

**Town of Hanson**  
**542 Liberty Street, Hanson, MA 02341**

## **Conservation Minutes, May 26, 2015**

A meeting of the Town of **Hanson Conservation Commission** was held on **May 26, 2015** at the Hanson Town Hall, 542 Liberty Street, Hanson, MA. Members present were Chairman John Kemmett, Frank Schellenger, Brad Kirlin and Brenna Audette. The Town Planner/Conservation Agent Laurie Muncy and Associate Member Phil Clemons were also present. Administrative Assistant Becky Nehiley was on vacation.

By motion made and seconded, the Hanson Conservation Commission meeting was called to order at 7:00 PM. Frank Schellenger made a motion to call the meeting to order, Brad Kirlin seconded the motion. The motion passed unanimously and the meeting was called to order. By motion made and seconded, the minutes of the **May 13, 2015** meeting were approved as typed. Frank Schellenger made the motion to approve the minutes, Brad Kirlin seconded. The motion passed unanimously.

The Commission acted on a **Request for an Extension of the Orders of Conditions for Lot 1, Whitman Street and Lot 2 Whitman Street** for Thomas J. Hastings (DEP #SE175-0580) (DEP #SE175-0617) – Frank Schellenger made a motion to endorse the extension request. Brad Kirlin seconded the motion. The motion passed unanimously and the Commission endorsed the extension request.

**Reorganization:** Frank Schellenger made a motion to reorganize the Commission with John Kemmett serving as Chair, Frank Schellenger serving as Vice-Chairman, Brad Kirlin will serve as the clerk and Phil Clemons will serve as the Associate Member. Brad Kirlin seconded the motion. The motion passed unanimously.

At 7:15 PM a public hearing to review the **Notice of Intent** (SE175-06\_\_\_) application for the redevelopment of an existing commercial property into 28 residential condominiums at **775 West Washington Street, Assessors Map 66 Lot 5A-2 filed on behalf of Priolo Realty** was called to order. The Applicant's representative Bob Rego--- of Prime Engineering, Inc., approached the Commission to review the application. A letter was received from consultant John W. DeLano requesting that the public hearing be continued to allow more time for him to complete the review of the Notice of Intent. The applicant is looking to re-develop a parcel that is currently being used a tree service company. The wetland resource area is shown as a black line that wraps around the site and was previously approved as an ANRAD filing. Poor Meadow brook is located to the westerly portion of the site. Brook Munroe performed the wetland delineation. The Riverfront Area and the Bordering Vegetated Wetland (BVW) lines were approved as delineated. The blue line represents 50 feet from the BVW. The orange line represents 100 feet from the BVW. The first blue line is the inner riparian and the second line represents the outer riparian 200 foot mark. The site is heavily developed and previously disturbed, once used as a pallet factory prior to the tree service being located there. The vegetation has been removed with very little remaining along the BVW. The BVW extends way down to the south of the site. The line was closed to the south per recommendation of the Commission consultant Mr. DeLano. The applicant proposed a residential condo development. Access to the site will be utilized during construction through an easement. The property will be accessed through the frontage at the completion of construction. Some of the units proposed are duplex, others are triplex. There will be a small amount of grading at the entrance within the 50 foot buffer. In order to meet zoning requirements, a portion of three units will be within the existing disturbed area between the 100 and 200 foot markers. The drainage basin is proposing to collect stormwater to discharge within the 100 foot riparian zone. The drainage currently goes unmitigated to the wetland resource areas. The applicant is proposing to install a drainage system to improve the quality of discharge. There will be deep sump catch basins with a storm separating unit at the entrance to the site. An Alternative Analysis was submitted electronically late this afternoon that states this is the best alternative for the site.

Frank Schellenger asked if the wetland line was previously approved. The line was previously approved under an ANRAD filing by the Commission. Based on the zoning district requirements, there is a 40 foot setback to the buildings which does not allow them to be clustered more tightly. The buildings have to be 40 foot apart from each other.

