

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING SEPTEMBER 6, 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 Thomas Roffey, Jr., Vice Chairman, Selectmen's Meeting Room, Hanson Town Hall, Hanson, MA. This meeting of the Hanson Conservation Commission is audio-recorded.

Present: Thomas Roffey, Jr., Vice Chairman
David Mansfield, Clerk
Edwin Heal, Member
Stephen Smith, Member
Chris Hoffman, Associate Member
Frank Schellenger, Agent
Lan Woodward, Administrative Assistant

Absent: Phil Clemons, Chairman

Also Present: Mr. and Mrs. William Amaral, Monponsett Street
Frank Milisi, Camp Kiwanee
Roger Means, Camp Kiwanee
Ed and Danielle Sheehan, E. Sheehan Corp.
Maria McLellan, Indian Head Street
Fran O'Kane, Indian Head Street
Jeff Hassett, Morse Engineering Company, Inc.
Dave Ellis, Burrage Farms, LLC
Susan Moran, Representative Josh Cutler's Office
Senator Michael Brady, Commonwealth of MA
Heather Johnson, County Road
Alexandra Roffey, County Road
Bob and Marian Scott, Holmes Street
Scott Shannan, Holmes Street
Dean and Ruth Sylvester, West Washington Street
Pat and Jack Concrey, West Washington Street
Joe and Betty O'Sullivan, West Washington Street
John Norris, West Washington Street

Minutes

August 16, 2023

Motion to approve minutes of August 16th, 2023 by: David Mansfield

Second: Stephen Smith

Vote: 3-0-1

Public Hearings

7:00 PM Request for Determination of Applicability for removal of three trees on property within 100' of bordering vegetated wetlands at 559 Monponsett Street, Map 15, Lot 1B-1, for William Amaral. **(New Hearing)**

Mr. Mansfield read the Public Hearing Notice and green cards were verified.

Agent Schellenger notified Commission that the office was alerted to the activity of tree cutting at location. A site visit was conducted to confirm any buffer zone encroachment. There were 3 trees cut down in the 50' buffer zone of wetland. He informed Mr. Amaral that a permit was needed and work was stopped. Paperwork was then submitted to obtain permit. The lot is already heavily vegetated in the front area and along wetland, the property does not need mitigation since it will grow back.

Vice Chair Roffey asked if there were any questions, comments.

Motion to issue variance to work within the 50' buffer zone by: David Mansfield

Second: Stephen Smith

Vote: 4-0-0

Motion to close hearing and issue a Negative 3 Determination subject to special conditions by: David Mansfield

Second: Stephen Smith

Vote: 4-0-0

7:15 PM Notice of Intent for repair of the existing septic system and associated site work at an existing restaurant within 100' of bordering vegetated wetlands at Dunkin Donuts, 485 Liberty Street, Map 81, Lot 16, for Eric Eskander, Cadette Enterprises, represented by Dana Altobello, Merrill Engineers and Land Surveyors, 427 Columbia Road, Hanover, MA 02359. **(New Hearing)**

Mr. Mansfield read the Public Hearing Notice and green cards were verified.

Motion to continue hearing to September 20th, 2023 at 7:30 PM per request of Applicant by: David Mansfield

Second: Stephen Smith

Vote: 4-0-0

7:30 PM Continued Notice of Intent to construct a new single family house, gravel driveway, subsurface sewage disposal system, utilities, site grading, and landscaping of disturbed areas within 50' of bordering vegetated wetlands at Lot 1A Lakeside Road, Map 79, Lot 26-2A for Scott Burgess, ATL Construction, represented by Steven Wry, Land Planning, Inc., 1115 Main Street Hanson, MA 02341 **(DEP# SE175-0752)**

Continued Notice of Intent to construct a new single family house, gravel driveway, subsurface sewage disposal system, utilities, site grading, and landscaping of disturbed areas within 50' of bordering vegetated wetlands at Lot 2A Lakeside Road, Map 79, Lot 26-2 for Scott Burgess, ATL Construction, represented by Steven Wry, Land Planning, Inc., 1115 Main Street Hanson, MA 02341 **(DEP# SE175-0753)**

