

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF DECEMBER 16, 2020
HANSON MIDDLE SCHOOL, 111 LIBERTY STREET HANSON, MA 02341**

Called to Order at 7:00 pm under M.G.L. c131, §40 and the Hanson By-Law 3-13, §5 and Rules and Regulations by Phil Clemons, Chairman, Hanson Middle School Auditorium, Hanson, MA

Present: Phil Clemons, Chairman
David Mansfield, Clerk
Paul Andruk, Member
Thomas Roffey, Jr., Associate Member
Ryan Morrison, Associate Member
Frank Schellenger, Agent
Lan Woodward, Administrative Assistant

Absent: Sharon LePorte, Vice Chairman

Also Present: Ralph Greenberg, Impressed LLC
Amanda Greenberg, Impressed LLC
Casey Burch, Solli Engineering
Matt Donovan, FDC Engineering (via Zoom)
Clary Coutu, Keolis/MBTA (via Zoom)

Minutes

December 2, 2020

Motion to approve the minutes of December 2, 2020 by: Paul Andruk

Second: David Mansfield

Vote: 3-0-0

Public Hearings

7:00 PM Continued Request for an Amendment to an Order of Conditions for a change which would include septic at 1101 Main Street, Map 42, Lot 60 and 60A for Kenneth Marston, Bowmar Realty Trust, represented by Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA 0339 (DEP #SE175-0702).

Mr. Mansfield read the Public Hearing Notice. Abutter signed certified receipt green cards were still missing as of today's meeting.

Agent Schellenger notified the Commission that the requested amendment will add a new septic system to service the "freezer building". Work will be within the 50' no touch buffer and a variance has been requested. The Board of Health has approved the plans for the septic system. The amount of septic has been limited to 150 gallons a day.

Chair Clemons asked if there were any questions, comments.

Motion to issue variance for work within 50' buffer zone by: Paul Andruk

Second: David Mansfield

Vote: 3-0-0

Motion to close the hearing and approve an Amendment to the Order of Conditions pending receipt of certified return receipt green cards by: David Mansfield

Second: Paul Andruk

Vote: 3-0-0

7:15 PM Continued Notice of Intent to modify an existing industrial building, the expansion of the parking area, and the construction of a stormwater infiltration basin within 100 ft of bordering vegetated wetlands to be regraded and improved for proposed stormwater basin at 15 Commercial Way, Map 59, Lot 0-17-6 for Shahram Moghaddam, Impressed LLC, 10 Stonegate Drive, Dover, MA 02030, represented by Solli Engineering, LLC, 351 Newbury Street, Suite 303, Boston, MA 02115. (DEP# SE175-0722)

Casey Burch, Solli Engineering, requested to recap comments that were received from Peer Reviewer. He stated that he would go over the listed Stormwater items. The Board of Selectmen and ZBA did approve waivers that were requested, and there are special conditions including an inspection and maintenance program imposed at the joint Board of Selectmen/ZBA Meeting on 12.15.20.

Agent Schellenger stated that if the peer reviewer's comments were resolved and Selectmen and ZBA have approved the project, an Order of Conditions can be issued.

Chair Clemons asked if there were any questions, comments, concerns.

Motion to close the hearing and approve an Order of Conditions subject to special conditions as noted to open items by Board of Selectmen, ZBA by: Paul Andruk

Second: David Mansfield

Vote: 3-0-0

7:30 PM Continued Request for Determination of Applicability to determine whether the boundaries of resource area(s) depicted on plan(s) and /or map(s) referenced are accurately delineated for MBTA Right-of-way Operated by Keolis Commuter Services (Purple Lines) for Clary Coutu, Keolis Commuter Services, represented by Fair Dermody Consulting Engineers, 19 Ocean Avenue, Unit 6, Portland, ME, 04103.

Clary Coutu of Keolis/MBTA and Matt Donovan of FDC Engineering were present via Zoom.

Mr. Donovan pulled the maps onto screen to review areas and setbacks. He stated there were no changes in the maps and that they do check for changes in wetlands. The tracks are pre-marked with a color coded system.

Ms. Coutu notified the Commission that the RDA renewal for vegetation management plans was up for renewal. The request today is to review maps and approval of the maps. In the past they have received a Negative 5 Determination. Ms. Coutu stated that unless there is a new or expanded wetland, it is not common there would be changes in maps. She stated that if the Commission had any new concerns they were open to discuss.

Chair Clemons stated that there were specific questions, the resolution of maps presented was not clear, and there are large areas of wetlands. Concerns regarding the inaccuracy of MA GIS. There is a 3-year limitation regarding delineation and commission asked when it was done in the past. Ms. Coutu was not sure. Agent Schellenger stated that delineation is to be completed 6 months prior to submittal, but the one presented is 15 years old.

Ms. Coutu discussed coordinating a site walk so that the Commission could see where markers are. There is a training course that would need to be completed and she would forward the link.

Agent Schellenger said the Commission's experience is that the boundaries depicted in OLIVER are not very accurate, and an actual field delineation would better serve the applicant and Commission.

The MACC and MSMCP jointly issued guidance on 09.16.20 for Commissions presented with RDAs from Keolis/MBTA explains that the applicant is entitled to an exemption for application of herbicides within the buffer zones (but not in resource areas), but is not entitled to exemption for vegetation management by other means. The guidance recommends "a Positive Determination of Applicability that either confirms or rejects the wetlands boundaries presented." Alternatively, if the resource areas are correctly identified, and the herbicides will be used only in the buffer zone, a Negative 3 Determination would be appropriate. Keolis/MBTA issued a memo on 09.21.20 disputing

the MACC/MSMCP position. An email from our Circuit Rider, Andrew Poyant (DEP Lakeville) appears to confirm the MACC/MSMCP position. Since it is not clear that the resource area boundaries are correctly identified by using OLIVER, the likely choice for the Commission is a Positive 2b Determination as outlined above.

Motion to close hearing and approve a Positive 2b Determination with recommendation that Keolis/MBTA perform a field delineation by: Paul Andruk

Second: David Mansfield

Vote: 3-0-0

Ms. Coutu indicated, after the Commission vote, that MBTA would likely appeal our decision to DEP; The Conservation Commission understood.

Appointments-(None)

Discussions

Request for a Certificate of Non-Compliance for 4 William Way, Map 96, Lot 15-7, (DEP #SE175-0647) for Thomas and Regina Bean - **requires vote and signatures**

Motion to approve an issue a Certificate of Non-Compliance and close out the file by: David Mansfield

Second: Paul Andruk

Vote: 3-0-0

Hanson Water Department and Webster Billings Update - **requires vote**

Motion to approve memo supporting Article 97 resolution of new wellsite to Hanson Water and Board of Selectmen by: David Mansfield

Second: Paul Andruk

Vote: 3-0-0

Property Management Update

Kiosk has been set up at Smitty's Bog.

An Appraiser has been found for the Lite Control property; appraisal should start within the next couple of months. 485 Winter Street; Town Counsel and Seller are in communications. CPC Application is still open.

Sleeper Property; Attorneys are in communication re: 2 lots and titles.

Agent Schellenger discussed the 2020 Report and requested any additions from the Commission before the next meeting so that it can be voted and approved.

Old Business/New Business

Invoice for Kiosk Repair Reimbursement - Reviewed

Invoice for Mileage Reimbursement - Reviewed

Adjournment

Motion to adjourn at 8:57 PM by: David Mansfield

Second: Paul Andruk

Vote: 3-0-0

Next Meeting:

January 6, 2021 at 7:00 pm at the Hanson Middle School Auditorium