

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF JULY 21, 2021
SELECTMEN'S MEETING ROOM, HANSON TOWN HALL
542 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, Selectmen's Meeting Room, Hanson Town Hall, Hanson, MA

Present: Phil Clemons, Chairman
Sharon LePorte, Vice Chairman
David Mansfield, Clerk
Thomas Roffey, Jr., Member
Frank Schellenger, Agent
Lan Woodward, Administrative Assistant

Also Present: Bob Crowell, Crowell Engineering
Jeff Hassett, Morse Engineering Company, Inc.
David Ellis, County Road Partners LLC
Peter Dillon, Geoscience
Demetra and Bob Huston, West Washington Street
Art Borgeson, West Washington Street
Joe O'Sullivan, West Washington Street
Marian and Robert Scott, Holmes Street
Sean Kealy, Holmes Street
Dean and Ruth Syvlester, West Washington Street
Todd Sylvester, West Washington Street
Tracy Sylvester, West Washington Street
Mike Brady, State Senator
James Briton, Senator Brady's Office, Easton, MA
Heather and Keith Johnson, County Road
Kelly O'Donnell, Holmes Street
Pepper Santa Lucia West Washington Street
Dave Beauvais, Holmes Street
Matt Dyer, Hanson Board of Selectmen (9:00 pm)

Minutes

July 7, 2021

Motion to approve July 7, 2021 Minutes by: Sharon LePorte

Second: Thomas Roffey, Jr.

Vote: 4-0-0

Public Hearings

7:00 PM Continued Notice of Intent to demolish existing house and commercial building and construct two 3-story mixed residential/commercial buildings; building one with 3 commercial units, 14 one-bedroom, 12 two-bedroom units, building two with 3 commercial units, 10 one-bedroom, 3 one+ bedroom, 10 two-bedroom units with associated site improvements and signage at 965&999 Main Street, Map 42, Lot 9&10 for Stephen Egan, Egan Development LLC, represented by Crowell Engineering. (DEP# SE175-0731)

Mr. Crowell was present to update the Conservation Commission on the current project. At the last meeting, Mr. Egan was present and stated that Agent Schellenger requested to see revisions on outlet structure and also clean up details. Mr. Crowell stated that ZBA have the plans, he will also forward plans given out this evening to ZBA.

Agent Schellenger stated the project is ready to go, no variances would be needed.

Chair Clemons asked if there were any questions, comments.

Motion to close hearing and approve Order of Conditions subject to Standard Conditions by: Sharon LePorte

Second: David Mansfield

Vote: 4-0-0

7:30 PM Continued Notice of Intent to construct a residential subdivision roadway partially within the 100' setback to a bordering vegetated wetland at 0 County Road, Map 74, Lot 7&8, for Ellis Building & Development Corp., represented by County Road Partners, LLC, 20 Stearns Road, Scituate, MA 02066. (DEP# SE175-0730)

*Member Thomas Roffey, Jr. recused himself from the hearing.

Jeff Hassett was present to update the Commission on the proposed project. Greg Morse had presented the project at the last meeting and had addressed all the concerns excluding the mounding analysis; they then hired Peter Dillon, Geoscience, as their peer reviewer.

Mr. Hassett and Mr. Dillon had met with Agent Schellenger and discussed the water table and mound height. Discussion on mounding and water behavior and changes of subsurface water surface.

Mr. Dillon stated that eventually horizontal activity takes over and it is driven by characteristics of soil.

Chair Clemons stated that some of the soil is there, some is not, it's going to be brought in. We are using prior models, but soil isn't there yet, it needs to be guaranteed on our end.

Peter Dillon stated that the bottom area is what will infiltrate.

Jeff Hassett stated that the area soil will be from PA Landers; they had brought in bags of material samples to the Planning Board, the front yards will be where septic is located, it will be Title V sand.

Agent Schellenger stated that we started this review in March. The Planning Board had peer reviewer, Environmental Partners. In his review, he picked up the mounding analysis was inadequate. At the time, Mr. Garfield, Engineer, received comments and Agent Schellenger said the analysis had issues. It was revised in May, but still inadequate. In June, Jeff Hassett came on board and brought on Peter Dillon. Agent Schellenger was still not satisfied and Peter. Dillon went back to revise analysis and we received part of it yesterday, then received full report today. He still has not gotten a chance to review. Agent Schellenger recommends using a 3rd party to take a look at.