Continued Notice of Intent to construct a new single family house, gravel driveway, subsurface sewage disposal system, utilities, site grading, and landscaping of disturbed areas within 50' of bordering vegetated wetlands at Lot 3A Lakeside Road, Map 79, Lot 26-2B for Scott Burgess, ATL Construction, represented by Steven Wry, Land Planning, Inc., 1115 Main Street Hanson, MA 02341 **(DEP# SE175-0754)**

Motion to continue hearing to September 20th, 2023 at 7:00 PM per request of Applicant by: David Mansfield

Second: Stephen Smith

Vote: 3-0-1

8:00 PM Notice of Intent for an upgrade to the beach area which would include trees, grass, and water management within 100' of Cranberry Cove pond bank, within 100' of bordering vegetated wetlands, and within 200' of a perennial stream at Camp Kiwanee, Cranberry Cove, 460 Indian Head Street, Map 4706, Lot 330, for Roger Means, Town of Hanson Recreation Department. **(New Hearing)**

Mr. Mansfield read the Public Hearing Notice and green cards were verified.

Roger Means, Camp Kiwanee, notified Commission that their intent is to correct problems at the Cove. They would like to include 4 birch trees at beach area, 2 at the outside area, berms, and grass at upper portion of the beach. The Stormwater Management is a separate issue.

Frank Milisi, Recreation Chair, stated they are waiting on an estimate for Stormwater Management and also that it is critical to get landscaping done as soon as possible and that the Recreation Commission is aware that some of the work would need to be re-done. The Camp has a budget that is sustainable.

Maria McLellan, Indian Head Street – Our property lines meet, how do you stop my beach area from eroding onto your beach? The property line is where the fence is and 40' from culvert.

Mr. Means stated it is not a problem, we are not doing anything other than maintaining.

Agent Schellenger stated that we are awaiting response from DEP as well as DEP# for the file.

Vice Chair Roffey asked if there were any questions, comments.

Motion to continue hearing to September 20th, 2023 at 7:45 PM by: David Mansfield

Second: Stephen Smith

Vote: 4-0-0

8:15 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)

Motion to vote David Mansfield as acting chair by: Ed Heal

Second: Stephen Smith

Vote: 4-0-0

****Vice Chair Roffey recused himself for this hearing.**

Mr. Hassett stated at the last meeting, we reviewed plans and the Commission was satisfied. A letter which was submitted August 21, 2023 clarified the Special Conditions of the Planning Board Certificate of Action from G-1 Covenant will guarantee that the roadway and associated drainage are constructed properly before any lots can be conveyed or built. Submitted with the letter was a sample Planning Board Certificate by which the project was previously approved by the Planning Board. Special Condition F states:

"Before any lots which are secured by covenant are released for building purposes, the necessary drainage will be installed...to the satisfaction of the Planning Board and its delegated inspection agent...The Applicant shall submit a Preliminary Roadway As-built Plan depicting all installed utilities, pavement, drainage structures...The plan shall be stamped by a Massachusetts Registered Professional Engineer and a Massachusetts Registered Professional Land Surveyor. The As-built plan shall contain a statement from the design engineer certifying that the drainage as constructed conforms to the approved plans and the Town of Hanson Subdivision Control Law. Said Plan will be reviewed by the Planning Board or its designated agent for approval."

The Post Construction Operation & Maintenance Plan and Planning Board Certificate of Action describe the responsible parties and funding for maintenance of the stormwater controls. They specify:

"The applicant will own and maintain the complete drainage system for a period of 5 years from the date of the recording of the covenant or until the roadway goes before the town for roadway acceptance (whichever comes first)."

The Certificate of Action also conditions:

"The applicant shall provide a copy of the Homeowner's Association Agreement outlining the maintenance procedures for the drainage system and the stormwater management pollution prevention that will remain in place until the road is accepted as a Public Way by the Town. This HOA must be approved by the Planning Board and Town Counsel prior to any lot releases" and "The applicant shall submit the estimated operation and maintenance budget in the post construction operation and maintenance plan to the Planning Board for their approval prior to any lot releases."

