

**HANSON CONSERVATION COMMISSION  
MINUTES OF THE PUBLIC MEETING OF MAY 28, 2019  
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 Philip Clemons, Chairman, in Meeting Room A at the Town Hall.

**Present:** Philip Clemons, Chairman  
Sharon LePorte, Member  
William Woodward, Member  
Michael DeVeuve, Clerk  
Rebecca Nehiley, Administrative Assistant

**Absent:** Paul Andruk, Vice Chairman

**Also Present:** Steve Wry, Land Planning, Inc.  
Steve Regan, Planning Board Member, Alden Way  
Eric and Carol Brzuszek, Gray Lane  
Bob and Marion Scott, Holmes Street  
Joe Bongarzone, County Road  
Joseph & Elizabeth O'Sullivan, West Washington Street

**Public Hearings**

**7:00 PM Request for Determination of Applicability** to perform excavation for soil testing in various areas throughout the site at 280 Liberty Street, Map 82, Lots 12, 15 & 19 for Ridder Building Corp. represented by Land Planning, Inc. **(New Hearing)**

Mike DeVeuve read the Public Hearing Notice and the abutters were verified. Mr. Steve Wry of Land Planning presented the proposal for conducting soil testing with a preliminary plan entitled RDA Filing Plan For Proposed Test Holes dated 5/2/19. Former Agent, Michele Grenier had suggested that Mr. Ridder file an RDA to allow investigation of the soils in anticipation of designing a stormwater management system and to determine the elevations for the site. A small excavator, using the existing cart paths will be used to access the site. Vegetation will be brush cut to reach more remote locations so as not to cause any more disturbance than necessary. Those locations will be marked in the field.

Mr. Clemons remarked that "A lot of us are concerned with stormwater. The upland will be rendered impervious. So as not to overwhelm areas with runoff, these have to be designed to handle it." Mr. DeVeuve asked for the width of the cart paths. Mr. Wry answered roughly 12'. Mr. Clemons commented that the wetlands were reviewed by John Delano including the offsite, wet area which is a Potential Vernal Pool (PVP). He asked if there had been any discussion with the contractor regarding setbacks to these wetlands. Mr. Wry answered that there are 20 proposed 3' x 10' test holes, ½ of which are in the buffer zone. They will use straw from straw bales to cover the disturbed areas after the work is conducted.

**Motion to issue a Neg. 3 Determination of Applicability provided proposed work is outside the 50' buffer zone:** Sharon LePorte  
**Second:** Michael DeVeuve

Mr. Clemons asked for comments from abutters. Those present were:

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**Mr. Steve Regan, Planning Board Member, Alden Way** – Asked if there had been a time limit to do the original test pits for the septic system design. Also Mr. Regan commented that most of the area is wet, has “blue clay” and the water table is high and doesn’t drain. The developer had used logging equipment to clear cut the entire area and went over stone walls. He was of the opinion that the septic system was designed in a very wet area. He had pictures on his cell phone. Mr. Clemons, in answer to Mr. Regan’s first point, was that the Board of Health had the authority to inspect. He suggested that Mr. Regan submit the pictures to the office with captions. The Commission could look at the site, speak with people and do things in an informed manner.

**Mrs. Carol Brzuszek, Gray Lane** submitted a letter dated May 21, 2019 (attached). She has lived there since 2010 and can attest to the characteristics of the site and that the area is soaking wet. The PVP is in her front yard. It dries up in the summer, but at other times, it’s a foot deep. Her driveway is sinking. “Where does the displaced water go once they cut down the trees and build buildings? They will be floating.”

**Mr. Eric Brzuszek, Gray Lane** – Said that the project seems “intrusive and ostentatious.” He was of the opinion that a 40B project is questionable as basins in other areas in town are failing (Brookside, Liberty Circle, and Progress Way) and that “we’re creating another problem.” He’s “not anti-development, but it must be reasonable.”

**Ms. Kelly White, Gray Lane** - She has brown water. It makes no sense to add 60 homes. What will happen when the water table drops? Mr. Clemons commented that the brown water is caused by sediments.

**Mr. Steve Regan** – The elementary school could not make lunches because of discolored water. There is a failed stormwater management system right next door at Stonebridge Commons. “It’s an extremely wet parcel of land.”

**Mrs. Carol Brzuszek** – She respectfully requests that the applicant stay out of the 100’ buffer zone of the Potential Vernal Pool as that’s where they currently have the problem of flooding.

Mr. Wry commented that the fastest way to determine the suitability of the site is to allow the soil testing to see what is conceivable. Ms. LePorte withdrew the previous motion.