Chair Clemons stated that as a board they are trying to gain confidence the water will behave in a way that will not be harmful to natural resources and also abutting properties. There are 3 possibilities:

1. With everything presented, we can approve the project.
2. Deny the project as presented.
3. The best, most fair possibility is get as much help needed in a timely manner and fully interpret the information provided. Information is new to the Commission and complex, and he is inclined to consider what Agent Schellenger has proposed and have a 3rd party to analyze and review before next meeting or as soon as possible. The commission will benefit from this. There would be a cost for a review. Agent Schellenger said he would probably have a price for review next week.

Robert Houston, West Washington Street - Mr. Houston stated he is a downstream abutter, situated at bottom on runoff and we are not only talking about rainwater, we are talking about septic. West Washington gathers water, it is an area of Hanson that is in watershed of Poor Meadow Brook and town wells. He would like to make sure this is addressed.

Chair Clemons stated that at the moment, the Conservation Commission does not have jurisdiction of Septic.

Sean Kealy, Holmes Street - Could the report that has been given to board be available to the abutters?

Chair Clemons stated that we can scan the document to the Conservation Department website.

Robert Scott, Holmes Street - Is the applicant subject to 404 permitting?

Chair Clemons said they are not proposing to work in the wetland, until someone proposes work in the wetland, it does not apply. The wetlands will not be altered.

Keith Johnson, County Road - Samples have been taken, is Environmental Partners aware? The basin is in his backyard, this is his concern.

Chair Clemons stated that it would be part of the new review, anything that has been found would be included, there is a lot of geotechnical information.

Pepper Santa Lucia, West Washington Street - If you have a review for stormwater, you also have individual septic? Each review could have a marginal impact, but looked as entire it's big. Does anyone look at global impact on the community?

Chair Clemons stated that we can only look at things that are placed before us. We are subject to protocols and cannot expect things that are not proposed yet.

Jeff Hassett stated that stormwater report does address the full build out.

Demetra Huston, West Washington Street - How much soil are we talking about bringing in? In her opinion, it sounds insane, we are at the bottom of Hanson.

Chair Clemons said it was discussed at about 43,000 cubic yards; Jeff Hassett stated the highest point of fill is 4-6 feet.

Mr. Mansfield asked the applicant if there was something that they could say to ease the abutters?

Jeff Hassett said when the woods are clear, all runoff in front yard will flow into catch basins and to infiltration basins and released at a much slower rate.

Sean Kealy, Holmes Street - He has gotten a great education tonight, developers tend to cheap out, is there a more effective way than these drainage basins?

Mr. Hassett said there is not; it is industry standard.

Heather Johnson, County Road - What happens if the runoff rate is exceeded? Can this project guarantee that it cannot make it worse?

Agent Schellenger stated the standard is set by the town.

Chair Clemons added that the whole town is subject to stormwater permit for the MS4.

Keith Johnson, County Road - The only ease he would have is to get a 200 year stormwater management plan. He is a direct abutter, you're going to catch all that water?

Chair Clemons said he would expect reviewer to look at. We hear the concern.

Mr. Hassett stated that the MA DEP standard is 100 year. He has never heard of 200 year.

Art Borgeson, West Washington Street - We live upstream. We are in Taunton Watershed, you have tremendous amount of water, ½ drains do no work they go downhill to abutters. He has a small home with cesspool; he had a study done and had a new system installed. There is a mismatch of 8", they won't allow his septic field, he is worried about 50,000 yards of sand. The water table is the water table, this is marginal land. We need to stop saying yes to marginal land.

Chair Clemons stated the majority of stormwater will be directed toward Wetland East. Hanson is fortunate to have swamps, the hold down water. We need to figure out the capacity.

John Norris, West Washington Street - You could do an engineering study on houses that were damaged during the Pennsylvania Avenue fiasco. He hasn't seen study on houses that were harmed. You can require the applicant to do a legitimate study of the Pennsylvania Avenue fiasco. He did not attend the meetings for it, but he is here tonight. Chair Clemons stated that studies need sponsors. We haven't had support for Pennsylvania Avenue.

Art Borgeson, West Washington Street - The 1st house on left of Pennsylvania Avenue had foundation poured and the cellar had 2' water, perc testing has been done, water is like Duxbury Beach. Chair Clemons stated that County Road did not used to be a road, it was not fit to be a road.

Pepper Santa Lucia, West Washington Street - He thought he heard the developer does maintenance for 5 years? Mr. Hassett stated the road responsibility is for developer for 5 years, at that point it would be Homeowners Association.

Dave Beauvais, Holmes Street - It is interesting to hear of what happens on the other side of Holmes Street he has 2 sump pumps, there is a great deal of surface water after continuous rain. The drainage structure is poorly maintained. He can only see the problem getting worse. If these houses are going to fit on County Road, where is this displaced water going to be accommodated?