The Planning Board Certificate of Action also conditions that the:

"Roadway and drainage/general easements shall be conveyed to the Town of Hanson prior to the release from covenant of any of the lots under the covenant."

Therefore, the Town of Hanson, if necessary, does have the right, but not obligated, to perform maintenance and repair of any stormwater controls, and to demand payment from the Homeowners Associated for any costs incurred.

Mr. Hassett stated they did receive Special Conditions for review from Agent Schellenger which echo. The Applicant has also agreed to adding a Special Condition for a bond in the amount of \$50,000 to run from project completion for 5 years, naming Town of Hanson as the obligee, as surety for maintenance of the storm water infrastructure according to the approved Post-Construction Phase Operation & Maintenance Plan. The term of the bond may be reduced at the time the Town of Hanson agrees to accept the streets and associated storm water infrastructure by vote of the townspeople at Town Meeting. The amount of the bond shall remain fixed throughout the term.

Mr. Mansfield opened the floor for questions and comments. He requested that we keep it restricted to subject at hand.

Joe O'Sullivan, West Washington Street – There are 10 million reasons to reject this project. One example is Pennsylvania Avenue. He is asking that the Commission vote this project down tonight. You are allowed to reject. The taxpayers are going to be affected by this. Please reject this, it's the right thing to do. The Town will be liable.

*Mr. Sullivan's paperwork to be added to minutes of September 6, 2023.

John Norris, West Washington Street – He would like the Town's attorney to attend the next meeting. He would like the attorney to submit a brief statement. Pennsylvania Avenue was an approved project that caused damage. You do not take risks with our property again. Some of the guys went to jail, let's not do that this time. The \$50,000 bond is a joke. He would like an insurance expert, but his guess is a million. He wants issues to be taken into consideration and wants to avoid having litigation. You are accepting his point of view. I wouldn't.

Mr. Mansfield – The bond is in response to the concerns we had for proper stormwater management. \$50,000 is based on an estimate to maintain the system for 5 years, it's not about insurance.

Agent Schellenger – With respect to bonding, the Planning Board has authority. We abide by the rules and regulations of the Wetlands Protection Act. You have had the opportunity to address your concerns. This is all speculation.

Edwin Heal – The calculations have been done.

John Norris, West Washington Street – The bottom line, I am requesting you to continue for 4 weeks for insurance and legal expert opinions. I think we should avoid a lawsuit. What protects the abutters? What if this goes wrong?

Mr. Mansfield – If the systems are maintained, there will not be problems.

Marian Scott, Holmes Street – At the end of 5 years, what happens if the Town does not accept the road?

Mr. Mansfield – The HOA will have responsibility.

Heather Johnson, County Road – Who do we talk to if they stop maintaining?

Agent Schellenger – The Zoning Officer would have to take action to enforce, and, if necessary, go to court. The Stormwater Management system has to be maintained. If it has to be enforced, we will do that.

Mr. Mansfield stated that the Applicant has answered questions. We have asked a lot of them. There were corrections. They have met both of the Peer Reviewers requirements. Stormwater was a big issue. Engineering has been refined. The systems are only good if maintained, that is why we discussed a bond.

John Norris, West Washington Street – You don't have experts from the abutters. He would like an insurance expert to come in. He does not see why we would not grant a continuance.

Agent Schellenger – The insurance expert would need to hire a hydrologist and an engineer, which we have done.

Edwin Heal – At last meeting, we had one open item. The open item was the bond.

Senator Michael Brady, Commonwealth of MA – He stated that he has still been received concerns. He has witnessed flooding in this neighborhood and is submitting a letter which requests that the project is denied. He does appreciate all the work that has been done in the past.

*Senator Brady's letter to be added to minutes of September 6, 2023.

