

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF December 10, 2019
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 Philip Clemons, Chairman, in Meeting Room A at the Town Hall

Present: Philip Clemons, Chairman
Paul Andruk, Vice Chairman
Bill Woodward, Member
Sharon LePorte, Member
Frank Schellenger, Agent
Lan Woodward, Administrative Assistant

Also Present: Andrea Garnavos, 48 Spring Street
Steven Wry, Land Planning
Kenneth Puliafico, 1030 Monponsett Street
Ronald Manganello, 147 Gray Lane
Robert and Kelly White, 120 Gray Lane
Eric Brzuszek, 152 Gray Lane
Dan Doherty, 106 Gray Lane
Stephen Berthiaume, 161 Gray Lane
Joe Webby, Webby Engineering
Amanda Monti, Brookside Realty LLC
Peter Lyons, Collins Civil Engineering
Colin McSweeney, McSweeney Associates
Rich Kirby, LEC Environmental Consultants, Inc.
Michael O'Shaunessy Esquire, Middleboro, MA
Mark Ridder, 280 Liberty LLC

Minutes

October 22, 2019 Minutes

November 12, 2019 Minutes

Motion to approve the minutes of October 22, 2019; Bill Woodward

Second; Sharon LePorte

Vote: 3-0-1

Motion to approve the minutes of November 12, 2019; Bill Woodward

Second; Paul Andruk

Vote: 3-0-1

Public Hearings

7:00pm Notice of Intent to upgrade the septic system to Title V standards within 100 ft of bordering vegetated wetlands at 48 Spring Street, Map 100, Lot 10 for Spiros Garvanos, represented by Land Planning, Inc. (DEP #SE 175-0694).
(New hearing)

Mr. Clemons read the Public Hearing Notice and the abutters were verified.

Steve Wry of Land Planning presented and explained plans which include Old Hitching Post Restaurant and a two-bedroom apartment. He notified the Conservation Commission that three perc tests were completed for soil analysis and the design was based on that. The plan includes adding tanks to existing tanks and have maintained 50' to wetland. The plan shows a filter sock around the perimeter with some grading for which they are obtaining easement from the neighbor at 28 Spring Street.

Chair Clemons mentioned that there is grading around edges so slope would not be needed.

Mr. Andruk asked if the finish grade would be changed. Mr. Wry said it is being raised, but there is very little grading; it is being only slightly modified.

Agent Schellenger reviewed the system plan and documentation and gave comments to the engineer which have been taken care of. He has visited the site; the work needs to be done right away, as the system has failed. MA DEP Circuit Rider, Andrew Poyant, pointed out that storm drainage requirements of The Wetlands Protection Act would apply and should be addressed.

Agent Schellenger also noted that the Order of Conditions should include a strict erosion control requirement and periodic inspection of stormwater controls. Someone from the office will monitor during project.

The engineer has submitted a variance request for work within 50' buffer zone.

Motion to issue variance for work within 50' buffer zone by: Sharon LePorte

Second: Paul Andruk

Vote: 4-0-0

Motion to close the hearing and approve an Order of Conditions subject to standard conditions and order including erosion control for the catch basin and periodic inspection of stormwater control by:

Sharon LePorte

Second: Paul Andruk

Vote: 4-0-0

Order of Conditions will be put together by the office. Conservation Commission wished the project well.

Agent Schellenger noted that Order of Conditions would need to be signed in the office later in the week.

7:15 pm Notice of Intent for demolition of an existing dwelling and the construction of a new single family dwelling with associated septic system, drive, utilities, and site grading within 100 ft of bordering vegetated wetlands at 26 R Short Street, Map 2, Lot 453 for Amanda Monti, Brookside Realty, LLC, represented by Webby Engineering, Inc. (DEP# SE175-0715). (New hearing)

Mr. Clemons read the Public Hearing Notice and the abutters were verified.

Joe Webby, Webby Engineering, presented plans. He notified Commission that the Board of Health approved a variance for the septic system today.

Agent Schellenger asked if Mr. Webby brought the full size revised plan. Mr. Webby said it was revised on 11.20.19, but he only has the one dated 11.18.19 with him.

Mr. Clemons asked if there were any questions/comments.

Agent Schellenger said he reviewed plans and documentation and gave comments to the engineer which have been resolved.

Mr. Puliafico, Monponsett Street - stated that he has no issues of a house being built, he was curious as to the sideline setbacks, which Mr. Webby pointed out.

Mr. Clemons noted that the areas look wet, but not saturated, high enough percentage of year, we are aware they are there.

Motion to issue variance for work within 50' buffer zone by: William Woodward

Second: Paul Andruk

Vote: 4-0-0

Motion to close hearing and approve an Order of Conditions subject to standard conditions by: Sharon LePorte

Second: Paul Andruk

Vote: 4-0-0

The order of Conditions was signed.

7:30pm Notice of Intent to upgrade the septic system to Title V standards within 100 ft of bordering vegetated wetlands at 83 Carriage Road Map 120, Lot 35 for Lynn Lyon, 17 Tudor Road Albany, NY 12203, represented by Collins Civil Engineering Group, Inc. (DEP #SE175-0714). (New hearing)

Mr. Clemons read the Public Hearing Notice and the abutters were verified.

