

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF APRIL 24, 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 Phil Clemons, Chairman, in Meeting Room A at the Town Hall.

Present: Phil Clemons, Chairman
Sharon LePorte, Member
Bill Woodward, Member
Absent: Paul Andruk, Vice Chairman
Michael DeVeuve, Member
Also Present: Matthew Tanis, Conservation Agent
Rebecca Nehiley, Administrative Assistant

Minutes

Motion to approve minutes of April 10, 2018: Sharon LePorte
Second: Bill Woodward
Vote: 3-0-0

Public Hearings

7:00 PM Notice of Intent for the construction of a Single Family Dwelling and associated site work within 100' of a Bordering Vegetated Wetland at 261 Lakeside Road, Map 79, Lot 12B for Henry Holmes represented by Grady Consulting, LLC (**DEP #SE175-0695**) (**New Hearing**)

Mr. Clemons read the Public Hearing Notice and the abutters were verified. Rick Grady made the presentation for a proposal to raze an existing house that has fallen into disrepair and to construct a new dwelling, driveway and septic system. A portion of the house and driveway are located within the 100' buffer zone to a Bordering Vegetated Wetland which is Oldham Pond. An inactive cranberry bog to the rear of the property was delineated by John Zimmer in January, 2018 with a perennial stream depicted on the USGS map. However, Mr. Grady said that the stream is no longer there as it was culverted from the cranberry bog to the pond having located the outlet structures on both sides. The approximate location of a culvert shows up on the abutting property under the corner of the driveway. Mr. Clemons asked about a structure depicted in the rear of the property. Mr. Grady said that it's an existing garage that will probably be cleaned up and left in place. Mr. Clemons commented that the bogs haven't been farmed for quite a few years. Mr. Grady said that it appears there is an old pump house across the street that may have been used to pump water from Oldham Pond to the bogs. Erosion control is proposed. Mr. Clemons asked for comments from abutters. Those present were:

Mr. Chris Gould, 230 Lakeside Road – He commented that the bog is inactive and has no concerns that the culvert is under his driveway.

Motion to close the hearing, approve and issue an Order of Conditions:
Sharon LePorte
Second: Bill Woodward
Vote: 3-0-0

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7:15 PM Request for Determination for the installation of a new gas main in a portion of Whitman Street and Winter Street within the 100' buffer zone to a Bordering Vegetated Wetland for Columbia Gas represented by Merrill Assoc. **(New Hearing)**

Mr. Clemons read the Public Hearing Notice and the abutters were verified. Mr. Joshua Bows, P.E. made the presentation for the replacement of a gas main along Winter and Whitman Streets. A year ago, the Conservation Commission permitted the construction of a regulator station off of Whitman Street. Basically, the gas company is going to connect the gas main from Brook Street to the existing main on Whitman Street. Mr. Bows said that it's a simple connection from the old to the new regulator station. The work, which consists of laying new pipe in a 2-3' trench, takes place within the existing roadway and will be backfilled at the end of each day. No stockpiling is proposed and excess materials will be trucked offsite. A straw wattle is proposed at the edge of work. Mr. Clemons asked for comments from abutters. Those present were:

Mr. Brian Wright, 8 Brook Street – He wants assurance from the gas company that the guardrail and signs in front of his house will be removed. Mr. Bows answered that it's part of the effort in Phase II to remove the old, underground regulator station and guardrail once the new one is up and running. He will contact his client and try to get confirmation of that and a timetable.

Motion to issue a Neg. 3 Determination of Applicability: Bill Woodward

Second: Sharon LePorte

Vote: 3-0-0

7:30 PM 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. **(New Hearing) (DEP #SE175-0696)**

Mr. Clemons read the Public Hearing Notice and the abutters were verified. Mr. Mark Manganello of LEC Environmental made the presentation for a single family dwelling, septic system and driveway with associated mitigation, utilities and grading. He mentioned that the Commission approved a similar project back in 2012 that included two Notices of Intent filed simultaneously. A Certificate of Compliance was issued for completion of work on lot 2. The driveway on Lot 1 was constructed up to the culvert, so the applicant wishes to reestablish the permit to finish the driveway, build the house and complete the mitigation partially consisting of a wetland replication area. The wetland line was reevaluated and the delineation is slightly different. As a consequence, additional mitigation is proposed. Mr. Manganello remarked that an Enforcement Order was issued a couple of years ago for unauthorized clearing in the buffer zone and the Commission at that time agreed that the area be allowed to re-vegetate on it's own. He said that it hasn't and there is a significant void in terms of vegetation. For that reason, the applicant proposes additional native plantings in that area.

Mr. Clemons reiterated that the previous filing with Conservation goes back to 2012 and that a culvert has been installed over the stream. He asked if the proposal is to share the access over the culvert? Mr. Manganello answered yes, as that is the way it was previously designed. Mr. Clemons said the Zoning Board of Appeals (ZBA) has to be heard from very clearly about the access and to double check the files to make sure that their approval (or non-approval) was

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received. Because of the enormous amount of information posed, different plans and work that was done, “we want to do the right thing for everyone” adding that he was certain that because of the size of the project, they would invoke the services of a 3rd party professional review. Ms. LePorte asked if the delineation changed the square footage of the replication area. Mr. Manganello answered no, the proposal is to replicate what has been filled based on the previous delineation. Mr. Clemons commented that a significant part of what the Commission will do is to have a professional and fair review of the wetland delineation. He requested that the staff check with the ZBA if they have a history of hearing, considering and issuing a decision anything relating to the pair of driveways and especially where it’s a crossing before getting into numerous other issues. Ms. LePorte agreed that the project cannot be approved until the issue of access is cleared up. Mr. Tanis questioned the location of the 50’ buffer zone on the plan.

