

Hanson Planning Board  
Minutes of the Public Meeting of  
December 10, 2018 at 7:00 PM  
Hanson Town Hall, Meeting Room A

Call to Order

The meeting was called to order by Chairman Ellis at 7:02 PM. Attendance was as follows:

Present: Don Ellis, Chairman  
Joe Campbell, Vice-Chairman (7:45 PM arrival)  
Joe Gamache, Member  
John Kemmett, Member  
Stephen Regan, Member  
Deb Pettey, Interim Town Planner

Guests: Robert & Marian Scott, 119 Holmes Street  
Joe Bongazzzone, 96 County Road  
Rich Niles, AMEC  
Hugh McLaughlin, BradyMac  
Jackson Doughty, Developer  
Natalie M. Pommersheim, Environmental Partners

Minutes

Mr. Gamache made a motion to approve the minutes of the Nov. 19 meeting, which was seconded by Mr. Kemmett. The motion was approved 3-0-1 with Mr. Regan abstaining. [Mr. Campbell had not arrived yet for the meeting.]

Public Hearings

**7:00 PM *Continued* Public Hearing for the petition of County Road Partners, LLC, Owner/Applicant for Site Plan Review under Section 6, Subsection N. Large-Scale Ground-Mounted Solar Photovoltaic Installations of the Town of Hanson Zoning By Law Land Use Regulations to allow construction of a Large Scale Ground-Mounted Solar Photovoltaic Installation at County Road, Map 74, Lots 7 and 8 and located in a Residence AA/Agriculture-Recreation Zoning District**

Ms. Pettey explained that the plan has undergone minor changes for vegetation and abutter shielding. She said that the previous engineer report only covered stormwater management, and they had recommended that it be conditioned due to the inability to obtain test pits without a conservation permit. In response to request that the engineer complete a full review of the plan, Ms. Pettey noted the new report which was forwarded to members, dated Dec. 7.

Going through the report, Ms. Pettey stated that the engineer expressed their recommendation that there be security and maintenance lighting at the facility. Mr. Niles said that there is typically no lighting since there is infrequent maintenance required and because the equipment is often situated in residential areas. Mr. Regan cited past concerns by abutters that the site may be a draw for the gathering of young people. He expressed that motion detector lighting could be a deterrent, and could alert an abutter of potential activity there. Mr. Regan added that lights could additionally add to the security of the facility. After

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some discussion, the board supported the idea and asked that three sensor lights be installed; 1) halfway up the driveway, 2) at the gate, and 3) inside the facility.

Ms. Pettey noted report comments in regard to the shading analysis, which state that the analysis was completed assuming a maximum 50-ft. tree height. She said that the report suggests that pine trees there could reach a height of 70-ft., which could limit the impact of site limit alterations and tree clearing. Mr. Niles explained that tree cutting additional to what is on the plan would require approval. He added that a buffer was worked in to accommodate the shading analysis model, which they feel is adequate.

Ms. Pettey said that the report recommends increased frequency of physical site inspections for vegetation. Mr. Niles stated that the frequency they are proposing is bi-annual. He added that initial inspections will dictate the need for a more frequent schedule.

Ms. Pettey commented on the Operation and Maintenance Plan ("OMP") in terms of cleaning the retention basin. Mr. Niles said that the maintenance typically occurs once per year, but that the OMP will be updated upon conservation review. Ms. Pettey said she will add to the conditions that the board requires an OMP that specifically states that the basin needs to be cleaned annually and the site inspected bi-annually. She also said she will include wording in the conditions that additional tree cutting required will be at the board's approval.

Ms. Pettey referred to Note #8 on the report, Utility Notification, in which it is states that the board should request proof of filing/notification with National Grid. Mr. Niles provided screen shots from the National Grid website, which identify the project and the portion that has been paid. He said if the board requires additional information, he will provide it.