Mr. Mansfield stated that with this bond, the Stormwater management can be completed and maintained. Mr. Mansfield asked if there were any additional questions, comments.

Motion to issue variance for work within the 50' buffer zone by: Edwin Heal

Second: Stephen Smith

Vote: 3-0-0

Motion to approve project as presented subject to special conditions by: Edwin Heal

Second: Stephen Smith

Vote: 3-0-0

Motion to close hearing: Edwin Heal

Second: Stephen Smith

Vote: 3-0-0

Discussions

Request for Certificate of Compliance for 135 Elm Street, Map 35, Lot 3, for Kirk and Karen Obillo, (DEP #SE175-0719) – requires vote and signatures

Agent Schellenger visited site. The Order of Conditions was issued to allow the Applicant to build a new house and septic. The Order of Conditions was amended to permit a set of solar panels with cable dug along driveway and along house. The wetlands have been restored and the cable was taken out.

Motion to approve and issue a Certificate of Compliance by: David Mansfield

Second: Stephen Smith

Vote: 4-0-0

Request for Extension to Order of Conditions for Lakeside Road, Map 79, Roadway (DEP# SE175-0395) – requires vote and signatures

Agent Schellenger suggested that the extension be extended so that when the lots are sold, the successor will take over this Order.

Request to approve a 3-year extension to the Order of Conditions by: David Mansfield

Second: Stephen Smith

Vote: 4-0-0

Request for Extension to Order of Conditions for 1101 Main Street, Map 42, Lots 60 & 60A (DEP# SE175-0702) – requires vote and signatures

Agent Schellenger notified Commission that this Order is for work on the overall building which may need a septic system; the extension will allow an amended order.

Request to approve a 3-year extension to the Order of Conditions by: David Mansfield
Second: Stephen Smith
Vote: 4-0-0

Request for Release of a Bond to Ken and Kim McCormick for 34 Pennsylvania Avenue (DEP# SE175-0336) – requires vote and signatures

This bond was issued in 1998. The Commission had requested a bond to cover final vegetation to back of lot that backs into wetland when house was built. Agent Schellenger has visited the site and the work has been completed.

Motion to approve release of a bond to Ken and Kim McCormick for 34 Pennsylvania Avenue by: David Mansfield
Second: Stephen Smith
Vote: 4-0-0

Phragmites Management

Water & Wetlands submitted proposal(s) for Phragmites Management for Camp Kiwanee for \$2,750.00 and Smitty's Bog for \$7,050.00.

Motion to accept proposals for Phragmites Treatment at Camp Kiwanee and Smitty's Bog by: David Mansfield
Second: Stephen Smith
Vote: 4-0-0

Conservation Properties Status/Property Management Update; Trash removed at properties needed.

Smitty's Bog; Duck blind removed.

Indian Crossway; Access gate cleared and painted.

Smith-Nawalzelski; Trail cleared to kiosk, gate cleared.

Rocky Run; Rocks removed from crossing.

Town Forest; Pine tree across trail.

Bonney Hill Trail; Severe knotweed issue.

Mr. Mansfield drafted property maintenance status and site recommendations for review. He would like to recommend that the Commission "formalize" efforts to keeping up the regular maintenance. Included in the draft:

Projects for the 2023-2024 Year

All Trails: Public Lands Program

Motion to join the All Trails Public Lands Program by: David Mansfield
Second: Stephen Smith
Vote: 4-0-0

Mr. Smith would like to have Conservation information available at the September 16, 2023 Hanson Day. Commission discussed having the Adopt-A-Trail Program printouts available.

Open Space Acquisition; No new update.