This is a highly disturbed riverfront area with zero vegetation. In order to restore the site, all debris will be removed, a layer of top soil added and a layer of conservation seed mix. John Kemmett asked if there is a mitigation plan that speaks to the local bylaw. Mr. Rego stated that he has reviewed the bylaw but has not submitted additional mitigation. Phil Clemons stated that whenever you are close to streams and wetlands, mitigation is important. Mr. Rego stated that there is zero vegetation in the riverfront area and this proposal is an improvement to the site. John Kemmett stated that he would like to see a mitigation plan so that the Commission can understand what is proposed. Mr. Rego stated that the full set of plans contains a mitigation plan. In the front portion there is an area within a buffer zone that should also be included in the mitigation plan. John Kemmett stated that the catch basin at the bottom and the two within the roadway are also in the fifty foot buffer zone which would require a mitigation component. He advised Mr. Rego to familiarize himself with the site. He stated that the catch basins in the

roadway are within the 100 foot buffer but not the 50 foot. An outfall for stormwater treatment is allowed as long as it discharges into a grass swale. Frank Schellenger stated that the resource area is within the buffer zone and requested a flared end swale.

Frank Schellenger stated that our job is to protect the resource areas. We understand this is a disturbed site that has to be restored to the buffer zone. Mr. Prolio stated that he had a meeting with the previous conservation agent that affirmed that there is no violation of the wetlands protection act. John Kemmett asked the applicant to prove that the area was disturbed prior to the wetlands protection act.

Phil Clemons asked, "Has the entire boundary been surveyed and bounded along the Poor Meadow Brook conservation area." The applicant stated that bounds have not been placed.

At 7:36 the meeting was opened to the abutters for discussion.

Brian Gurney of 775 West Washington owns the property out front of the site. As it pertains to drainage, he would like to ensure that the tree line is not disturbed. There is a low area, what are you proposing to control the area and minimize mosquitos. Bob Rego stated that currently there is a drainage swale that carries water to the wetlands area. They propose a grass swale from the rear of the cul-de-sac to the wetland area. Bob Rego stated that the trees will be maintained, as most of them on an abutting property line.

698 West Washington St – are you adding more trees or vegetation? We have a blueberry farm and are impacted by changes to the environment. Bob Rego replied that they are proposing to clean up the lower section to the bottom at the southern section. They will be planting with a wildlife conservation seed mix. They also propose some decorative landscaping with trees along the roadway and cul-de-sac and typical landscaping around a dwelling.

Dean Sylvester, 744 + 749 West Washington Street asked, "Will you be putting fencing to protect the fields and animals?" Mr. Rego replied Yes.

Brian Gurney, 775 West Washington Street asked whether the easement road will be for emergency access only and will be left as is. Mr. Rego replied Yes.

Elizabeth Sullivan, 625 West Washington Street asked where the rivers are located. Fifty feet from the blue dashed line is the highest mean annual water line, the bank, the stream is further south off the property. Is there one on the other side – yes but it is beyond jurisdiction of the Commission.

698 West Washington Street asked what the price range for the condos will be. Bob Rego stated that the units will be priced between \$289,000 and \$320,000, so they are not being marketed to low income buyers.

Phil Clemons asked if the road touched the property line. Bob Rego stated that there is no setback requirement for roadway to property line.

Mr. Priolo asked if the mitigation plan would be a sticking point. Phil Clemons stated that when the Commission has the completed review, the riverbank does not move, only the line on the plan moves.

Frank Schellenger made a motion to continue the hearing until June 9, Brad Kirlin seconded the motion. The motion passed unanimously and the hearing was continued until June 9<sup>th</sup> at 7:15 pm.

At 7:30 PM a continued public hearing to review a **Notice of Intent** filing to repair a septic system at **6 Upton Street, Assessors Map 2 Lot 346** filed on behalf of Jane Tsoumas by Grady Consulting, LLC was called to order. A written request to continue the hearing until the next scheduled meeting date was submitted by Grady Consulting, LLC dated May 26, 2015. The next scheduled meeting of the Commission is scheduled for June 9, 2015. By motion made and seconded, the Commission voted to grant the request for continuance until June 23, 2015. Frank Schellenger made a motion to continue to July 23, Brad Kirlin seconded the motion. The motion passed unanimously and the hearing was continued.

