

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF MARCH 22nd, 2016
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 John Kemmett, Chairman, in Meeting Room A at the Town Hall.

Present: John Kemmett, Chairman
Frank Schellenger, Vice-Chairman
Brenna Audette, Member
Brad Kirlin, Clerk (arrived at 7:05 PM)
Phil Clemons, Member

Also Present: Laurie Muncy, Agent

Absent: Rebecca Nehiley, Administrative Assistant

Public Hearings

7:00 PM Continued Notice of Intent for a proposal to construct commercial condominiums and drainage improvements within 100 feet of a Bordering Vegetated Wetland at 1282 Main Street, Map 44, Lots 61 & 62 for Tracy White represented by James Engineering, 125 Big Rock Lane, Hanover, MA 02339 (DEP #SE175-0666)

Mr. Gary James approached the Commission to discuss the filing on behalf of the applicant and stated that the revised plans (3/22/16) and revised drainage calculations were emailed to Ms. Nehiley and Mr. Delano just this afternoon. He explained that there will be some spillage discharge from the basins associated with a 100-year storm. Three buildings were pulled forward to reduce the island size and he added the 90' buffer zone to the Plan. Mr. Clemons asked how many septic systems were onsite. Mr. James answered three, two of which are existing. Mr. Clemons commented that it was worth noting that no perc tests had been done for the proposed buildings. Mr. James answered that the history of the site is that there is very good material. Mr. Schellenger suggested that the Board of Health requires a perc test before the septic is designed and the Commission would like to see that on a plan.

Mr. Kemmett asked Mr. James to discuss where the storm water is going from off the impervious surfaces onsite. Mr. James said that 100% of the runoff is going into the 2 basins depicted on the Plan except for building #1 where the catch basins are located along the throat. He added that the first basin was already approved and the second is only partially completed and will be made bigger. Mr. Kemmett said that the calculations must include the next 3 buildings in the phase and the impervious material. He asked about the "deli" building and if that was included. Mr. James said that it was under separate ownership, but admittedly, the parking lots were all adjoined. Mr. Schellenger said it was important to know when the storm water regulations came into effect and commented that we have to look at the whole site even though it was developed in pieces. Mr. James suggested moving the buildings closer together to reduce the impact.

A letter was received from John DeLano dated 3/22/16 commenting that he had not received the revised drainage calculations. Mr. James emailed a revised site plan after 5 PM on Friday, 3/18/16 and noted in the email that he is still writing the drainage report. Mr. Delano said that when the drainage report is received, he will be able to review the site plan and drainage in earnest. He recommended that the Commission continue the Public Hearing until full documentation is received.

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Motion to continue to April 26th, 2016 pending a drainage report and revised plans so that John Delano can review the project and perc tests: Frank Schellenger

Second: Phil Clemons

Vote: 5-0-0

Minutes

Motion to approve minutes of February 23, 2016: Frank Schellenger

Second: Brad Kirlin

Vote: 5-0-0

Motion to approve minutes of March 8, 2016: Frank Schellenger

Second: Brad Kirlin

Vote: 5-0-0

Old Business

Mr. Kemmett mentioned that he had visited Smitty's Bog over the weekend and noticed evidence of horseback riding. He asked Ms. Muncy to review the file for information regarding whether that type of activity is allowed under the Compatible Use Agreements. Mr. Kemmett also witnessed a truck trespassing on the easement. After taking photos of the truck, he went to the police station for assistance. He was informed they cannot act until "No Motorized Vehicles Allowed" signs are posted. Mr. Clemons offered to inventory and post the signs after which he will photograph them in their locations and supply the photos to the police. Unfortunately, signage at the bog is often routinely stolen. The Commission discussed the possibility of restricting vehicular access to the bog from other entrances.

Also pertaining to Smitty's Bog, Mr. Clemons mentioned that several Invitations to Bid for tree removal were sent out last week. He hasn't seen any of the responses yet, but Ms. Muncy said one or two had come in. Using the plan that Land Planning had drafted a couple of years ago, he had flagged the trees in the field that have to come down.