Old Business/New Business

Invoice for Public Hearing Notice (Hanson Express) 599 Monponsett Street, Map 15, Lot 1B-1 – **Request for Determination of Applicability – pending invoice**

Invoice for Public Hearing Notice (Hanson Express) Cranberry Cove, 460 Indian Head Street, Map 4706, Lot 330 – **Notice of Intent – pending invoice**

Invoice for Public Hearing Notice (Hanson Express) 485 Liberty Street, Map 81, Lot 16 – **Notice of Intent – pending invoice**

Invoice for Office Supplies (WB Mason) Packing Tape – **signed**

Invoice for Peer Review (Allen&Major Associates, Inc.) 0 County Road DEP SE175-0750 – **signed**

Motion to adjourn at 9:15 PM by: Edwin Heal

Second: Stephen Smith

Vote: 3-0-0

The conservation commission authority comes from article 3 – 13 bylaws the town of Hanson. The rules and regulations compliment the wetlands protection 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 above the subject lands and the contiguous lands. The term abutter shall also mean those property owners across a street or road, river, stream, brooke, 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 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 you should exercise your judgment and deny this request.

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 a 3 inch clay aquiclude layer at shallow depth causing the water table to be between 20-30 inches below the ground surface.
3. The proposal would require 1,700- 28 yd.³ truck loads of fill, that's 170 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 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! 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

General Bylaw Article 3-13

Wetlands Protection

SEP 06 2023

Sec. 1 - PURPOSE

The purpose of this By-Law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Hanson by controlling activities deemed by the Hanson Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics, and agricultural values (collectively, the "wetlands values" protected by this By-Law).

Sec. 2 - JURISDICTION

Except as permitted by the Hanson Conservation Commission or as provided in this By-Law, no person shall remove, fill, dredge, build upon, or alter the following areas:

- a. Within 100 feet of any freshwater wetland, marsh, wet meadow, bog, or swamp;
- b. Within 100 feet of any bank, lake, pond, stream;
- c. Any land under said waters;
- d. Within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

Sec. 3 - EXCEPTIONS

A Notice of Intent required by this By-Law shall not be required for maintaining, repairing, or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that:

Upon failure to meet these and other requirements of the Commission, the Commission may after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigating measures.

Other than as stated in this section, the exceptions provided in M.G.L. Ch. 131, s. 40 (Wetlands Protection Act) shall not apply.

A Notice of Intent required by this By-Law shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that:

- a. The structure or facility is not substantially changed or enlarged;
- b. Written notice, with detailed plans of the work to be performed has been given to the Conservation Commission prior to commencement of work;

- c. The work conforms to performance standards and design specifications in regulations adopted by the Commission
- d. The work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;
- e. Advance written notice, has been given to the Commission prior to commencement of work, within 24 hours or at the latest by the end of the following work day;
- f. The Commission or its agent certifies the work as an emergency project;
- g. The work is performed only for the time and place certified by the Commission for the limited purpose necessary to abate the emergency;
- h. Within 21 days of commencement of an emergency project a Notice of Intent shall be filed with the Conservation Commission for review as provided in this By-Law.

Upon failure to meet these and other requirements of the Commission, the Commission may after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigating measures.

Other than as stated in this section, the exceptions provided in M.G.L. Ch. 131, s. 40 (Wetlands Protection Act) shall not apply.

Sec. 4 - PERMIT APPLICATIONS AND REQUESTS FOR DETERMINATION

A Notice of Intent under MGL Ch. 131, s. 40 (The Wetlands Protection Act) shall be filed with the Conservation Commission to perform activities regulated by this By-Law affecting resource areas protected by this By-Law. The Notice of Intent shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with an Order of Conditions issued pursuant to this By-Law and MGL Ch. 131, s. 40.

Any person desiring to know whether or not proposed activity or an area is subject to this By-Law may request a determination from the Commission. A request for Determination of Applicability shall contain data and plans specified by the regulations of the Commission.

At the time of filing a Notice of Intent or request, the applicant shall pay a filing fee specified in the regulations of the Commission, or as required by the Massachusetts Wetlands Protection Act, amended section 310 of 801 CMR 4.02 pursuant to MGL c 131, s. 40 and ch. 236, section 10 Acts of 1988; whichever is larger. The Commission may waive the filing fee for a Notice of Intent or request filed by a government agency.