At 7:45 PM a public hearing to review a **Request for Determination of Applicability** to determine the accuracy of a wetland delineation line at **172 Indian Head Street** for Stephen Corbeels, Trustee represented by Vautrinot Consulting was called to order. A review letter was received from John Delano.

Mr. Vautrinot approached the Commission on behalf of the applicant. He indicated that they have agreed with Mr. DeLano recommendations as to the relocation of the wetland line. He brought up the point that a portion of the property is within a priority habitat. He contacted the Natural Heritage and they indicated they do not review the line for RDAs only for NOIs for work proposed. They do not anticipate doing any work within the habitat. They have included both the inner and outer riparian zones. They have indicated the 50 foot and 100 foot boundaries to BVW. Mr. Vautrinot has submitted the wetland delineation sheets as requested. The plan has been revised according to Mr. DeLano's letter. PH605 is the habitat in question. Frank Schellenger made a motion to approve the RDA. Brad Kirlin seconded the motion. The motion passed unanimously.

At 8:00 PM **Keith Gaizelle of Aquatic Control** was on the agenda to provide the Commission with an update on the treatment of East and West Monponsett Ponds for the Town of Halifax (**DEP #SE175-0580**). Mr. Gaizelle did not appear.

By motion made and seconded the meeting was closed. Meeting adjourned at 8:15 pm.

Frank Schellenger made a motion to reopen the meeting at 8:17 PM. Brad Kirlin seconded the motion. The motion passed unanimously and the meeting was called to order at 8:18 PM.

**Keith Gaizelle of Aquatic Control** approached the Commission to provide an update on the treatment of East and West Monponsett Ponds for

the Town of Halifax (DEP #SE175-0580). Mr. Gaizelle apologized to the Commission and stated that he had driven up from Connecticut and was delayed by traffic. Mr. Gaizelle stated that in 2013 the pond was treated with alum 3 parts per million to sequester phosphorous to prevent microscopic algae bloom. Historic sampling seems to suggest that there is a fairly high load. Treatment provided some short term control but following that treatment there was additional bloom. Basically the way the watershed collects all the water and funnels to the pond it collects contaminants – in deeper water bodies there is a layer of warm water on the surface with cold water on the bottom so there is no mixing and therefore causes it to use up all the oxygen. The phosphorous can re-solidify and get back into the water and can cause internal nutrient cycling and create a new bloom. If the pond suffers from one of those system there can be a problem with microscopic algae growth. Alum takes the phosphorous out of the water column for that moment in time. We proposed that rather than going with one time slightly higher dose, it is better to go .7 ppm dose over three different treatments starting in early June and following three weeks after that to understand what the phosphorous is doing between treatments. Our thinking is that rather than that one time event, a three time treatment will remove a little at a time and spacing that over three treatments over three months rather than one treatment in June.

John Kemmett asked, “After you are done with the treatment, what is the success long term?” Keith Gaizelle stated it is fairly limited. We need to identify those sources of phosphorous and Halifax is in the process of doing water sampling to assist with that determination. The way that alum works is trickier. Although we are not applying enough, if you perform the treatment over the course of several years you are having an acreation of dose so you are moving toward the dose that would remove the phosphorous from the sediment. A long term goal would be to identify the external source of phosphorous. Fertilizers, septic systems, bogs discharging into the ponds can all be a significant source of phosphorous. There are large bogs adjacent to the ponds and both east and west lake have tributaries to the pond.

John Kemmett stated that some of the phosphorous is coming from residential use through fertilizers and septic systems. Keith Gaizelle stated that maintenance of a septic system, a properly maintained system, will not contribute to the phosphorous load. He knows that Princeton hydro did a survey of the ponds in the watershed during the 80s. They have not yet shared what that study will include. Establish a nutrient budget – without nutrients there is no algae. Some towns have watershed districts that institute bylaws to establish controls to protect the ponds. There have been studies with higher alum doses greater than .7 parts per million (ppm) per application a higher count is 15 ppm. He is not advocating a long term treatment or to expend that amount of money as you may still have blooms due to the water coming in.

