

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF NOVEMBER 14th, 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
Sharon LePorte, Member
Bill Woodward, Member
Paul Andruk, Vice Chairman
Absent: Michael DeVeuve, Associate Member
Also Present: Laurie Muncy, Agent
Rebecca Nehiley, Administrative Assistant

Minutes

Motion to approve Minutes of October 10, 2017: Sharon LePorte

Second: Bill Woodward

Vote: 4-0-0

Public Hearings/Appointments

7:00 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 to 11/28/2017 at 7:30 PM per request of applicant: Sharon LePorte

Second: Paul Andruk

Vote: 4-0-0

Discussions

Smitty's Bog re: collaboration with Inter-Fluve to facilitate implementation of the Wetlands Reserve Program and assistance with the permitting and bid process for the bog restoration.

Mr. Clemons reported for the benefit of those not familiar with the recent history of Smitty's Bog that the town has an ongoing obligation to restore the bogs. The Federal Government purchased the farming rights to restrict farming and donated the underlying fee to the town with the understanding that it would revert the bogs back to natural, forested wetlands. The Fed's provided the money for the project, but two previous bid requests to remove water control structures and control phragmites, among other tasks, came back either too high or were disregarded by contractors.

To that end, Helen Castles, a Soil Conservationist for USDA Natural Resources Conservation Services (NRCS) in Wareham is amenable to the town hiring Inter-Fluve, a

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consulting company that has a regional office in Boston. Nick Nelson, a Fluvial Geomorphologist and Director of the company is willing to assist in the permitting and the bid processes and submitted a proposal and scope of services. The town is at risk of losing the Federal \$200,000 grant money for the project if it doesn't act quickly to restore the environmental status of the property. Town Counsel has approved the contract and the Town Accountant has agreed that it's a proper use of the Notice of Intent Fund for use of consultant services.

Motion to hire Inter-Fluve to assist with permitting, bids and construction pending

Selectmen approval: Sharon LePorte

Second: Bill Woodward

Vote: 4-0-0

Resignation of Brenna Audette

Mr. Clemons read Ms. Audette's letter into the record and commented that it was "too bad as she was an astute observer and commenter." He thanked Brenna for her service to the town and mentioned that the Commission now has an opening.

Public Hearings/Appointments

7:15 PM Appointment with Al Hanscom of BETA Group to discuss storm water management design improvements for the parking lot and driveway at the Fire Station at 505 Liberty Street, Map 81, Lot 15

Mr. Hanscom said that things were going well at the Fire Station parking lot which is in the process of being re-paved this week. A couple of changes were made to the plan to help control storm water runoff. He reported that sand traps had been partially installed and scuppers were cleaned out and stone installed. They are using recycled asphalt to repave an area that will be used to store equipment and supplies. The recycled asphalt is a permeable mix and was completely sourced from the site. A floor drain and gas trap in the Fire Station itself, was replaced. Six (6) Winterberry bushes will be planted, probably in the spring. Mr. Clemons commented that it would be good to have an overall project summary since the project comes a lot closer to Best Management Practices that we've ever had.

Mr. Hanscom also reported that Mass DEP granted approval for the use termination of the catch basin cleanings and street sweepings which the Highway Department had stockpiled at the Plymouth County Hospital Site (in excess of 10,000 cu.yds.). Also, because it represents a liability for the town, the Baran soils, which have been determined to contain no solid waste or contamination is being pushed to the back of the fields where it's going to be capped with 3-feet of topsoil. In addition, the Camp Kiwanee septic system repair is in full swing with the installation of the infiltrator to be covered with leftover recycled asphalt from the Fire Station. He added that it should be done before the end of December.

7:30 PM Continued Request for Determination of Applicability for small tree and brush removal to provide access to rear portions of land to determine soil suitability in the upland areas at Holmes Street, Map 57, Lot 4 for Anthony and Phillip Sacco represented by Alan Dias

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This hearing was continued from 10/10/17. Mr. Alan Dias had submitted a letter dated 10/25/17 withdrawing the Request for Determination of Applicability. Mr. Clemons commented that the characteristics of the site are known and verified by the applicant's own description in a report that indicated significant wetlands onsite. Mr. Clemons suggested that even though the request was withdrawn, to issue a determination which will put the Commission's decision on record.

Motion to issue a Positive 3 & 5 Determination of Applicability as the work/area is found to be subject to the Wetlands Protection Act and the Town of Hanson Wetlands Protection By-Law and therefore requires the filing of a Notice of Intent: Paul Andruk
Second: Sharon LePorte
Vote: 4-0-0

7:45 PM Appointment with Kevin Estano to discuss mitigation measures at 176 Adams Circle – **cancelled per request of Mr. Estano and continued until 11/28/17 at 7:15 PM**

Continued Discussions

Request for a one year Extension to an Order of Conditions (OOC) for Whitman Street, Builders Lot 1, Map 109, Lot 4 for Thomas Hastings, Thomas J. Hastings, LLC (**DEP #SE175-0616**)

Mr. Clemons commented that the Request is in relation to one of two lots that were permitted almost five years ago. Lot 2, which is closer to Spring Street and was the higher elevation of the two lots was sold and has been developed along with mitigation. The remainder of the original property, Lot 1, is still owned by Mr. Hastings. There has already been at least one extension of the Order of Conditions with an extensive set of conditions that includes a 30-year Conservation Restriction on all the wet areas. The access into Lot 1 has since been denied by the Zoning Board of Appeals because of a town By-Law restricting combined driveways. Also, approximately a year ago, an Enforcement Order was issued for the unauthorized clearing of a 30' x 200' swath of vegetation in the buffer zone areas. Mr. Clemons said that it was communicated to Mr. Hastings that the cutting was not permissible and his consultant attended a meeting. It was decided at that time that the best course of action was to let the area re-vegetate on its own. Ms. Muncy mentioned that Mr. Hastings was subject to a cash surety deposit of \$10,000 that was never made. Mr. Clemons suggested that the amount was not small because of the potential impact to the property's resources, particularly the headwaters of Brett's Brook and Cushings Pond. In addition, the original Order of Resource Area Delineation (ORAD) had expired.