Joe O'Sullivan, West Washington Street - The wetlands are so expansive, he is asking to reject proposal. Geology can be changed on top of the ground, but it does not change below ground. Pictures were shown, water table will be raised. The runoff runs downhill. We urge you to use your authority to reject this project. Please use your discretion and support the people that live here. Thank you.

Chair Clemons asked if there was anything new that we should be considering? If the applicant is willing to work with us to have a 3rd party review for us, we do not know the cost yet. What we could do is continue, we are open to communication.

Mr. Ellis stated the he appreciates the feedback. We hired Peter Dillon on our own and we started this process in February. We are now 6 months here, we are willing to listen and work with the town. We would prefer not to continue this hearing.

Senator Mike Brady - If we don't learn from the past, history repeats itself. Pennsylvania Avenue should tell you what could happen. For the record, he is against the proposal, with no disrespect to the applicant.

John Norris, West Washington Street - You guys are missing the real issue, it's the Pennsylvania Avenue fiasco! Can you read the Pennsylvania Avenue files? You are going to damage the same people twice. Chair Clemons stated that we have to use good, ethical judgment and perhaps could look at the file.

Marian Scott, Holmes Street - With the existing infrastructure, are they equipped? The ones that go under are on Holmes Street. Would it be possible to have a condition that the developer posts a bond to pay for damages to abutters, it would put our minds at ease. Mr. Hassett stated they could not solve existing problems, but they can make sure they don't make it worse. The current standards were not applicable in previous projects. Agent Schellenger stated that you could have a performance bond. He would have to check with town counsel. Mr. Mansfield said we would owe it to the abutters to ask these questions. Chair Clemons stated that they would like one more continuance to digest and understand all the relevant facts and options going forward such as bond as part of the conditions.

Keith Johnson, County Road - He can tell you where the water will be, in his basement. If you are going to add more water, all these residents are going to tell you where it's going to go. - It seems like with all the meetings, information gets handed day off, can we make sure we have enough time to review.

The applicant agreed to a 3rd party review.

Motion to continue hearing to August 4, 2021 at 7:30 PM by: David Mansfield

Second: Sharon LePorte

Vote: 3-0-1

Appointments –(None)

Discussions

Article STM 05/2015 Update Open Space Plan (Article 10) Balance - requires vote

Town Accountant requested to close out above article which has the current balance of \$1,748.12:

Article 10: To see if the Town will vote to raise and appropriate or transfer from Free Cash or available funds the sum of \$5,000.00 to update and revise the Open Space and Recreation Plan or take any other action relative thereto.

Motion to close out Article STM 05/2015 Update Open Space Plan (Article 10) Balance of \$1,748.12 by: Thomas Roffey, Jr.

Second: David Mansfield

Vote: 4-0-0

Mass DEP NRD Grant Opportunity Update

Discussion on letters of support for:

MA Division of Ecological Restoration; Town of Hanson supporting application being submitted by the North and South Rivers Watershed Association for a new full time River Restoration Coordinator Position.

Mass Department of Environmental Protection for the Natural Resource Damages Assessment and Restoration Program Grant. The NSRWA would be an excellent candidate to utilize these funds and restore connectivity and aquatic habitat in the Indian Head River and its tributaries through dam removal and other techniques like culvert replacement.

Motion to send out letters of support for NSRWA along with the support of Board of Selectmen and Interim Town Administrator by: Sharon LePorte

Second: David Mansfield

Vote: 4-0-0

USDA Draft Update

The office is waiting for confirmation date/time for an upcoming phone conference with Helen Castles of USDA office.

Eagle Scout Project Update(s)

No update as of today.

Property Management Update; The Covid guidelines signs were taken down from the property kiosks.

Smith-Nawazelski; No response from AMC regarding BCT at this time.

Smitty's Bog; Mr. Mansfield cleaned the kiosk area of weeds and brush on 07.19.21 and took abandoned stereo equipment and furniture left by the roadside for disposal on 07.20.21.

Webster-Billings; Green Hanson guided trail walk scheduled for 08.14.21.

Indian Crossway; Trash was picked up from the parking lot.

Poor Meadow Brook; Mr. Mansfield did not observe any status change.

Rocky Run; Trash removed from area. A tire has been thrown from the bridge and hung up on the old dam. Assistance may be needed for removal.

Town Forest; Mr. Mansfield cleared Bay Circuit Trail of tall grass and weeds 07.16.21.

Old Business/New Business

Invoice for Memberships (MACC) for FY2022 Dates – Signed

Adjournment

Motion to adjourn at 9:10 PM by: David Mansfield

Second: Sharon LePorte

Vote: 4-0-0