Frank Schellenger asked, “Is there a species we are trying to protect.” Keith Gaizelle answered, “Yes, there is a mussel we are trying to protect.

There are regulatory monitoring that has to be conducted to ensure the mussel is protected. Natual heritage looks at the data, visual monitoring, 48 and 72 hours after application. They are video recording behavioral changes. Long term monitoring is handled by an independent consultant. We don’t know who will do the work as the protocol has been approved by Natural Heritage. One year post, three year and five year post. We are asking, “Are we impacting the mussels over the 3-5 years, do we start to see a drop off of mussel in the area.”

Frank Schellenger asked, “Are you going to have a diver going down this year prior to the application?” Keith Gaizelle replied, “There is visual monitoring during application.” Frank Schellenger stated that a Notice of Intent was filed in 2013 to do the Hanson side of the lake. In 2014 you were going to do it again and we said you have to file an amended NOI with a minor modification. Now in 2015 you come to us and say you are going to do this. Does it not require an amended NOI to account for the current year?

We have a letter from Conservation for years to come to 2019 – as per his request – as the OOC was extended to 2019 and seeks confirmation that we are amendable to that. But the extension will state that you are permitted to put alum in the pond for 2014 and did not include the additional years. Frank stated that he made the point to restrict it to 2014 because he feels that this is a waste of money. The real issue is the septic systems surrounding the ponds and discharging effluent into the ground which eventually reaches the ground water and is transported. All of the septic systems in the area from Hanson transport into the lake. I know that you are involved with Oldham pond which has the same problems and is being treated the same with low doses of alum. Research has indicated that enough effluent is reaching the pond, 2/3 of which is from septic systems. So throwing alum on the pond is not going to prevent the algae from blooming.

Phil Clemons stated that if you have a big house full of flies and you hate the flies and never figure out where they originate from, swatting them is not an effective way to deal with the situation. If there was evidence that the nutrient budget of the watershed was being looked at and figured out, that would be a good starting point. Unless you intercept that process, you will always be doing it. Keith Gaizelle stated, “I think those are things that should be looked at. In the interium they are interested in having a plan in place to protect the waterbody for swimming. It is not a long term fix; it is a maintenance type of strategy.” We have seen a similar dynamic in year one conditions were good, no cyanobacteria, in late August we saw a spike in the phosphorous level, we had a bloom. The following year, we continue with the treatment and saw a static level of phosphorous. It has provided a relief of the problematic blooms during the swimming months but does not address new phosphorous coming in.

For short term usability there is a benefit to swimming. Our interest is in the long term. But that is not your charge. Frank Schellenger is requesting an amended NOI to accommodate the treatment protocol through 2019. The Commission reviewed the original NOI and the OOC issued for the project. It would appear that the condition limiting the treatment to the year 2014 was not included in the Order.

The applicant has agreed to submit a minor modification to the treatment protocol whereby the Commission will approve the modification without the requirement of a public hearing or an Amended NOI. This was agreeable to the Commission as a whole. This takes care of the treatment protocol for 2015 and will allow for the applicant to re-submit yearly to provide notification as to what he intends to do in the future.

Confirm and understand that this was automatically extended under the state permit extension act. They would like a commitment that he will provide the data on a yearly basis. Frank Schellenger made a motion to allow the applicant to submit a minor modification to the treatment protocol without the requirement of a public hearing. Brad Kirlin seconded the motion. Motion made and seconded, the motion passed unanimously.

Frank Schellenger made a motion to adjourn the meeting at 9:37 PM. Brad Kirlin seconded. By motion made and seconded, the meeting adjourned at 9:38 PM.

Respectfully submitted,

Laurie Muncy  
Town Planner/Conservation Agent  
Town of Hanson