

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF SEPTEMBER 12, 2017
TOWN HALL, 542 LIBERTY STREET, HANSON, MA**

Called to Order at 7:00 PM under M.G.L. c 131, §40 and the Hanson By-Law 3-13, §5 and Rules and Regulations by Phil Clemons, Chairman, in Meeting Room A at the Town Hall.

Present: Phil Clemons, Chairman
Bill Woodward, Member
Brenna Audette, Clerk
Paul Andruk, Vice Chairman

Absent: Sharon LePorte, Member

Also Present: Laurie Muncy, Agent
Rebecca Nehiley, Administrative Assistant
Michael DeVeuve, Associate Member

Minutes

Motion to approve the minutes of August 22, 2017: Paul Andruk

Second: Bill Woodward

Vote: 4-0-0

Public Hearings

7:00 PM Request for Determination of Applicability to dig test holes for the repair/upgrade of the existing septic system within 100 feet of the Bordering Vegetated Wetland and within 200' of a Perennial stream at 113 Ocean Ave., Map 3, Lots 53 & 54 for Steven & Ann Pellowe represented by Webby Engineering (**New Hearing**)

Ms. Audette read the public hearing notice and the abutters were verified. Ms. Audette recused herself from the hearing. Mr. Joseph Webby made the presentation for a proposal to dig test pits for a potential new septic system. The resource areas were identified on the plan (dated 7/31/17) and were delineated by E.C.R. in April and July of 2017. The applicant is proposing to dig in two areas that are within the 200' Riverfront Area and within 50' of the other resources areas including West Monponsett Pond. He is asking for a variance in order to improve the current system which is a cesspool. Ms. Muncy asked if the next step is to expand the living area and other structures. Mr. Webby answered yes and they will be submitting a Notice of Intent for any other work.

Motion to grant a variance to allow work in the 50' buffer zone: Bill Woodward

Second: Paul Andruk

Vote: 3-0-1 (Ms. Audette abstaining)

Motion to approve and issue a Neg. 3 Determination of Applicability to conduct test pits only with conditions: Paul Andruk

Second: Bill Woodward

Vote: 3-0-1 (Ms. Audette abstaining)

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7:15 PM Continued Abbreviated Notice of Resource Area Delineation to confirm the boundaries of Bordering Vegetated Wetlands associated with an intermittent stream and three Isolated Vegetated Wetlands at 280 Liberty Street, Map 82, Lots 12, 15 & 19 for Judith Grindle, Judith Grindle Revocable Trust represented by LEC Environmental Consultants (**DEP #SE175-0686**)

This hearing was continued from 8/22/17. Mr. Richard Kirby, PWS, had met with John Delano, the Commission's consultant onsite last Friday (9/8/17) to review the wetland and property lines together. The area is comprised of 3 lots totaling about 25 acres. Mr. Kirby had identified Bordering Vegetated Wetlands, three Isolated Wetlands and an Intermittent Stream. He provided a summary with a description of the various changes as well as a revised plan dated 9/8/17. A Potential Vernal Pool was identified off of Gray Lane that Mr. Delano suggested be protected along with its 100' buffer zone. Mr. Clemons read Mr. Delano's recommendation into the record (attached) and asked for comments from abutters. Those present were:

Mr. Stephen Berthiaume of 161 Gray Lane – asked what was being proposed eventually. Mr. Kirby answered that they were only establishing the wetland line at this time. If and when the site is developed, a Notice of Intent will be filed and the abutters notified.

Ms. Kelly White of 120 Gray Lane – asked for a copy of the plan. Ms. Muncy said that she would send her an electronic copy of the plan.