Public Hearings

7:30 PM Notice of Intent for an upgrade of an existing residential septic system at 250 Adams Circle, Map 120, Lot 120 for Joseph and Lynne Kinch represented by Collins Civil Engineering Group, Inc. 225 S. Main Street, W. Bridgewater, MA 02379 **(DEP #SE175-066_) (New Hearing)**

Mr. Kirlin read the Public Hearing Notice and the abutters were verified. The filing and plan (dated 2/4/16) were reviewed and comments were sent to George Collins, P.E.. In response, he submitted a Functions and Characteristics Statement (3/10/16) and a Variance Request for the activity in the 50' buffer zone. Additionally, the buffer zone disturbance fee was paid. Mr. Peter Lyons from Collins Engineering made the presentation for a repair of a failed system. He explained that there was to be no increase in flow. There is a Bordering Vegetated Wetland

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around the rear and side of the site. The proposed erosion control is in place from the perc test but it might need to be re-located.

Mr. Clemons asked that the date of the wetland delineation be depicted on the plan. Mr. Kemmett asked who did the delineation to which Mr. Lyons replied that he did. He is an engineer in training and a soil evaluator and as such is generally allowed to flag wetlands for a septic repair. He added that the line is obvious based on the vegetation and the existing slope drops off and then goes flat in the backyard. Mr. Lyons commented that the Board of Health has not approved the plan yet as they are waiting for revisions. Also, DEP has not assigned a file number.

Mr. Schellenger questioned the seasonal high ground water at 142.28'. Also, he asked why they used a particular test pit vs. another one with a higher water table. Mr. Lyons answered that they used that one to avoid a utility conflict. In addition, Mr. Schellenger pointed out that the Plan indicates the area as being in a Priority Habitat and since it's not, it should be corrected. Mr. Kemmett suggested putting conservation posts along the treeline. No abutters were present.

Motion to continue the hearing until 4/12/16 at 7:15 PM pending revisions to the Plan, a DEP # and Board of Health approval: Frank Schellenger

Second: Phil Clemons

Vote: 5-0-0

7:45 PM Request for Determination of Applicability to verify the accuracy of the wetland resource areas for work related to vegetation control activities within the buffer zone along the commuter rail line in Hanson for Keolis Commuter Services represented by Fair Dermody Consulting Engineers, 18 Ocean St., Suite 1, S. Portland, ME **(New Hearing)**

Mr. Kirlin read the Public Hearing Notice. The abutter notification had been waived. Mr. Kyle Fair, P.E. made the presentation to the Commission to request approval of a wetland delineation along the rail line for the purpose of conducting yearly vegetation management activities. Mr. Fair commented that the work itself is exempt. They were seeking a determination that the areas depicted in the delineation are adequately protected under the regulations. Mr. Fair said that the landscape in Hanson is generally sensitive and the double blue dots on the maps depict water protection and a limited spray zone. The colors are painted permanently on the tracks so that when the operators of the trucks are in the field, they can see those areas.

Mr. Kemmett pointed out a culvert under the railroad tracks behind the Assisted Living Facility and asked Mr. Fair to speak to the spraying going on in that area. Mr. Fair answered that specific areas in the field are delineated by him or an associate. If there is surface water within 10 feet of the spray pattern, it is depicted as a yellow dot or a no-spray zone. Mr. Fair confirmed that the areas are verified every 5 years and since Keolis has taken over, a more restrictive spray pattern has been adopted to give an additional 2' of buffer and an 8' spray zone. The chemical used is glysophate and it provides brownout in 7-10 days. The Commission will get a notice in the mail that specifies the amount of concentrate they use in the Yearly Operational Plan (YOP).

Mr. Clemons commented that between mile 24 and 25, in the vicinity of a yellow no spray zone and near a certified vernal pool there is an area of an artificially created wetland made

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by the MBTA. It is an open pond approximately 3-4 acre in size, created as mitigation when they redid the line in the 1990's. He added that it may not be the forum to bring it up, but it's been desecrated by vandals. Mr. Fair answered that they looked at the pond specifically pursuant to these activities, but he can't change the maps as they are a previously created USGS layer. It may be that it is small enough that it doesn't show very well. Mr. Clemons said "It is simply our hope that MBTA will revisit and repair that area that has been harmed."

Mr. Fair said that Commission will be able see the YOP online. The Vegetation Management Plan is expected to be approved in the next week by various agencies and it will be on the website as well. He said the web address is: FDCErailroadvegetation.com. Mr. Kirlin read conditions of the Negative 5 Determination.