Mr. Kemmett asked about the aboveground utilities at the road entrance, to which he had expressed concern at the last meeting. Mr. Niles said that the drawings have been modified to reflect the elimination of one pole. He explained that National Grid requires that the equipment to be overhead so that it can be accessed in any condition, and they do not want the switch equipment and shutoffs underground. Mr. Niles added that National Grid wants the equipment on the property and not on the road. Mr. Niles presented the drawing of the revised configuration, saying that they extended the underground electric as far as they were able from the transformer to the street. Ms. Pettey read from the by-law language that "... electrical transformers for utility interconnections meet the above ground requirements by the utility provider," and expressed that the intent is to install electrical underground as much as possible. Mr. Kemmett acknowledged that this revised plan is an improvement.

Ms. Pettey said that concerning the side yard setbacks, the report states that the board should consider if additional screening of the road is necessary. Mr. Niles said that they have walked the property again with Mr. Bongazzone to ascertain the need for additional screening and identified areas for improvement, to include additional trees and slat fence inserts. Mr. Niles noted the specifics which are outlined in the drawing notes.

Mr. Kemmett remarked on report item #13, Abandonment or Decommissioning, saying that the recommendation is that the board clearly outline its expectations at time of decommission. In response to discussion about what would have to be removed from the site, Ms. Pettey read from the by-law, saying

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that "Decommissioning shall consist of (a) the physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site; (b) disposal of all hazardous waste in accordance with local, state and federal waste disposal regulations, and (c) stabilization or re-vegetation of the site if necessary to minimize erosion."

Ms. Pettey commented on the report item addressing financial surety, stating that the by-law requires that there be surety set aside for decommissioning in the event that the applicant does not do so. She explained that the surety estimate cannot be determined specifically until after the applicant goes before conservation, so it must be a condition of approval. Mr. Kemmett expressed concern over ensuring that the surety amount is satisfactory to the board and its engineer. Mr. Niles said he can put together a surety estimate based upon the project as it stands now so the board can review and approve it. Ms. Pettey added that the board's conditions will be submitted to the other boards as well as the building department, and she will include language that states that the surety amount must be approved by the planning board.

Ms. Pettey reviewed the conditions that will be included in the board's decision, 1) the applicant receive order of conditions from conservation commission and that any approval also will include complete review of proposed stormwater facilities, 2) the applicant shall complete SWPPP reports with photos on a weekly basis and after every major rain event and these reports shall be sent to the town planner, 3) the applicant shall use mulch in erosion control instead of straw in the silt socks, 4) that the daily operation of management planning include cleaning out the detention basin and notifying the town planner that this has occurred, and specifying that once the road entrance is constructed, there be no vehicles parked on County Road during construction of the solar farm, 5) screening plantings be maintained to provide adequate screening (trees for screening per plan dated Dec. 7), 6) the planning board to approve financial surety amount after review from engineer, and 7) three security lights will be installed.

Mr. Campbell made a motion to close the public hearing, which was seconded by Mr. Gamache. The motion was approved 5-0-0.

Mr. Regan made a motion to approve the plan as submitted with the order of new conditions outlined at this meeting. The motion was seconded by Mr. Campbell and approved 5-0-0.

#### Appointments

#### **7:30 PM Appointment with Natalie M. Pommersheim, Environmental Partners Group, Inc., Senior Project Scientist to discuss the MS4 process as it relates to Stormwater Management in the Town of Hanson**

Ms. Pommersheim stated that Environmental Partners has worked with the Hanson Highway Department since 2003 with the release of MS4 to which Hanson is covered. She explained that Ms. Pettey asked her to attend this meeting in order to review for the board the MS4 permit and changes per a new release that went into effect this past July 1.

Ms. Pommersheim conducted a PowerPoint presentation entitled "EPA Phase II Small MS4 Permit." She outlined that the presentation will review the MS4 permit background, what an MS4 is, who in town is

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involved, an overview of the permit structures and requirements, current existing stormwater by-laws and recommended actions.

**Regulatory Background** – Ms. Pommersheim stated that Hanson became covered under the Phase 2 “Small MS4” requirements in 2003. She said that all of Hanson is not covered because certain areas are not developed enough, such as the southwestern section. Ms. Pommersheim said that one of the new components of the recently released permit is water quality requirements, which state that discharges cannot cause or contribute to an exceedance of the standards that have been set in place.