Motion to approve and issue an Order of Resource Area Delineation: Bill Woodward

Second: Paul Andruk

Vote: 4-0-0

7:30 PM Continued Notice of Intent for a proposal to raze an existing dwelling and construct a new building on the same footprint, septic system, retaining wall with associated grading and tree removal at 259 Lakeside Road, Map 79, Lot 12 C for William & Joanne Kehlbeck, 60 Union St., S. Weymouth, MA represented by Crowell Engineering (**DEP #SE175-0687**)

This hearing was continued from 8/22/17. Mr. Bob Crowell submitted a revised plan dated 9/11/17 with an erosion control detail, a plan for a temporary dewatering basin and a notation about no stockpiling onsite as per the Commission's comments. Also, Mr. Crowell had received approvals from the Board of Health and the Zoning Board of Appeals. In terms of mitigation, he had called Brook Munro, P.W.S. who suggested interspersed plantings of blueberries, chokeberries and dogwood trees. He also suggested a couple of oak and pine trees. Mr. Clemons asked about the condition of the adjacent, 3,714 sq.ft. town owned parcel adding that it's next to a resource area which is Oldham Pond. It had occurred to him that it could be part of the mitigation plan and suggested that it be re-naturalized and perhaps have the bounds marked. It would be an opportunity to restore some order.

Motion to continue the hearing until 9/26/17 at 7:30 PM pending a revised plan and a letter from Natural Heritage: Bill Woodward

Second: Paul Andruk

Vote: 4-0-0

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7:45 PM Continued Notice of Intent for a proposal to construct a new commercial building with associated site development, drainage, septic system, parking lot & utilities within 100 feet of a Bordering Vegetated Wetland at Liberty Street, Map 91, Lot 12-1 for William Dyer & Jerrold Coulstring, Jr., represented by Webby Engineering (DEP #SE175-0685

Motion to continue until 10/10/17 at 7 PM per request of applicant: Paul Andruk

Second: Bill Woodward

Vote: 4-0-0

Appointments

8 PM Appointment with Kevin Estano regarding an Enforcement Order at 176 Adams Circle, Map 120, Lot 115

Mr. Clemons reported that the office had recently received a call from the Highway Department regarding unauthorized activity at the above mentioned address which is abutting the Indian Head River. He accompanied Bob Brown and Dave Hanlon to inspect at which time an Enforcement Order to cease and desist was issued for tree cutting and other activity within the Riverfront Area. Mr. Estano had been asked to come to the meeting. Mr. Clemons said that a lot of trees had been cut and other activity taken place in an area protectable under the MA Rivers Protection Act as well as the MA Wetlands Protection Act.

Mr. Estano said that he had met with Ms. Muncy in April. At that time, he said he wanted to level off the yard and build a retaining wall to prevent the riverfront from eroding. Ms. Muncy had suggested that he hire a botanist and come to a meeting to discuss it with the commission (see minutes of 6/27/17). However, he got discouraged and decided to drop that project. He explained that 85% of the trees that were cut were rotted pines and he was replacing an existing fence, both for safety reasons. Mr. Estano said it was "his mistake" and he apologized to the commission.

Mr. Clemons said that the river's height varies a lot and that vegetation matters when the river is high. He added that the commission will work with him to mitigate the damage that was done. He suggested that he contact a wetland scientist or a botanist and come up with a restoration plan depicting wetland flags and structures for reference. Ms. Muncy suggested that it would help to see the site and recommended an inspection. Mr. Clemons told Mr. Estano that it was okay to remove debris from the town easement.

Discussions

Request for Certificate of Compliance for 244 South Street, Map 23, Lot 30 for Michael Amado (DEP #SE175-0505)

Ms. Nehiley explained that this was a house-keeping issue. An Order of Conditions for a septic system had expired and the work had not been done.

Motion to approve and issue a Certificate of Compliance (non-completion): Paul Andruk

Second: Bill Woodward

Vote: 4-0-0

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8:15 PM Request for a Minor Modification to the Plan for 122 Indian Head Street, Map 47, Lot 1-1 for Keith Boyle (DEP #SE175-0683)

Mr. Boyle approached the commission to ask permission to make a minor change to the approved plan after talking with the Building Inspector, Bob Curran. Mr. Curran said that the stable as designed would require more sonna tubes than originally planned thereby increasing the size of the footings required. Since it would create more disturbance, Mr. Curran suggested a concrete pad as an alternative as it would result in less material and less construction. Mr. Boyle pointed out it would also create a barrier between horse waste and the ground. Mr. Clemons commented that it would not increase the pervious area and it would be easier to clean.