Peter Lyons presented plans and discussed proposed leaching components which will be in the backyard area. The system will be raised because groundwater is an issue; the best scenario is to center in backyard. There will be a 1500 gallon septic tank and pumping chamber, leaching area at 73'. There is an erosion control system, provided soil stockpiling area and will keep away from the existing vegetation; a de-watering pit is proposed if required.

Mr. Lyons stated that there will also be tree and minor vegetation removal within leaching area.

Mr. Clemons asked if there were any questions/comments.

Agent Schellenger said he reviewed plans and documentation and gave comments to the engineer which have been resolved; there is a variance request to work within the 50' buffer zone.

Motion to approve variance for work within 50' buffer zone by: Sharon LePorte

Second: Paul Andruk

Vote: 4-0-0

Motion to close hearing and approve an Order of Conditions subject to standard conditions by: Bill Woodward

Second: Paul Andruk

Vote: 4-0-0

The order of conditions was signed.

7:45pm Notice of Intent to upgrade the septic system to Title V standards within 100 ft of bordering vegetated wetlands at 225 County Road Map 74, Lot 0-3-7 for Richard Bulman, represented by McSweeney Associates. (DEP #SE175-0714). (New hearing)

Mr. Clemons read the Public Hearing Notice and the abutters were verified. It was noted that there were two receipts outstanding.

Colin McSweeney, McSweeney Associates, presented plans and discussed project. He noted that it was a tough lot surrounded by wetlands. Mr. McSweeney explained that they designed a gravity system into the front yard. Cedar posts are proposed on edge of lawn showing wetlands. Mr. McSweeney pointed out distance per Mr. Clemons' request.

Mr. McSweeney mentioned that the Board of Health approved all Title V components at their meeting earlier this evening. There is a variance request to work within the 50' buffer zone.

Mr. Clemons asked if there were any questions, comments.

Agent Schellenger has reviewed the plans and documentation and comments were given to the engineer and resolved, and he is ready to recommend.

Motion to approve variance for work within 50' buffer zone by: Bill Woodward

Second: Paul Andruk

Vote: 4-0-0

Motion to close the hearing and approve an Order of Conditions subject to standard conditions upon completion of two abutter receipts to Conservation Department by: Bill Woodward

Second: Sharon LePorte

Vote: 4-0-0

The order of conditions was signed.

8:00pm Notice of Intent to construct an age-restricted, affordable housing development containing 56 two or three-family townhomes within 27 structures (11 located within the Buffer Zone), a centrally-located clubhouse, internal access drives and surface parking, and stormwater management and utility infrastructure. Portions of the proposed work will occur within bordering vegetated wetlands, isolated vegetated wetlands, and the 100-foot buffer zone to bordering vegetated wetlands at 280 Liberty Street, Map 28, Lots 12, 15, 19 for Mark Ridder, 280 Liberty LLC, represented by LEC Environmental Consultants, Inc. (DEP# SE175-0717). (New hearing)

Mr. Clemons read the Public Hearing Notice and the abutters were verified.

Rich Kirby of LEC Environmental Consultants, Inc. presented. The site is roughly 25 acres and they are proposing 20' wide paved driveway as well as a second roadway, drive B. There are 27 structures. Mr. Kirby pointed out the bordering vegetated wetland and isolated vegetated wetlands were identified. The fill averages about 2' over the site and they also propose two-pocket wetlands and a community sewage system. Mr. Kirby also pointed out the isolated vegetated wetland crossing. It is noted that the site is fairly flat.

Mr. Clemons stated that the Commission will invite comments/questions from the abutters so that everyone will have the chance to speak and be heard.

Mr. Clemons discussed the 25 acres and 12.7 acres of upland to be developed. He also stated that a lot of impervious surfaces are proposed, buildings, driveways. He asked that stormwater details be explained.

Mark Ridder stated there is a cover sheet which will have description.

Steven Wry, Land Planning noted that there is an upland area that is not being developed. Zoning Board also has this under review.

Mr. Clemons said the project will affect the hydrology of the site, and he reviewed the 8 interests of the MA Wetlands Protection Act.

Mike O'Shaunessy, Esquire, said that the Zoning Board of Appeals has this project under review and Merrill and Associates will be handling the comprehensive review. They will share the reports with the Conservation Commission as they receive them.

Mr. Ridder noted that Merrill has reviewed for consistency with stormwater requirements and that the septic system design for 8,500 gallons per day is permitted under Title V.

Mr. Clemons mentioned that rain and snow melt will continue, and the site will be required to handle that amount of water. He asked how the soils were at the site.

Mr. Ridder answered that the soils are good where the septic system is to be located and the system will be approved by the Board of Health.

Mr. Clemons asked if there were any questions/comments.

Agent Schellenger said he is still in the process of reviewing; he is waiting on information from Merrill and Associates- no reports have been forwarded yet nor have we seen the actual septic system design.

Mr. Clemons asked about buffer zones.