**What is an MS4?** – Ms. Pommersheim said that MS4 is an acronym for Municipal Separate Storm Sewer System, which refers to any area where drainage flows. In response to question from Mr. Kemmett regarding EPA maps, Ms. Pommersheim said that they could provide the layering information for addition to GIS mapping. Mr. Pettey said she will put that request in writing.

**Who is Involved?** – Ms. Pettey noted that the planning board is responsible for the oversight of the MS4 in Hanson. Ms. Pommersheim added that the Board of Health has oversight over discharges.

**Overview of the Permit Structure** – Ms. Pommersheim said that there are two categories of the permit structure, 1) water quality based limitations and requirements because of an impaired waterbody, and 2) the six minimum control measures (“MCM”) that have been shown to reduce pollution to the maximum extent practicable. She said the control measures have been in effect since 2003. In response to Mr. Kemmett, Ms. Pommersheim said that the post construction stormwater management MCM is to promote or endorse a green infrastructure. And addressing Ms. Pettey in regard to the public outreach MCM, Ms. Pommersheim said that there is much shareable information that can be provided to the town for distribution to residents and added that there needs to be a stormwater page on the town website.

**Waterbody Assessment and Mapping Status** – Ms. Pommersheim displayed maps showing the forty-two outfalls that discharge to the Taunton River Watershed, seventy-eight to the South Coastal Watershed and waterbodies identified as having impairment.

**Waterbody Assessment and TMDL Status** – Ms. Pommersheim described the integrated list of waters published by the Massachusetts DEP, which was most recently released in 2014. She said that Category 5 list entries are those threatened for one or more uses and require a TMDL, (Total Maximum Daily Load), which is a daily discharge limit. Ms. Pommersheim’s presentation showed that Category 5 waterbodies in Hanson are Indian Head River, Wampatuck Pond, Shumatuscacant River and Factory Pond.

**Maximum Extent Practicable (“MCM”)** – Ms. Pommersheim outlined the six Minimum Control Measures (“MCM’s”) as below. She said that items 3,4, and 5 have by-laws that cover them.

- 1) Public Education/Outreach (i.e., to residents, businesses, developers, industrial facilities)
- 2) Public Involvement/Participation (i.e., by volunteers such as Boy Scouts or school groups). Ms. Pommersheim added that this would include public comment and review of the stormwater management plan, when complete, through the website, town hall, library, etc.

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- 3) Illicit Discharge Detection & Elimination ("IDDE") – Ms. Pommersheim said there is a draft report that gives the Board of Health enforcement to give a homeowner a notice of disconnect. She said the report also outlines the systematic approach to sampling outfall.
- 4) Construction Site Runoff Control &
- 5) Post Construction Stormwater Management – Ms. Pommersheim said that items 4 and 5 deal with erosion controls for new construction and site plan review process. Mr. Regan asked about Form A's, stating that unlike new subdivisions, there is no stormwater oversight. Ms. Pommersheim said that some communities have adjusted their regulations to take those in-between properties into account, but noted the difficulty with supervision.
- 6) Pollution Prevention/Good Housekeeping – Ms. Pommersheim said that this falls on municipal operations which are largely performed by the highway department, such as cleaning catch basins, street sweeping, etc.

