

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING MARCH 1, 2023
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. This meeting of the Hanson Conservation Commission is audio-recorded.

Present: Phil Clemons, Chairman
David Mansfield, Clerk
Sharon LePorte, Member
Edwin Heal, Member
Frank Schellenger, Agent
Lan Woodward, Administrative Assistant

Absent: Thomas Roffey, Jr., Vice Chairman

Also Present: David Ellis, Ellis Realty Advisors
Jeff Hassett, Morse Engineering
Joseph and Betty O'Sullivan, West Washington Street
Sean T. Kealy, Holmes Street
Jack and Pat Concrec, West Washington Street
Keith and Heather Johnson, County Road
Bob Huston, West Washington Street
David Beauvais, Holmes Street
Dean and Ruth Sylvester, West Washington Street
Scott Shannon, Holmes Street
John Norris, West Washington Street
Susan Moran, Representative Josh Cutler's Office

Minutes

February 15, 2023

Motion to approve February 1, 2023 Minutes by: David Mansfield
Second: Sharon LePorte
Vote: 3-0-1

Public Hearings

7:00 PM Continued Notice of Intent to construct two bituminous concrete roadways with two cul-de-sac turnarounds, associated sidewalks, underground utilities, and drainage structures to create frontage for a nine-lot definitive subdivision located within 50' of bordering vegetated wetlands at 0 County Road, Map 74 Lots 7 and 8, Meadow Brook Farms, formerly Fern Hill Estates, for Burrage Farms LLC, represented by Morse Engineering Company, Inc., PO Box 92, Scituate MA 02066. **(DEP #SE175-0750) (New Hearing)**

Mr. Hassett confirmed that delineation information was submitted and that the delineation has not changed. All the flags have been re-hung. Mr. Hassett stated that he understands this evening is to discuss peer review, engineering, and comments.

Chair Clemons stated that under Wetlands By-Law, the Commission is authorized to require an applicant to pay a consultant fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. The specific consultant services may include but are not limited to wetlands survey and delineation, analysis of wetland values, hydrogeologic and drainage analysis, wildlife habitat evaluations, and environmental land use law.

Motion to request the Applicant to provide the amount of \$5,000.00 for Peer Review of Wetland Delineation and Stormwater Review as planned by: Ed Heal

Second: Sharon LePorte

Vote: 4-0-0

Agent Schellenger plans to hire Ken Thomson, Wetland Scientist, to do a peer review of the wetland delineation. Agent Schellenger plans to hire Allen&Major Associates, Inc. to conduct a peer review for the Stormwater standards as promulgated within the Wetlands Protection Act, and sound engineering practices for the avoidance, minimization, and mitigation of work adjacent to or within wetland resource areas.

The Commission invited any comments for public record, Chair Clemons stated that it will be documented so everything is clear.

Heather Johnson, County Road - MA DEP had denied the previous project; how does reducing the project by one home mitigate all the risks to the private ground water supply, public drinking water supply, and a host of other reasons? Can you explain to me? Do you take into current groundwater supply? At one point, our sump pump, when there was a power outage, ran for 12 hours, they had 12" of groundwater seepage. How does this project not affect current groundwater?

Mr. Hassett stated that MA DEP had an issue with the mounding analysis that we did not address. There is a calculation that shows the water is not going to create a mound. Our solution is not taking credit for infiltration.

Heather Johnson, County Road – One of the abutters has written a letter to the Planning Board. She brought up the idea of a bond in case this project impacts the abutters. We have a well, who is responsible for fixing this if the project is approved and it affects the water quality.

Chair Clemons said to check with the Board of Health. When was the well drilled? How deep?

Keith Johnson, County Road – 1997, 25' deep, could be 30'. We tested when we bought house.

Heather Johnson, County Road – We could test it again.

Chair Clemons asked if the results were on record?

Heather Johnson, County Road – Yes.

Keith Johnson, County Road – We have two little kids drinking this water. If you are raising the land, we will be swimming in the basement. Is the stone trench at elevation of road? He is completely opposed to this project.

Mr. Hassett stated that they are aware of the well; they are proposing a water stub off the main for future connection of the Johnson's to town water. The road will be curving, all runoff will be picked up in catch basins and directed to an area. There is a trench drain as well. The elevation of the trench is at existing grade.

Chair Clemons noted that on plan provided, page 19 of 23, includes details of the crushed stone trench drain.