Comments from abutters:

Mr. Mark Reale, 751 Whitman Street – He was not opposed to a house. What is the issue? Mr. Clemons responded that there must be an approved crossing of the culvert for access and to make all parties aware of that before spending a fair amount of time considering anything else. Mr. Manganello commented that the project should be reviewed on its own merits and suggested moving ahead with peer review.

Ms. Susanne Eaton, 534 Whitman Street – The project is halfway complete to get it sold. Just because the permit expired, “ it’s not fair.” Mr. Clemons responded that the Commission has to follow the laws. For instance, State Law requires a review of the wetland line after three years, adding that it’s a very wet area. The Wetlands Protection Act was passed for a reason. If a project is approved, the Commission wants it to be successful.

Mr. Clemons read two (2) comments from a Notice of Wetlands Protection Act File Number from the Department of Environmental Protection regarding this project into the record (attached). He then asked if there were any other comments from abutters.

Mr. Eric Harrington and Ms. Alyssa Vanderpot, 775 Whitman Street – Mr. Harrington, as a direct abutter, commented that the whole area “is a swamp.” He said it’s impossible to keep his basement dry and the sump pump runs 24 hours a day. He had to install thousands of dollars worth of mitigation to deal with the water. They installed a shallow pool last year because of the high ground water. His well dumps out 5 gallons a minute of water “every day, all day.” Mr. Clemons commented that one of the Water Commissioners, Donald Howard mentioned that he had witnessed that himself. Mr. Harrington’s said that he brought in 3,000 yards of fill and raised the foundation up 9 feet. He is concerned that if the applicant installs a house and driveway, what of the excess watershed? Is it going to cause additional runoff onto his property? Ms. LePorte commented that part of the reason for the replication area is for water storage. Mr. Clemons said that Mr. Harrington’s property is part of the same environmental neighborhood and if a reviewer looked at the project, they would also look at the adjacent surrounding areas. Mr. Manganello suggested they could pitch the driveway the other way.

In conclusion, Mr. Clemons remarked that a 1977 USGS Map and aerial photos prior to 1977 illustrate that the mill pond still existed. The dam is still there but in disrepair. The deed suggests this property is subject to flowage rights. Mr. Manganello said that he had heard that too but didn’t think it was relevant to the project.

Motion to continue the public hearing until 5/8/18 at 7:15 PM pending an answer from Zoning Board of Appeals: Sharon LePorte
Second: Bill Woodward **Vote:** 3-0-0

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Discussions

Request for Certificate of Compliance for Greenbrier Lane, Map 108, Lot 5-24A for Joe Memmo (DEP #SE175-0673)

Mr. Memmo attended the meeting. Mr. Clemons reported that Mr. Delano had reviewed the project and recommended approval of a Certificate of Compliance. Mr. Clemons remarked that the perpetual conditions were the most important and was concerned that the birdhouses may not have weathered the recent storms. Ms. LePorte asked if there was a lawn and if so, the new owners should not be using fertilizers or dumping clippings into the wetland. Mr. Clemons suggested that the Commission look at it one more time. Mr. Woodward was opposed to another inspection as Mr. Delano had already made his recommendation. Mr. Clemons replied that the property had changed hands, and it would serve the public well to know that things don't get forgotten or overlooked.

Motion to approve a Certificate of Compliance pending a successful and positive site inspection by the Agent and Commissioners: Sharon LePorte

Second: Bill Woodward

Vote: 3-0-0

Enforcement Order/Cease and Desist for 71 Ocean Ave., Map 3, Lot 1504

Mr. Tanis reported that he'd received a couple of complaints of filling of a small section of wetlands across the street from 71 Ocean Avenue on Lot 1520. He presented pictures of the disturbance. A Cease and Desist was issued with a requirement for submittal of a restoration plan on or before May 11, 2018. Mr. Montgomery, owner of the property attended the meeting and countered that the area was upland. Mr. Clemons said that the soils may be hydric and reiterated that buffer zone is protected under the state law which is the Wetlands Protection Act.

Mr. Montgomery said that the installation of his septic system eliminated his driveway. He purchased the property across the street to use for parking. He wasn't aware of the buffer zone and wanted to put grass and rocks there. He offered mitigation elsewhere to make up for the disturbance. Mr. Tanis said that it may be covered under a Blanket Permit and his willing to take a look at possible mitigation. Mr. Montgomery has 60 days to appeal the Enforcement Order, but he is open to negotiation.

Motion to ratify the Enforcement Order and to proceed as all parties have discussed to negotiation and resolution: Bill Woodward

Second: Sharon LePorte

Vote: 3-0-0

Old Business/New Business

Order of Conditions for the construction of an access road and installation of two deep bedrock groundwater test wells at State Street, Map 112-0-14-0 in Hanson, MA for Hanson Water Department (DEP #SE175-0694) – **signed**

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Conway School/Invoice - **signed**

2018 Tax Title Property List

The Commission reviewed the list. Mr. Clemons commented that Conservation has no interest in any except for a parcel on West Washington Street that if and when it is sold, the parcel deed has a requirement for a 20' recreational, pedestrian easement along the railroad easement for access to the rear of the property which is town-owned back land of about 150 acres.

Motion to have Ms. Nehiley prepare a memo to send to the Selectmen: Sharon LePorte

Second: Bill Woodward

Vote: 3-0-0

Adjournment

Motion to adjourn at 9:20 PM: Bill Woodward

Second: Sharon LePorte

Vote: 3-0-0