Sec. 5 - NOTICE AND HEARINGS

Upon filing a Notice of Intent or a Request for a Determination of Applicability with the Conservation Commission, the applicant shall give written notice thereof, by certified mail or signed hand delivery to all abutters according to the most recent records of the

Assessors. Abutters include property owners across a traveled way, body of water, or a Town line. The notice to abutters shall enclose a copy of the Notice of Intent or the Request for Determination and a plan, or shall state where copies of same may be examined by abutters. When a person making a Request for Determination of Applicability is other than the property owner(s), the Request, the Notice of Hearing and the Commission's decision shall be sent by the Commission to the owner(s) as well as to the person submitting the Request for Determination.

The Commission shall conduct a public hearing on any properly filed Notice of Intent or Request for Determination with written notice given of such hearing as to time, place, and subject of the hearing, by the applicant, at the expense of the applicant, in a newspaper of general circulation in the Town at least five working days prior to the hearing. The Commission shall commence the public hearing within 21 days of recorded receipt of a completed Notice of Intent or a Request for Determination and shall issue its decision in writing within 21 days of the close of said public hearing. In an appropriate case, the Commission may combine its hearing under this ByLaw with the hearing conducted under MGL Ch. 131, Section 40 (The Wetlands Protection Act).

The Commission shall have the authority to continue any hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or other information and plans required of the applicant deemed necessary by the Commission in its discretion, or for comments and recommendations of other Town Boards and Officials. If the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

Sec. 6 - PERMITS, DETERMINATIONS AND CONDITIONS

If after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have a significant or cumulative effect on the wetland values protected by this' By-Law, the Commission shall, within 21 days of the close of the hearing, issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for the following reasons;

Due consideration shall be given to demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

A permit shall expire three years from the date issued. Any permit may be renewed once for an additional one year period, provided that a written request for renewal is received by the Commission prior to expiration.

Any permit issued under this By-Law may be revoked or modified by the Commission for good cause after public notice to the holder of the permit.

In an appropriate case, the Commission may combine the permit or other action on an application issued under this ByLaw with the Order of Conditions issued under The Wetlands Protection Act.

- a. Failure to meet the requirements of this By-Law;
- b. Failure to submit necessary information and/or plans requested by the Commission;
- c. Failure to meet the design specifications, performance standards and other requirements in regulations of the Commission;
- (d.) Failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this By-Law
- (e.) Where no conditions would adequately protect the wetland values protected by this By-Law.

Sec. 7 - REGULATIONS

After public notice and public hearing the Conservation Commission shall promulgate rules and regulations to achieve the purposes of this By-Law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to spend or invalidate the effect of this By-Law.

Sec. 8 - DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this By-Law:

The term "person", shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision

thereof to the extent subject to Town By-Laws, administrative agency, public or quasi-public corporation or body, the Town of Hanson and any other legal entity, its legal representatives, agents or assigns.

* The term "alter", shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this By-Law:

- a. Removal, excavation or dredging of soil, sand, loam, peat gravel or aggregate materials of any kind
- * b. Changing of pre-existing drainage characteristics flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of flood retention characteristics;
- * c. Drainage or other disturbance of water level or water table;
- d. Dumping, discharging or filling with any material which may degrade water quality
- * e. Placing of fill, or removal of material, which would alter elevation;

- f. Driving of piles, erection, alteration or repair of buildings or structures of any kind;
- g. Placing of obstructions or objects in water;
- h. Destruction of plant life, including cutting of trees;
- i. Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- j. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

Sec. 9 - SECURITY

As part of a permit issued under this By-Law, in addition to any security required by any other Town or State board, agency or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- a. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission;
- b. By a Conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record running with the land to the benefit of the Town of Hanson whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

Sec. 10 - ENFORCEMENT

The Conservation Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this By-Law and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.

The Commission shall have the authority to enforce this ByLaw, its regulation, and permits issued thereunder by violation notice, cease and desist orders, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under Civil Law. Upon request of the Commission the Chief of Police shall take legal action for enforcement under Criminal Law.