The Wetlands Preservation Act does not have specific setback requirements. In this case, they do not anticipate an erosion issue.

Mr. Ridder will need to hire an erosion control specialist to handle weekly inspections as well as periodic reports. The Conservation Commission can be included.

They do not anticipate a shading impact since the wetland is to the south.

Mr. Clemons discussed the trees that would be removed in the portion to be built and discussed conditions of all vegetation would not be invasive.

Eric Brzuszek, 152 Gray Lane - Mr. Brzuszek stated that he will be mostly impacted. He is by the green buffer area and concerned that it will be built at elevation 110, he is at 100 and 102, there is an 8' difference. He has installed a new septic system, has a pool, and a French drain. The pool has a safeguard so that it does not float out of the ground. He feels that the number of houses in the development is ridiculous and that there is way too much water going into a certain area. What if his basement floods, what if the pool floats, what if septic can't handle?

Discussion regarding concerns of water being pushed into the area of the proposed septic system.

Ms. LePorte asked what the current elevations are. Mr. Wry said elevation is about 106, 96 at wetland.

Mr. Clemons will look very carefully, as closely as we know how.

Agent Schellenger will look at the mounding analysis to see where groundwater will go, whether it will go North or South.

Mr. Clemons discussed the 100 year storm predictions since those become more severe with climate change.

Mr. Wry stated that the project uses the DEP standards.

Mr. Clemons said that he understands the standards and also knows the extremes will happen.

Agent Schellenger discussed the NOAA 2014 data and that it has ranges for rainfall value.

Ms. LePorte has concerns of flooding.

Mr. Ridder said he does have the latest drainage report review from Merrill and Associates.

Mr. Clemons mentioned wildlife habitat and asked if there were any thoughts of wildlife enhancements.

Dan Doherty, 106 Gray Lane - Mr. Doherty attended the Zoning Board of Appeals meeting and in regards to the project report reviews, he would prefer that zoning does zoning and that conservation does conservation.

Mr. Doherty feels that there is already a problem with water and that there does not need to be any more.

Kelly White, 120 Gray Lane - Ms. White would like verification on the building(s). Are they 2 or 3 unit buildings.

Mr. Ridder notified Ms. White they were all 2 bedrooms and that it will be deed restricted.

Ms. White would like to add the comment to please consider existing homeowners-they are being heavily impacted by this project and she does not feel that they will survive. She feels there are 3 proposed units she could touch from her property.

Mr. Ridder said that the distance from 120 Gray Lane is 32' from current property line.

Discussion on buildings decking, which would make it about 22'.

Eric Brzuszek, 152 Gray Lane - Mr. Brzuszek has concerns regarding engineers because other developments have issues. He stated that they cannot guarantee to him that there will be no water coming from the project. He would like to obtain a guarantee so that he can forward it to his attorney.

Robert White, 120 Gray Lane - Mr. White has a concern regarding a strip of oak trees that he has along the stone wall of his residence.

Ronald Manganello, 147 Gray Lane - Mr. Manganello asked about 40B regulation. 40B would only be subject to state standards.

Mr. Clemons noted that the legislature passed this, it is a state law.

Stephen Berthiaume, 161 Gray Lane - Mr. Berthiaume feels that the bottom of cul de sac will have an issue, the western part.

Dan Doherty, 106 Gray Lane - Mr. Doherty noted that the Zoning Board of Appeals recommended that some of the buildings should be taken out.

The ZBA hearing regarding 280 Liberty Street is still open.

Agent Schellenger said the next Zoning Board meeting is at the end of January.

The next Conservation Meeting will be January 14, 2020. It can be placed on the agenda for the time of 7:30pm.

Attorney Shaunessy would like to continue this hearing to next meeting. There will be experts available for questions.

Motion to continue per request of applicant until Tuesday, January 14, 2020 at 7:30pm by: Sharon LePorte

Second: Paul Andruk

Vote 4-0-0

Appointments

(None)

Discussions

Update on Sleeper property acquisition - Mr. Clemons.

Mr. Clemons updated Conservation Commission on the Sleeper property acquisition. Currently working with Wildlands Trust regarding the baseline data report and title certificate, and hopefully more funding will be forthcoming from the Fields Pond Foundation. The work should be completed within the next few months.

Old Business/New Business

2020 Meeting Dates

2020 Meeting Dates will be 2nd and 4th Tuesday at 7:00pm. Dates for January 2020-June 2020:

January 2020-14th and 28th

February 2020-11th and 25th

March 2020-10th and 24th

April 2020-14th and 28th

May 2020-12th and 26th

June 2020-9th and 23rd

Express Newspapers/Invoices - **Signed.**

Meeting and Mileage Reimbursements/Invoices - **Signed.**

WB Mason/Invoices - **Signed.**

Solitude Lake Management/Invoice - **Signed.**

Inter-Fluve/Invoices - **Signed.**

Next meeting:

January 14, 2020 at 7:00pm

Adjournment

Motion to adjourn at 9:20pm: Sharon LePorte

Second: Bill Woodward

Vote: 4-0-0.