**Motion to issue a Neg. 3 Determination of Applicability subject to soil test holes being conducted outside of 100’ of PVP and 50’ in other areas, the access with heavy machinery is restricted to the pre-existing cart-paths, the heavy machinery shall be limited in size (Mr. Wry will provide specs to the office), subject to a pre-work site inspection by at least one conservation member:** Sharon LePorte

**Second:** Michael DeVeuve

**Vote:** 4-0-0

**Motion to close hearing:** Sharon LePorte

**Second:** Michael DeVeuve

**Vote:** 4-0-0

**7:15 PM Appointment with Barbara DeWolfe to discuss 370 Franklin Street**

Mr. Clemons reported that the property in question is near the town line. The office had received a complaint of an off-road vehicle on more than one parcel. The previous agent had taken photos of wetland disturbance and issued an Enforcement Order. He asked if the activity

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had ceased. Ms. DeWolfe answered yes, that it had only happened once and won't happen again. They were trying to clean up the yard and didn't realize they were on someone else's property. She had pictures. The area has already grown back in. Mr. Clemons asked to let us know how the clean up goes and that the issue had been closed.

**7:30 PM Continued Notice of Intent** for the construction of a 1,182.6 kw Solar Photovoltaic (PV) installation project within 100 feet of a Bordering Vegetated Wetland at County Road, Map 74, Lots 7 & 8 for County Road Partners, LLC represented by AMEC Massachusetts Inc.,  
**(DEP #SE175-0707)**

**Also Present:** Rich Niles, Project Manager, AMEC Massachusetts, Inc.  
Emily Gardner, Environmental Scientist, AMEC Massachusetts, Inc.  
Greg Avenia, P.E., CFM, Project Manager, AMEC Massachusetts, Inc.  
Paul Matos, Allen & Major, Assoc., Inc., Commission's consultant  
Mr. Robert Scott, Holmes Street  
Mrs. Marian Scott, Holmes Street  
Mrs. Betty O'Sullivan, County Road  
Mr. Joseph O'Sullivan, County Road  
Mr. Joe Bongarzone, County Road  
Mr. Scott Peterson, Holmes Terrace

Mr. Matos, representing the Commission, outlined Allen & Major's review of the solar project as it related to the stormwater management. He said that it was pretty straightforward and they'd had only minor comments in their initial review (Letter dated 5/6/19). They used the Massachusetts Stormwater Handbook and were satisfied with AMEC's Letter of Response (dated 5/13/19) and Attachments. Because Allen & Major had commented about the pre and post development runoff of the site, Mr. Avenia briefly discussed the type of groundcover that will be used (a NE Logging Road Mix) and the corresponding revised calculations. Because it's a "Meadow" seed mix it won't be mowed as frequently and holds water better than grass.

Mr. Niles touched upon the tree study (Attachment A). The Commission had asked for an estimated number of trees to be cut and AMEC had done transects, identified the size and type of species and estimated a total. Mr. Clemons commented that it was completely consistent with what we'd expect to see around here. The Commission had previously asked about the noise levels. Mr. Niles compared 60 decibels to a conversation in a restaurant. Since the closest residence is 205 feet away, the sound level would be approximately 30 decibels which equals a very quiet, rural area. Mr. Bongarzone still expressed concern about the noise. Mr. Niles said they could always mitigate the sound with more plantings if necessary.

In response to DEP's comment about whether the shade impacts for the project have accounted for the presence of White Pine which grows taller than species used in the model, Mr. Niles reported that they had assumed an aggressive growth trend for all species including White Pine. The Planning Board had required SWPP (Stormwater Pollution Prevention) Reports to which Mr. Niles said that the project is subject to the US EPA Construction General Permit and authorization will be obtained prior to construction. Mr. Clemons asked that the reports be sent to the Commission as well.

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Mr. Clemons asked for a recap of the Stormwater design. Mr. Niles said that it hasn't changed fundamentally but they'd taken additional spot grades. Mr. Avenia said that the project includes a stormwater best management practice (BMP's) to control stormwater quantity for the development, consisting of a Sand Filter, GravelPave2 pervious paving, and Filtresxx Soxx berms. The pervious pavers are reinforced plastic forms in the roadway that are porous and prevent gravel from compacting. The rest of the roadway is bermed towards the Sand Filter to provide additional treatment. Mr. Clemons asked for comments from abutters.

**Mr. Robert Scott, Holmes Street** – had a question about sheet flow. Mr. Niles explained that the calculations had been revised to the maximum 50' length per Mass DEP Hydrology Handbook and are accounted for in the Stormwater Report.

**Mrs. Marian Scott, Holmes Street** – was concerned with her septic system. Mr. Avenia said that the project won't affect her septic system at all. The road is piped underneath to drain towards the east. They're putting in a berm at the limit of clearing which turns the site into a "very shallow bathtub" where the water will be detained and infiltrated into the ground or eventually going through the wattle easterly.

**Mr. Scott Peterson, Holmes Terrace** – was concerned with flooding and standing water. Mr. Clemons answered that he didn't believe there was standing water at the project site.

**Mr. Joseph O'Sullivan, Holmes Street** – had an idea of punching a pipe down to the main aquifer thereby reducing surface runoff and recharging the well system at the same time. Mr. Clemons said although a good idea, he was concerned of hurting the situation by tapping into more water and releasing it to the surface. Mr. Niles said that it's a different set of regulations and since it's not in the Aquifer Protection Zone, it's typically not allowed.