Chair Clemons stated that we composed a memo to the Town Planner regarding: Comments on the Submittal of the Definitive Subdivision identified as "Meadow Brook Farm". From a conservation standpoint, the stormwater management system may not be maintained, and this neglect would harm the wetland resources of the Town. The ConCom recommends that the Planning Board hold the developer responsible until the Town accepts the streets and infrastructure. Further, you should require that the developer provide a significantly high surety to ensure this maintenance is performed until the Town accepts responsibility. Chair Clemons stated that we do not dictate to the Planning Board. Mr. Hassett request a copy of documentation.

Scott Shannon, Holmes Street – He is located right at largest border on Lot 7 shown on plan. His yard is very wet. It worries him very much. He moved here in June 2022. He can't see more water flowing downhill without affecting his property. He would like to put these concerns on the record.

Mr. Hassett notified Mr. Shannon that he understands concerns. This is the reason they designed infiltration basins.

Dean Sylvester, West Washington Street – Backyards are flooded an awful lot. It seems like wetland areas are going to back up. If there are basements in these homes, you are going to build a mountain and the water will go down vertically on people of County Road.

Chair Clemons stated we will await analysis, and it will state if there is a compliance issue.

Joe O'Sullivan, West Washington Street – What metrics have changed? Who will witness the test holes? Mr. O'Sullivan submitted a photo and read a statement to be placed on record. Mr. O'Sullivan stated that if you have a septic system and water infiltrating down, it's going to raise the water table and septic systems will fail, sump pumps will be running, yards will be lost. Three roads are all impacted because they are part of the same wetlands. Mr. Hassett stated he is still using calculations for 2, 10, 25, 100 year events. Mr. Hassett is not aware of soil issues, and that additional testing was done.

John Norris, West Washington Street – Mr. Norris is a 50-year resident of Hanson. There was damage by the Pennsylvania Avenue Project. There was fraud involved approving project. Land that was useful is now not useful. As a result, we dug "Lake George." You can see in backyard a pond. It was essential to stop some damage. He is here to support homeowners, abutters, and would like to request all letters from this Phoenix Project. Mr. Norris is surprised that the Applicant wants to submit this project again, but that is his right. He would like to recommend that the Commission exercise their judgement once more and oppose this project. Mr. Norris asked if the Commission is being sued by the Applicant?

Chair Clemons stated that there was a suit, but it has been closed. This is a new day.

Sean Kealy, Holmes Street – Mr. Kealy is an abutter and fully endorses all the environmental concerns. He finds the lawsuit obnoxious, and doesn't understand why anyone would sue a board of volunteers; finding board members is difficult. Mr. Kealy stated that the money used on this lawsuit could have been money that could go toward police or fire, things needed for the town. He objects to the Applicant's submittal and would like the Applicant to apologize at the May Town Meeting.

Bob Huston, West Washington Street – Mr. Huston appreciates the neighbors being at the hearing. When you take 9 properties and pull all the gallons of water that will be created, it will be coming onto his property. Mr. Huston had a trench drain. Right now, he had to plug it. He has 3 sump pumps that run 11 months of the year. They only last about 3 months, this is what has happened from all these projects, all the water comes through his property.

Elizabeth O'Sullivan, West Washington Street – Last year, walking down Holmes Street after the rain, you could hear something running like a brook towards Mr. Huston's house. It was so loud and constant.

Joe O'Sullivan, West Washington Street – About his wife hearing the water, during the cold weather there has been 2 occasions that the Highway Department had to sand the ice on top of Holmes Street. It was a hazard to the drivers.

David Beauvais, Holmes Street – Mr. Beauvais is a 32-year resident. He has 2 sump pumps, they run ½ the year. Changing ground contour will aggravate runoffs. At his end, he is concerned he will have runoff to his property. Mr. Beauvais deeply opposes this project and stated that this land should be parceled off as Wetland. There is existing drainage on Holmes Street that is inadequate. There is a ditch, there are culverts, they have not been maintained. Chair Clemons made suggestion to the Commission that it would be in the best interest to conduct a site visit along Holmes Street to understand the areas a little better and how the drainage works.

Scott Shannon, Holmes Street – Mr. Shannon would like to reiterate his concern. Having 2 basins uphill makes him nervous. He wants to be on the record that this would make him very concerned.

Ruth Sylvester, West Washington Street – If there is a ledge, how are you going to lower grade, blast through it? Chair Clemons stated that's why the Peer Review is important. We need to be guided by what is on this site. The Reviewer will help make sure of that.

Mr. Hassett stated that all the comments were appreciated.

Motion to continue hearing to April 5th, 2023 at 7:00 PM by: David Mansfield

Second: Sharon LePorte

Vote: 4-0-0

Discussions

Town Meeting Article(s): Due Date March 3, 2023

Proposed Articles for the May 2023 Annual Town Meeting:

1. An article for invasive phragmites treatment at Smitty's Bog.
2. An article for replenishment of the Conservation Fund.
3. An article to fund full-time Conservation Agent on-going.