Motion to approve a Negative 5 Determination of Applicability: Frank Schellenger

Second: Phil Clemons

Vote: 5-0-0

8:00 PM Notice of Intent for the remediation and restoration of a contaminated wetland of portions of the LiteControl property at 100 Hawks Ave., Map 2, Lot 38, Map 24, Lot 70 and Map 16, Lot 10B for LiteControl c/o Hubbell represented by GEI Consultants, Inc., 400 Unicorn Park Drive, Woburn, MA (DEP #SE175-0668) (New Hearing)

Mr. Kirlin read the Public Hearing Notice. Mr. Matt O'Neill, P.E., Project Manager for the site, made the presentation. He began by explaining that although the Commission is well aware of the project, the abutters in attendance may not be, so he gave a brief synopsis of the previous two filings. The first two Phases of the work have already been completed and included firstly, the remediation of a former filled area and cleanup of an oil release from a storage tank and secondly, the removal of the buildings.

Mr. O'Neill presented the Existing Conditions Plan dated February 2016 for review. He said that the disconnection of utilities from the property was complete and they were cut and capped at the street. The existing septic system and leach field were left in place to service the remaining two buildings. The remedial work after the buildings were demolished included the removal of the filled area. Metals in the remaining soils were segregated into piles and reused onsite or shipped offsite depending upon the concentrations. The area depicted on the Plan in orange was treated using in-situ stabilization to solidify the residual petroleum impact in the soil below the water table.

Mr. O'Neill summed up by saying as it stands now, the site has been rough graded. Some portions comply with final grading plan and still other areas will have to be graded at the completion of the wetlands work. The solid waste landfill area was removed and brought down to a level for creation as a new wetlands area. There are two areas that have been identified for a Reuse Determination by DEP to allow concrete from the slabs in the demolished buildings to fill in basements of two remaining buildings onsite.

Mr. O'Neill continued. He commented that this particular Notice of Intent was filed for review of a wetlands complex that sits on the site and the adjacent Burrage Pond Wildlife Management Area. It consists of two distinct types of wetland: a Wooded Wetland and an Emergent Marsh. The toe of the new slope has been restored to an elevation just above the elevation of the current wetland. A vernal pool had been identified as part of the delineation and after discussions with Natural Heritage and Fish and Wildlife, the buffer zone around it was

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increased to reduce any impacts. Mr. Clemons asked if it had been certified. Mr. O'Neill replied the documentation was provided to Fish and Wildlife because it's on their property, but he had not heard whether it had been or not.

Mr. O'Neill then presented the Remediation and Erosion Control Plan dated February 2016 depicting the proposed erosion control for the actual remediation of the wetland. Over and above that, they have already installed a turtle barrier consisting of a silt fence on the outside edge of the wetland itself and a wire mesh fence to prevent two endangered species, one of them is the Box Turtle, from hibernating in this area for winter. The fence is not toed into the ground intentionally until approvals of the final NOI from the Conservation Commission and a 401/404 Water Quality Certification from the Army Corp. of Engineers are received. That is outer erosion control. Within the limits of the actual work itself, proposed straw wattles will be installed at the limits of work and toed in so as not to contaminate that strip as they will be cleaning up.

Two hatched in areas on the Plan depict the not only the remediation but a small portion of a deep stream channel where material has settled. Particularly during the winter, there is overland seasonal flush. Therefore, part of the area is very clean and the contamination is only that which migrates into the deeper portion of the channel. That portion will be remediated by bringing equipment in off of the road and doing it in a very small isolated area.

Mr. O'Neill reiterated that the turtle barrier is a silt fence barrier that goes around the edge of the site. Natural Heritage has required that they install turtle gates and conduct turtle sweeps prior to work by a trained person on site. A certified expert will come and remove any turtles in the area. At the end of each day there is a turtle gate to prevent turtles from the work area. The straw wattles on the slope when we finished the work in the fill area will remain in place until the final planting.