Town Boards and Officers, including any Police. Officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this By-Law, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300.00. Each offense, and each provision of the By-Law, regulations or permit violated shall constitute a separate offense.

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In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in MGL Ch. 40, s. 21D.

Sec. 11 - BURDEN OF PROOF

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed

* in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this By-Law. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Sec. 12 - CERTIFICATE OF COMPLIANCE

A Certificate of Compliance shall be issued by the Conservation Commission upon request of the property owner after construction has been completed in accordance with the applicable Order of Conditions. Request for such Certificate must be filed with the Commission in writing, at least fifteen (15) working days prior to its need.

Sec. 13 - RELATION TO THE WETLAND PROTECTION ACT

This By-Law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of MGL Ch. 131, s. 40 (The Wetlands Protection Act) and regulations thereunder.

Sec. 14 - SEVERABILITY

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

General Bylaw Article 4-1 Enforcement

SEP 06 2023

We the undersigned residents of Hanson are concerned for the protection and safety of our property and are endorsing the suggestions recommended in the attached letter. In Considering the proposed project, Meadowbrook Subdivision, we urge the Conservation Commission to require the highest level of protection and most recent technology available from the applicant to ensure maximum protection to the property of the abutters, the residents of Hanson and the environment.

1. Robert M. Scott 119 HOLMES ST.
2. Marian L. Scott 119 Holmes St.
3. Ken J. Kealy 131 Holmes St.
4. Judith E. Dines 130 Holmes St.
5. Richard E. Hines Jr 130 HOLMES ST.
6. Richard P. Avery 144 Holmes St.
7. Shirley E. Avery 144 Holmes St.
8. David C. Braum Sr 149 Holmes St.
9. Gloria Braum 149 Holmes St.
10. Ted 181 Holmes St.
11. Theresa C. Catterer 190 Holmes Street
12. Mattie Smith 213 Holmes St.
13. Phil White 206 Holmes St.
14. Susan J. Malone 239 Holmes St.
15. Kelly & Paul O'Donnell 247 Holmes St.
16. Laurie & Kevin Spellman 238 Holmes St.
17. Steve 3 Holmes St.
18. Kyrus Cappellari 3 Holmes St.
- Keith Johnson 96 County Rd
- Theresa Johnson 910 Fifth Rd

We the undersigned residents of Hanson are concerned for the protection and safety of our property and are endorsing the suggestions recommended in the attached letter. In Considering the proposed project, Meadowbrook Subdivision, we urge the Conservation Commission to require the highest level of protection and most recent technology available from the applicant to ensure maximum protection to the property of the abutters, the residents of Hanson and the environment.

19. Elizabeth A O'Sullivan 625 W. Washington St
Joseph A. O'Sullivan 625 W. Washington St.
20. Donald R. Smith 593 W. Washington St.
21. Patricia A Smith 593 W. Washington St.
22. Traci K Rowley 580 W. Washington St. Hanson
Michael Rowley
23. Teresa M Santalucia 517 W. Washington St. Hanson
Antonio Santalucia 517 W. Washington St. Hanson
24. JOHN NORRIS 531 W. WASHINGTON ST
John Norris HANSON
Kurtis Moss LI
25. MICHAEL MULLEN 544 W. WASHINGTON ST
Michael L. Mullen HANSON, MA 02341
26. John Marden 530 W Washington St.
John Marden Hanson MA 02341
27. Alexandra Marden 530 West Washington St.
Alexandra Marden Hanson MA 02341
28. Marianne Marden 530 West Washington St
Marianne Marden Hanson Ma 02341

Considering the proposed project, Meadowbrook Subdivision, we urge the Conservation Commission to require the highest level of protection and most recent technology available from the applicant to ensure maximum protection to the property of the abutters, the residents of Hanson and the environment.