ARTICLE: To see if the Town will vote to transfer from free cash or raise and appropriate \$7,500.00 to treat invasive phragmites at Smitty's Bog.

Proposed by the Conservation Commission

Explanation: Phragmites have invaded the Smitty's Bog Reserve and threaten to spread throughout this important resource area. The Town's agreement with the federal USDA/NRCS requires that this reserve's ecosystem be maintained in good health for the continued enjoyment of future users. A wetlands specialist will be engaged to treat the invasive weed in an effort to eradicate it at this site.

ARTICLE: To see if the Town will vote to transfer from free cash or raise and appropriate \$40,000.00 to replenish the Conservation Fund.

Proposed by the Conservation Commission

Explanation: The Conservation Fund supports the Commission's efforts to carry out its care and custody responsibilities for open space and recreation areas. These efforts include trail building and maintenance; provision of signage, notices, and other information; property enhancements such as mowing, invasive vegetation removal, and site clean-up; wildlife habitat and stream improvements; removal of encroachments; establishment of bounds and survey recordings; and equipment rental as necessary to support these activities.

ARTICLE: To see if the Town will vote to retain a full-time Conservation Agent.

Proposed by the Conservation Commission

Explanation: The Conservation Agent was funded for full-time status for the balance of FY2023. This article will make the full-time status ongoing.

Motion to sponsor the three Conservation Articles for May 2023 Town Meeting by: Sharon LePorte

Second: David Mansfield

Vote: 4-0-0

Upcoming Meeting Dates; April 5th, 2023, April 19th, 2023

Property Management Update; Trash removed at areas needed.

Motion to allow Mr. Mansfield to contact Board of Health regarding tire/bulk item removals at Conservation properties by: Ed Heal

Second: Sharon LePorte

Vote: 4-0-0

Motion to approve Johnson Construction to clear land at the Bonney Hill Trail by: Ed Heal

Second: Sharon LePorte

Vote: 4-0-0

Open Space Acquisition; No update.

Old Business/New Business

Invoice(s) for Reimbursement (Staff/Member) MACC Conference Bundle Workshop – signed

Invoice (s) for Reimbursement (Member) Trail Maintenance for Bog Bridges; ground anchors – signed

Invoice for Office Supplies (WB Mason) Toner – signed

Motion to adjourn at 9:35 PM by: David Mansfield

Second: Sharon LePorte

Vote: 4-0-0

RECEIVED

MAR -1 2023

Conservation Commission comments 03/01/2023

HANSON CONSERVATION COMMISSION

The conservation commission authority comes from article 3 – 13 bylaws the town of Hanson. The rules and regulations compliment the wetlands protection by law and shall have the full force of law upon their effective date.

The conservation commission is empowered to deny permission for any removal, dredging, filling, altering of subject lands within the town, if in its judgment such a denial is necessary to preserve the environmental quality of either or both the subject lands, and the contiguous lands. The term abutter shall also mean those property owners across a street or road, river, stream, brook, creek or other wetland from the development.

You have in your possession a document signed by more than 60 homeowners, on three different streets, expressing their concern about potential property damage from this project due to an increase in the water table caused by the project.

These are just some of the reasons we urge that you should exercise your judgment and deny this request.

FACTS:

1. The project is surrounded on three sides by poorly drained wetlands which are already problematic to homeowners on three different town streets.
2. The glacial soil contains multiple 3 inch clay aquiclude layer at shallow depth causing the water table to only lie between 20-30 inches below the ground surface.
3. The proposal would require 1,700- 28 yd.³ truck loads of fill, that's more than 100 truckloads per home.
4. Four-bedroom houses with above ground septic systems will add approximately 10,000,000 gallons per year to the already overburdened perched water table.

5. Increased runoff from the removal of trees and additional hard surface into the retention basins just adds to the additional 10,000,000 gallons per year. The increased elevation means surface runoff speed will be increased into retention basins and infiltrate into the groundwater at a faster rate.
6. Over the years accumulative effect of that much water added, at a faster rate, to a perched water table only 20 to 30 inches below the surface will expand the existing wetlands into places they shouldn't go. Eventually causing property damage to the abutters.
7. No matter what you do above the ground it doesn't change the geology below the ground, primarily because of the perched water table, the geology in this area will not support the scope of this project without serious negative impacts to the abutters in this town!
8. You are in fact our homeowners association and empowered to protect our interests as much as the interests of the contractors, please deny this request!

Sincerely,

Joseph A. O'Sullivan