In regards to the completion of the work Mr. O'Neill referenced the Site Restoration and Grading Plan dated February 2016. Mr. O'Neill said that a lot of the material that has to be removed from the wetland is acceptable to be used as top soil. It will be tilled into the existing surface to create an organic top soil blend on site. This will reduce the amount of trucks both disposing of and transporting soils. The wetland will be restored to the existing conditions as part of the requirements of the ACOE permit. Currently, most of the wetland is very flat, but in order to enhance the environment, they are required to incorporate micro-topography: both pits and mounds to allow for better flow of water, better growth of vegetation and also provide additional structure (trees) to provide habitats for some existing species. Part of the plan in the MESA checklist included restoration of the wetlands complex to improve and enhance habitat for the endangered species. About ½ of the project falls within the NHESP line for the two species: The Eastern Box Turtle and the Twelve-Spotted Beetle. In general, the plan is to restore the area to wooded wetlands, emergent marsh, and within the bordering area, the inclusion of sand areas to provide habitat for the turtles to breed and lay eggs.

Mr. O'Neill referenced the Planting Notes prepared February 2016. The trees, shrubs and grass mixes were determined based on the existing marsh type, the existing native plant species that were determined in conjunction with NHESP to be the most appropriate for biological species. Mr. O'Neill also mentioned that in terms of the federally endangered Northern Long-Eared Bat, NHESP gave a determination last week that since there is no winter hibernacula or nearby nesting areas, the request to remove trees before to April 15th deadline was no longer an issue. They're still waiting for Army Corp to issue their approval for the water quality certifications and they anticipate that in late May or early June. Mr. Kemmett asked for comments from abutters. Although, four of the abutters were present, none had any questions.

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Mr. O'Neill said that they will close out all 3 Notices of Intent at the same time after all the work is complete.

Mr. Clemons referenced Mr. John Delano's Review Letter (dated 3/21/2016) specifically comment #3 that asks for a 50-Buffer Zone Variance Request. In addition to that, Comment #7 referenced a number of erosion control (EC) failures that have to be corrected. Mr. O'Neill had not had a chance to see Mr. Delano's review letter, but said they will answer all of his comments or concerns. Indeed, part of the plan is to finalize the EC, especially the EC along the slope has to be maintained. Mr. Kemmett brought up Comment #10 in relation to the By-Law Buffer Zone Disturbance Fees because GEI Consultants had asked for a variance from the regulation. Mr. Delano suggested that the Commission negotiate a fee so as not to "summarily dismiss" the intent of the By-Law but perhaps mutually agree on a reasonable sum. Mr. O'Neill agreed. He was of the opinion that the .50 per square foot fee was meant as a deterrent to activity in the wetland making it cost prohibitive and maybe "there's something more appropriate for the work that they're doing." Mr. Clemons commented that the intent of this project is to enlarge and enhance the existing wetland rather than to encroach on it and suggested a 90% reduction of the fees. Mr. Kemmett said that the Commission would take it under advisement. Mr. Kirlin asked Mr. O'Neill to provide a response to Mr. Delano's Review letter. In conclusion, Mr. Kemmett asked the abutters their opinion on reducing or waiving the fee.

Seth Cohen, 344 Reed Street – Just moved in. Fantastic that land is being improved from being a factory. Walks dogs there. It will be incredible. A lot of time and care has gone into it. Very pleased.

Ronald Wilson, 274 Reed Street – Curious about an existing fee for these types of these restoration projects in Town. Mr. Clemons answered that the amount is set in the fee schedule, but most projects are not this enormous. Mr. Woodson commented that there's history in all towns where fees have been waived or avoided and the residents of the Town have to make the difference up. Everything goes up and it should be closely looked at under any circumstances because it always comes back to the taxpayers.

**Motion to continue to April 12, 2016 pending a response to Mr. Delano's Review Letter
and the Commission's decision on Request for Fee Waiver: Frank Schellenger
Second: Brad Kirlin**

Ms. Joan Pierce, who works for the Dept. of Fish and Game commented that fees are sometimes used to offset the expenses to hiring a consultant. She just wondered if it could be looked at in that context. Otherwise is very pleased with the project as it is an extremely important wildlife habitat.

Vote: 5-0-0

Old Business/New Business

MACC/Invoice – **signed**

Adjournment

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Motion to adjourn at 8:55 PM: Brad Kirlin

Second: Brenna Audette

Vote: 5-0-0