Motion to approve a minor modification to the Order of Conditions and to be shown on the As-Built: Bill Woodward
Second: Paul Andruk
Vote: 4-0-0

8:20 PM Appointment with Mark and Jenna Gomes of 113 Andrew Lane represented by John Delano to discuss permitting requirements for an in-ground pool

Mr. Delano approached the commission to have an informal discussion about a conceptual plan for an in-ground pool. He referenced a septic plan from 2000 which depicted the wetland about 50' away from the back of the house. His basic concept for mitigation was planting and re-vegetating and thereby re-naturalizing an area to fully compensate for disturbance in the 50' No Touch Zone. Mr. Clemons asked about the nature of the adjacent wetlands. Mr. Delano said that it was a Vegetated Wetland with seasonal flooding. He added that the project would not set a precedent because someone else would have to match the mitigation that they're proposing.

Mr. Andruk questioned the level of the water table in the area. Mr. Delano said that pool companies install a "flap valve" for high ground water. Ms. Audette asked if he was constructing a cabana to which Mr. Gomes replied no. Mr. Clemons asked Ms. Muncy for guidance. She recommended no activity in the 50' buffer zone other than septic systems which are necessary and swimming pools would be considered optional. Mr. Clemons added that the proposed project was risky from a consistency standpoint. The project might be considered if it was a hardship or a grandfathered situation, but he was concerned about opening up a decision as indefensible. Mr. Clemons suggested the possibility of an above-ground pool which is temporary in nature.

Discussion

Request for a Partial Certificate of Compliance for off Greenbrier Lane, Map 108, Lot 5-24A for Joseph Memmo (DEP #SE175-0673)

Mr. Delano was asked to stay for the meeting as he had reviewed Mr. Memmo's Request and As-built Plan dated 8/14/17. He submitted a Review Letter dated 9/12/17 (attached) with 10 comments and recommendations which he went over item by item for the Commission. Mr.

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Clemons commented that there were a lot of concerns and asked Mr. Memmo why the need for a Partial Certificate at this time. Mr. Memmo said he didn't realize that there were that many issues. Ms. Muncy reported that she had visited and photographed the site. She had taken pictures of the bird houses, the raptor perches and the conservation plaques. The grass was growing and the rip rap had been installed. Ms. Muncy had discussed the possibility of a cash surety with Mr. Memmo to ensure the functionality of the culverts and also perhaps a plan for some offsite mitigation.

Mr. Clemons said that he was not ready to consider a Partial Certificate of Compliance. He approved of the idea of a security bond, but would like to see rapid completion of things. Addressing Mr. Memmo, he said to confer with Mr. Webby and come back at a later date. Mr. Clemons suggested that there may be a town-owned parcel that needs to be restored and the damage to the wetlands can be balanced by improving someplace else.

Motion to deny Partial Certificate of Compliance pending a revised As-built and an agreed upon suitable mitigation plan: Paul Andruk

Ms. Amelia Anair, who is a direct abutter had continued concerns with flooding and pointed out the importance of having the topography on the plan. She also had concerns with the slope of the pipe. Mr. Clemons answered that the goal was to install over-sized pipes and the calculations address the storm water concerns.

Second: Bill Woodward

Vote: 4-0-0

Mr. Clemons suggested to Mr. Memmo that a financial escrow might make sense presuming the new buyer will be on the hook. Mr. Memmo asked about the trees. Mr. Delano answered to not cut the trees pro-actively, but to use the money held in escrow if the trees die.

Adjournment

Motion to adjourn at 9:25 PM: Paul Andruk

Second: Bill Woodward

Vote: 4-0-0