters were verified. Mr. & Mrs. Rubino attended the meeting for a proposal to remove an existing, dilapidated dock and replace it with a new, slightly larger, seasonal dock. The dock is to be removed from Oldham Pond in the fall. Ms. Nehiley explained that the new Chapter 91 regulations handed down from DEP require that small, non commercial docks (under 300 square feet) are permitted by Towns rather than at the State level to make it easier, more streamlined and less expensive for homeowners. No abutters were present.

Motion to approve and issue a Neg. 2 Determination of Applicability:

William Woodward

Second: Sharon LePorte

Vote: 4-0-0

7:15 PM Continued Notice of Intent for the construction of a single-family dwelling, driveway and appurtenances within the buffer zone to Bank and Bordering Vegetated Wetlands at 0 Whitman Street (Lot 1), Map 109, Lot 4 for Thomas Hastings represented by LEC Environmental Consultants, Inc. (**DEP #SE175-0696**)

This hearing was continued from April 24, 2018. Mr. Mark Manganello of LEC Environmental gave a quick synopsis of the project for the benefit of Paul Andruk and Michael DeVeuve who were not there for the first hearing. He reiterated that the project on Lot 1 had already begun and finished up to the culvert. The applicant had been permitted under a previous Notice of Intent to fill wetlands in order to construct the driveway and home. They would like to finish the project as it is essentially the same one that the Conservation Commission permitted before. The wetlands have been re-delineated and additional mitigation has been proposed. Mr. Manganello added that at the last meeting, the Commission had a concern with a

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zoning issue. He said that their position is that there is not an issue and for the Commission to make a decision based on the Wetland Protection Act. Their objective tonight is to ask that the Commission move forward with a peer review.

Mr. Manganello said that an important detail on the new Plan (dated 4/3/18) is that the property line cuts right through the culvert. Mr. Andruk commented that the project appeared to create disturbance within the 50' buffer zone to which Mr. Manganello replied that actual filling of wetlands was allowed previously. Additional mitigation measures have been proposed, in addition to the replication area, to plant native species that will replace the invasives that have established themselves. Ms. LePorte asked if the wetland line had changed significantly. Mr. Manganello answered that it was generally the same at the front of the property but the wetlands had expanded somewhat in the back. Mr. Tanis reported that he had visited the site yesterday and that it was very wet and definitely saturated. Mr. Woodward had also been to the site and mostly agreed with the delineation, but took soil samples out front and found clay at 8 to 10 inches. Mr. Manganello said that there's no question that there is shallow groundwater. He said that 3,785 sq.ft. of wetland fill was previously allowed for which 5,677 sq.ft. of replication area is proposed (in a different area) to compensate for 1 ½ % of the total disturbance. Mr. Tanis commented that even though the project was approved previously, there is a Denial from the Zoning Board of Appeals. He suggested moving forward with 3rd party review with the understanding there may be outstanding ZBA issues with access. Mr. Andruk asked for comments from abutters. Those present were:

Eric Harrington and Alyssa Vanderpot, 775 Whitman Street (Lot 2) – Mr. Harrington expressed serious concerns with flooding. When they fill in for the new driveway, house and septic, he doesn't want for more runoff to affect their water system and mitigation plantings. Ms. LePorte said that the replication area hasn't happened yet and that might alleviate some of their concerns. Mr. Tanis said that the Commission's consultant will take all of that into consideration and make recommendations. Ms. Vanderpot asked how the replication area will improve their flooding situation. Mr. Manganello said that it won't necessarily help, but the regulatory process to mitigate for the filling that has already occurred and the Wetlands Protection Act and the Hanson By-law don't have requirements to design a storm water management system for a single family home. Ms. Vanderpot was also very concerned that the construction of the house would create runoff onto their property. Manganello answered that his opinion was that there won't be an issue with water crossing over as the area in between is quite well vegetated and is acting as a buffer. The density of the vegetation slows runoff and promotes infiltration. He doesn't expect there will be any noticeable disturbance on their property.

Mr. Thomas Hastings, applicant – He commented that he was disappointed that the original Order of Conditions was not extended. The Planning Board approved both lots as meeting street frontage requirements. The Zoning Board denied a single driveway. Two separate driveways are being proposed with one culvert which is the same as what was permitted by the Commission before. He owns half the culvert. The property line runs through it. The circumstances haven't changed. With regards to the concerns that the abutters have expressed, they built the driveway and culvert, but as far as any impacts from his lot, he doesn't have the right to impact them adversely. He bought the property in 1972 and he wants to finish it.

Motion to continue until 5/22/17 at 7 PM pending review by Mr. Delano:

Sharon LePorte

Second: William Woodward **Vote:** 4-0-0

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Ms. Vanderpot asked if Mr. Delano would be reviewing the property lines. Mr. Tanis said that Bob Curran, the Building Inspector had expressed concern over whether that would be reviewed, but the Commission doesn't get involved with zoning matters. Mr. Delano would be reviewing the Notice of Intent under the Wetlands Protection Act and the Town of Hanson Wetlands By-Law. The Commission will make their decision based on that information and if afterwards, the applicant has to go to Zoning, that's a separate process. Ms. Nehiley suggested that Paul Andruk and Mike DeVeuve listen to the audio of the first hearing.

Discussions

Public Forum hosted by the Conway School of Design to discuss the reuse of the Plymouth County Hospital Site – Wednesday, May 9, 2018 – This was a reminder to the Commission of the scheduled forum tomorrow night at the Hanson Middle School.

Release from an Order of Conditions (DEP #SE175-239) at 244 Gray Lane

Motion to approve a Release from an Order of Conditions: Sharon LePorte

Second: Mike DeVeuve

Vote: 4-0-0

Old Business/New Business

Order of Conditions for the construction of a Single Family Dwelling and associated site work at 261 Lakeside Road, Map 79, Lot 12B for Henry Holmes (**DEP #SE175-0695**) – **signed**

Neg. 3 Determination of Applicability for the installation of a new gas main in a portion of Whitman Street and Winter Street for Columbia Gas – **signed**

Adjournment

Motion to adjourn at 7:45 PM: Bill Woodward

Second: Sharon LePorte

Vote: 4-0-0