29. Arthur + Candace Borgeson 452 West Washington St. Hanson MA 02341
30. WAYNE WILSON 441 West Washington St Hanson MA 02341
31. WAYNE WILSON SR 441 West Washington St
32. CHARLIE LYDON 662 W WASHINGTON ST
Charles Lydon
33. John Lydon 662 W WASHINGTON ST 02341
34. JOHN CONCREE - 698 W. Washington St 02341
35. Patricia Conree 698 W Washington St. 02341
36. Bob (Robert) Hurter 669 W. Washington St.
37. ~~John Lydon~~ - 640 W. WASHINGTON ST.
38. Ruth Sylvestre 744 West Washington St. Hanson
39. Dean Sylvestre " " " "
40. ~~John Lydon~~ 749 West Washington St.
41. Ashlea Cogan 520 W. Washington St.
42. Don Lydon 407 W. Washington St.
43. Yvonne Hanay 387 West Washington St
44. Joe Perrone 585 West Washington St
45. GIZARD A LOZIER
Gerald A. Lozier 509 W. WASHINGTON ST.

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46. Peter O'Brien 46 County RD
47. MAD Roland 247 County RD
48.

EP 06 2023

- ① Bob Huston Baron of Runoff
- ② Keeley, Report Available?
Scand? Public Doc 67 Pages Next
Title "Goselin Introduction Haysa"
- ③ Keith Johnson Environmental Partner Know?
- ④ Pepper Marginal Impact
"Death of 1,000 Cuts" Global Impact
- ⑤ Mrs Huston 49,000 cu yards
Insecure Down Hill -
Caut walk
- ⑥ More Efficient way to handle
420 Tan Drunk Bunch
- ⑦ Heather Johnson - Graduate
Not makes it Not correct
Ass. Set by Town, Std.
- ⑧ - 200 Yr Storm management plan might in
Elevated catch all at 44
- ⑨ Arth Borgeson up stream.
I own Bruce Brook 1/3 Drunk Dont walk
5K^{5th} New 24K 516-cm 6 guard
- ⑩ John Morris - Res 73 Yrs 53 Yrs
Penn Ave Damaged
- ⑪ Pepper Bites 5 Yrs; → Soda Home-Ours Assoc
- ⑫ Don Parnap Home Sweet 2 Surveys
- ⑬ Senator Brady

7:30 PM

SENATOR BRADY



SENATOR MICHAEL D. BRADY
Second Plymouth and Norfolk District

STATE HOUSE ROOM 416A
BOSTON, MA 02133
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Michael.Brady@MASenate.gov

SEP 06 2023

The Commonwealth of Massachusetts

MASSACHUSETTS SENATE

CHAIRPERSON
JOINT COMMITTEE ON PUBLIC SERVICE
VICE CHAIRPERSON
JOINT COMMITTEE ON PUBLIC SERVICE AND HOMELAND
SECURITY
VICE CHAIRPERSON
JOINT COMMITTEE ON REVENUE

SENATE COMMITTEE ON WAYS AND MEANS
SENATE COMMITTEE ON EMERGENCY PREPAREDNESS AND
MANAGEMENT
JOINT COMMITTEE ON VETERANS AND FEDERAL AFFAIRS
JOINT COMMITTEE ON WAYS AND MEANS

I am speaking today in opposition to the 0 County Road proposal in Hanson

The proposal is to construct two concrete roadways with two cul-de-sac turnarounds, associated sidewalks, underground utilities, and drainage structures to create frontage for a nine-lot subdivision located within 50 feet of vegetated wetlands.

The conservation commission with great diligence and after protracted investigation, chose to deny a request for a similar project. Part of their consideration is ground water both on and off the site and its projected impact on the community.

The additional hard services, roofs, roads, driveways, and cul-de sacs will dramatically increase surface runoff into retention basins that are questionable in their efficacy. Abutters on three different surrounding roads are already experiencing increased water on their property, and in their basements, and are very concerned about any additional run off, and the additional water of retention ponds sitting above a perched water table that close to the surface.

The project partially drains into a continuation of the same wetlands, on the other side of County Road affecting more than 60 abutters to the extended wetlands. Over 60 residents signed a letter of concern because they abut the wetlands that will be impacted by this project.

I ask that you support the Commission's previous decision and deny the developer's request.