Mr. Clemons commented that because the rest of the property is not being developed, the Commission is interested in a Conservation Restriction (CR) to keep the remaining wetlands protected in perpetuity allowing it to stay natural. Mr. Niles said that the applicant would prefer not to do that, as they've already compromised and made concessions. Mr. Clemons said that he doesn't see it as a concession. It doesn't change the current use of the property and it's a chance to protect undeveloped areas. Mr. Clemons reiterated that a discussion about it had set the tone a year ago at an informal, preliminary meeting. Mr. Niles will reach out to the applicant again regarding this matter.

**Motion to approve the project with the understanding that all of tonight's updates will be included in the Orders of Conditions and subject to the standard and special**

**conditions:** Bill Woodward

**Second:** Michael DeVeuve

**Vote:** 4-0-0

**Motion to close the hearing:** Sharon LePorte

**Second:** Michael DeVeuve

**Vote:** 4-0-0

**7:45 PM Continued Notice of Intent** for the construction of a single family house, septic system, utilities, site grading and landscaping within 100 feet of a Bordering Vegetated Wetland at Rear of 484 Pleasant Street, Map 16, Lot 15B for Judith King represented by Land Planning Inc. (DEP #SE175-0708) (New Hearing)

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Mr. Clemons reported that he, Sharon LePorte and Steve Wry conducted a site inspection on 6/4/2019 and their only concern is that they have future assurance that the property is not expanded. The buyer was in attendance and said that he understood the restrictions on the property.

**Motion to approve and issue an Order of Conditions:** Sharon LePorte

**Second:** Michael DeVeuve

**Vote:** 4-0-0

**Motion to close the hearing:** Michael DeVeuve

**Second:** Sharon LePorte

**Vote:** 4-0-0

**8:00 PM Continued Notice of Intent** for the demolition of an existing house and the construction of four 2-story residential buildings with associated site improvements within 100 feet of a Bordering Vegetated Wetland at 965 Main Street, Map 42, Lot 9 for Egan Development, LLC represented by Crowell Engineering (**DEP #SE175-0709**)

**Motion to close hearing and issue the Order of Conditions:** William Woodward

**Second:** Michael DeVeuve

**Vote:** 4-0-0

**Discussions**

**Request for an Extension to the Order of Conditions** for the continued management of the aquatic vegetation in Monponsett Ponds by Solitude Lake Management Company on behalf of the Town of Halifax (**DEP #SE175-0580**)

**Motion to approve a 3-year Extension to the Order of Conditions for the treatment of Monponsett Pond(s):** William Woodward

**Second:** Sharon LePorte

**Vote:** 4-0-0

**Request for a Certificate of Non-Completion** for Rear of 484 Pleasant Street, Map 16, Lot 15B for Judith King (**DEP #SE175-0598**)

**Motion to approve and issue a Certificate of Non-Completion:** Sharon LePorte

**Second:** Michael DeVeuve

**Vote:** 4-0-0

**Request for a Certificate of Compliance** for 56 & 68 Brookside Drive, Map 44, Lot 1-4A for Edward Johnson of Brookside Realty, LLC (**DEP #SE175-0650**)

Mr. Woodward had conducted a site inspection and said that the posts were 2 feet from the foundation of the houses and the backyard "was a mess." Trees had been cut and the stumps

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were left. Mr. Johnson, who was in attendance, said that there were two houses on each lot. The agent at the time said that they could cut the trees.

**Motion to deny a Certificate of Compliance and ask the developer and residents come to the next meeting to discuss:** Michael DeVeue  
**Second:** Sharon LePorte  
**Vote:** 4-0-0

**Request for a Certificate of Compliance** for 72 Brookside Drive, Map 44, Lot 1-5 for Edward Johnson of Brookside Realty, LLC (DEP #SE175-0651)

Ms. Nehiley reported that Mr. Johnson had submitted the proper paperwork as well as an As-built. Everything is in substantial compliance. The current owner had requested and received approval for a Blanket Permit to cut 4 trees and clear some brush from the back of the house. Mr. Woodward had inspected and said this wasn't a problem.

**Motion to approve and issue a Certificate of Compliance:** Sharon LePorte  
**Second:** Michael DeVeue  
**Vote:** 4-0-0

**Reorganization**

**Motion to reorganize as follows:** Philip Clemons, Chairman, Paul Andruk, Vice Chairman, Michael DeVeue, Clerk: Sharon LePorte  
**Second:** Michael DeVeue  
**Vote:** 4-0-0

**Minutes**

**Motion to approve the Minutes of May 14, 2019:** Sharon LePorte  
**Second:** Michael DeVeue  
**Vote:** 4-0-0

**Old Business/New Business**

**Order of Conditions** for the demolition of an existing house and the construction of four 2-story residential buildings with associated site improvements at 965 Main Street, Map 42, Lot 9 for Egan Development, LLC (DEP #SE175-0709) – **signed**

Express Newspapers/Invoice – **signed**

**Adjournment**

**Motion to adjourn at 9:55 PM:** Sharon LePorte  
**Second:** Bill Woodward  
**Vote:** 4-0-0