**Year 1 Requirements** - Ms. Pommersheim reviewed the year one requirements of the permit as follows:

- Notice of Intent ("NOI")– Ms. Pommersheim said that the NOI was submitted in September of 2018 for the FY2018 contract. She said that in the NOI, the planning board was listed as the responsible party for the MCM public education/outreach, such as for providing the availability of materials online. She said for the IDDE MCM, the planning board is named as being part of the review process and as the enforcement agency. Ms. Pommersheim said that the FY2019 NOI contract is in the process of being planned, with expenditure approval anticipated at May town meeting.
- Stormwater Management Plan – Ms. Pommersheim said that the draft stormwater management plan for fiscal year 2018 is complete and she will be meeting with Bob this week to review it.
- IDDE Program – Ms. Pommersheim said that the IDDE will be updated in anticipation of the FY2019 contract.
- IDDE Investigations – Ms. Pommersheim said that the investigations on the high priority outfalls will be performed pertaining to the FY2019 contract.
- Standard Operating Procedures – Ms. Pommersheim explained that for the FY2019 contract, they will be developing the standard operating procedures for the site inspections, coordinated site plan review and operations and inspections of any stormwater treatment system.
- BMP [Best Management Practice] Site Visits – Ms. Pommersheim stated that for the FY2019 contract, BMP site visits will be performed.
- Bylaw Review – Ms. Pommersheim stated that Hanson bylaw articles 3-21, Stormwater Management, and 3-22, Discharges to Municipal Storm Drain System, are in place and quite comprehensive. She said that they will be reviewed, however, per the FY2019 contract requirements.
- Annual Report - Ms. Pommersheim said that an annual report is part of the FY2019 contract requirement.

**Local Stormwater Bylaws** – Ms. Pommersheim said that the local bylaws are in place in order to help communities comply with the regulations and provide them with the authority to act on regulation infringements. She explained the required local bylaws as follows:

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- 1) A bylaw to address IDDE (MCM #3) - Ms. Pommersheim said that Hanson is covered for this through its General Bylaw Article 3-22, Discharges to Municipal Storm Drain System.
- 2) A bylaw related to Construction Site Runoff Control (MCM #4) – Ms. Pommersheim stated that this bylaw is inclusive of erosion control, site plan review and construction inspection, etc. She said this is written through Hanson General Bylaw Article 3-21, Stormwater Management.
- 3) A bylaw for Post Construction Stormwater Management – Ms. Pommersheim noted specifically in this bylaw requirement, language from the MS4 permit, "... require permanent stormwater controls to minimize water quality impacts; require stormwater controls appropriate to the community..." To address this, she said that Hanson's General Bylaw Article 3-21 Stormwater Management needs to be reworked for certain specific impairments.

**Recommended Actions** – Ms. Pommersheim reviewed that recommended actions include the coordination of all departments as this is a town-wide responsibility; the highway department getting up-to-speed with mapping, sampling and required paperwork; and the creation of an oversight committee. In response to Mr. Campbell, Ms. Pommersheim said that sampling is performed from the outfall. Acknowledging Mr. Kemmett's question about stormwater fees as a funding source, she said that a stormwater fee is assessed in some towns to fund or supplement the stormwater program. Concerning grants, Ms. Pommersheim noted that the Municipal Vulnerability Preparedness program is one to consider.

Mr. Campbell asked about future meetings among towns since they experience overlapping issues. Mr. Pommersheim said that the DEP had been in favor of a regionalization of the program since towns share watersheds. She said that collaborative groups such as the Central Massachusetts Stormwater Collaborative have started up as a result.

#### Discussion

**Town Planner Job Description** – There was discussion regarding the town planner job description which had been revised since last being distributed. The board expressed concern about the responsibilities outside of the planning board that are listed on the job description. Ms. Pettey said that she is comfortable with the description and feels that it covers any work that a planner would do. Mr. Gamache made a motion to accept the written town planner job description, which was seconded by Mr. Regan. The motion was approved 5-0-0.

**Brookside Estates Update From Planner** – Ms. Pettey updated members on Brookside Estates saying that the detention basin has been worked on and she has observed that it is still holding water. She said that it appears that the infrared and front entrance work have not been done there. Ms. Pettey said that while she believes Mr. Shute is making effort to correct the problems, she has located the bond paperwork for the development if it ever becomes necessary.

#### Adjournment

Mr. Regan made a motion to adjourn, seconded by Mr. Gamache, which was approved 5-0-0. The meeting was adjourned at 9:56 PM.

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Respectfully submitted,

Shirley Schindler, Minutes Clerk  
Hanson Planning Board