Motion to deny the Request for a one-year Extension of the Order of Conditions for Lot 1, Map 109, Lot 4 for Thomas Hastings, Thomas J. Hastings, LLC (DEP #SE175-0616): Bill Woodward
Second: Sharon LePorte
Vote: 4-0-0

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ZBA Public Hearing Notice regarding changes to the Comprehensive Permit for Marston Realty Trust to reduce the number of rental units and parking at Depot Village on Phillips Street, Map 50, Lot 24D - **comments**

Ms. Muncy advised the Commission that the applicant would have to accomplish many steps including a traffic study count before a formal hearing is heard. She looked at the preliminary plan and there are wetlands onsite. They would have to eventually file with Conservation. Mr. Clemons commented that, adjacent to this site, the construction of the MBTA railway station 20 years ago required mitigation for wetland impacts. A sizable pond was created as restoration and shrubs were planted, monitored for two years and deemed successful. Since then, 4-wheel drive motorized vehicles have ripped it up, knocked over a chain link fence and driven on town Conservation property. A lot of abuse has happened. He suggested that whatever happens, not only is there a desire on the part of the applicant to create housing and make a profit, there are other neighborhood activities that shouldn't have happened, and there could be a lot of shared interests.

Site Inspection Report of 280 Liberty Street

Mr. Clemons reported that he and Bill Woodward had done a site walk on 11-9-17 in response to a request for perc tests by the potential project proponent. He said that the site is about 29 acres in size and where they walked was mostly the old agricultural road. They specifically crossed a wetland that was not mucky at all, but mossy and firm. If they were to go in and do perc tests, it did not look like much impact. Phil suggested that there are a couple of processes to go through. Because the back portion of the site requires a low-impact crossing, it would require a Request for Determination and the front portion would require a simple Blanket Determination.

Public Hearing

8:00 PM Request for Determination of Applicability for a limited crossing to gain access to an upland area to perform perc tests at Lot 2, King Street, Map 107, Lot 11 for West Light Development (Buz Artiano) represented by Land Planning, Inc., 1115 Main St., Hanson, MA **(New Hearing)**

Phil Clemons read the Public Hearing Notice and the abutters were verified. Mr. Steve Wry, of Land Planning submitted a plan dated 10/30/17 to fill and cross a wetland area to perform soil and percolation tests on Lot 2. He reiterated that 91 King Street had been issued an Order of Conditions to demolish and rebuild a new SFH. That lot has been subdivided into 2 lots with the only access being off of King Street. The wetland line was approved with an Order of Resource Area Delineation with a condition that it be observed for vernal pool status. The applicant hired Ryan Willis, MSc. Of Environmental & Energy Solutions, Inc. who determined that it doesn't qualify for VP Certification in a report dated 6/12/2017. Mr. Wry went on to say that an upland area as well as the 50' and 100' buffer zones were depicted on the plan. They defined an 8' wide

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route and located two trees for removal to accommodate a small track machine. It also may require a small amount of filling to cross the wetland area.

Ms. LePorte commented that there appeared to be a lot of constraints to the lot and that a driveway crossing could require a replication plan. Mr. Clemons was of the opinion that the VP report was not reliable as it was done in May and therefore too late to observe Indicator Species. He respectfully requested a new investigation in the appropriate season which is February, March and April. Mr. Wry said his client would only like to progress with the perc tests with minimal impact to see if it's a viable building lot. If it perced, they can come back in the Spring with a new VP assessment. Mr. Clemons said that if the lot were to perc, they would expect the project to go forward and a driveway would pass through the wetland and buffer zones causing quite a bit of impact. He asked for comments from abutters. Those present were:

Linda Downer, 123 King Street – She asked who was responsible to certify the Vernal Pool. Mr. Clemons responded that the Commission requires someone qualified. He added that it would be

useful to see the wetlands delineated to the west. Mr. Wry answered that he would flag that area.

Barry Lindburgh, 372 Whitman Street – He asked if the area were to perc, was it large enough to accommodate a house and septic system.

Mr. Clemons surmised that because the area and the work is subject to the Wetlands Protection Act and the Hanson By-Law, the Request qualifies the Determination as Positive (denial). Mr. Andruk suggested that the Commission would require a plan and a Notice of Intent filing for the filling and the use of heavy equipment. Ms. LePorte agreed and said the Plan would need to show the cubic footage and the boundaries of the fill.

Motion to issue a Positive 3 & 5 Determination of Applicability as the work/area is found to be subject to the Wetlands Protection Act and the Town of Hanson Wetlands Protection By-Law and therefore requires the filing of a Notice of Intent:

Sharon LePorte

Second: Paul Andruk

Vote: 4-0-0

Old Business/New Business

Express Newspapers/Invoice - **signed**

Adjournment

Motion to adjourn at 8:45 PM: Paul Andruk

Second: Sharon LePorte

Vote: 4-0-0