

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF APRIL 12th, 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
Brenna Audette, Member
Brad Kirlin, Clerk
Phil Clemons, Member
Absent: Frank Schellenger, Vice Chairman
Also Present: Laurie Muncy, Agent
Rebecca Nehiley, Administrative Assistant

Minutes

Motion to approve Minutes of March 22, 2016: Brad Kirlin

Second: Phil Clemons

Vote: 4-0-0

Public Hearings

7:00 PM Request for Determination of Applicability for the installation of a fence and footings for a future deck and patio at 61 Ocean Ave., Map 2, Lot 1506 for Jill Joyce, 61 Ocean Ave., Hanson, MA **(New Hearing)**

Mr. Kirlin read the Public Hearing Notice and the abutters were verified. Ms. Audette recused herself as an abutter to the property. Ms. Jill Joyce and Mr. Liam Ledgewood attended the meeting to request permission to put in a small fence. Mr. Ledgewood said it will be a 6' dog-eared fence with 3" boards and concrete or gravel to set the posts. Mr. Clemons asked them to describe the vegetation and if any will be removed. Ms. Joyce replied that they have trees and an existing lawn area, but nothing will be disturbed. Ms. Muncy commented that Ms. Joyce and Mr. Ledgewood inherited a restoration plan from the previous owner and had replanted an area with shrubs that it was successful. No abutters were present.

Motion to approve and issue a Neg. 3 Determination of Applicability: Phil Clemons

Second: Brad Kirlin

Vote: 3-0-1 (Brenna Audette abstaining)

7:15 PM Continued 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 Engineering Group, Inc. 225 S. Main Street, W. Bridgewater, MA 02379 **(DEP #SE175-0669)**

This hearing was continued from 3/22/16. Mr. Peter Lyons, P.E. of Collins Civil Engineering, Inc. returned and submitted a revised Plan dated 4/11/16 depicting revisions requested by the Commission at the last meeting. The revisions included six (6) Conservation posts along the treeline, a dewatering plan and detail, and a corrected typo of the ground water

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elevation. The date of the delineation was also depicted on the plan as requested by Mr. Clemons. Mr. Lyons commented that a DEP number was received and the Board of Health had approved the Plan. Ms. Muncy was satisfied with the Plan. No abutters were present.

Motion to approve a Variance to work within the 50' Buffer Zone: Brad Kirlin

Second: Phil Clemons

Vote: 4-0-0

Motion to approve and issue an Order of Conditions: Brad Kirlin

Second: Phil Clemons

Vote: 4-0-0

7:30 PM Notice of Intent for the construction of a single family house, septic system, utilities and site grading within 100 feet of a Bordering Vegetated Wetland at 510 West Washington Street, Map 84, Lot 15-3 for John D'Agostino represented by Land Planning, Inc., 1115 Main St., Hanson, MA (DEP #SE175-0672) (New Hearing)

Mr. Kirlin read the Public Hearing Notice and the abutters were verified. Mr. Steve Wry of Land Planning made a presentation with a Plan dated 4/5/16. The wetland line was deemed as accurate through an Order of Resource Area Delineation dated 9/24/13. The septic system was Board of Health approved and everything is out of the 50' buffer zone. Mr. Wry commented that the erosion control is proposed around the perimeter of the work. Mr. Kemmett requested conservation posts at the 50' buffer zone. No abutters were present.

Motion to approve an Order of Conditions with standard conditions: Brad Kirlin

Second: Phil Clemons

Vote: 4-0-0

7:45 PM Continued 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)

This hearing was continued from 3/22/16. Mr. Matt O'Neil, P.E., Project Manager for the site referred to Mr. Delano's Review Letter dated 3/21/16. Specifically, his comments referenced a number of erosion control (EC) failures that had occurred over the winter months. Mr. O'Neil presented pictures taken last week of two areas of EC deficiencies that had been corrected. He said that they will continue to inspect and monitor the EC going forward. He added that they have an onsite meeting tomorrow with representatives from DEP and the Army Corps of Engineers as part of the 401/404 Water Quality Certifications. In addition to that, Mr. Delano suggested a 50-Buffer Zone Variance Request which Mr. O'Neil presented (dated 4/12/16.)

Motion to approve a variance to work within the 50' buffer zone: Brad Kirlin

Second: Phil Clemons

Vote: 4-0-0

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Mr. Kemmett brought up the Request for waiver of the By-Law's Wetland Disturbance Fees because GEI Consultants had asked for a variance from the regulation. Mr. O'Neil said the fees were about \$43,000.00. Mr. Clemons, referenced Mr. Delano's advice not to dismiss the fee entirely and suggested a 90% reduction in the fee instead. Mr. Clemons added that because the area is so huge, the bottom line is huge. Since the purpose of the project is to enlarge and cleanup the wetlands, it is different in nature than simply "disturbance." Mr. Kemmett disagreed. He was of the opinion that waiving the fee would be a reward for fixing a problem that someone else created and doesn't want to send the wrong message by doing so. Mr. Clemons asked what the overall total cost of the remediation was going to be. Mr. O'Neil answered \$7,000,000.00 and elaborated that the prior owner's did the environmental harm and the current owners are doing the repairs and the additional work to speak to the disturbed areas. Ms. Muncy was of the opinion that the disturbance fee was meant as a deterrent to activity in the wetland and since this could be considered an improvement, the Town is getting a lot of benefit and a disciplinary fee is not in the best interest.

Motion to reduce WL Disturbance Fee from .50/sq.ft. to .05/sq.ft. (90%): Phil Clemons
Second: None Motion failed

Motion to reduce WL Disturbance Fee from .50/sq.ft. to .25/sq.ft. (50%): Brad Kirlin
Second: None Motion failed

Motion to reduce WL Disturbance Fee from .50/sq.ft. to .125/sq.ft. (75%): Brenna Audette
Second: Phil Clemons
Vote: 2-2-0 Motion failed

Motion to reduce WL Disturbance Fee from .50 sq.ft. to .25/sq.ft (50%): John Kemmett
Second: Brad Kirlin
Vote: 3-1-0 (Phil Clemons opposed)

Mr. Kemmett commented that he felt strongly about the fee and that it was there for a purpose. He doesn't want to lack consistency, but feels comfortable with a 50% reduction.

Motion to close the hearing and issue an Order of Conditions: Brad Kirlin
Second: Phil Clemons
Vote: 4-0-0

Appointments

8:00 PM Appointment with Eric Harrington to discuss Lot 2, Whitman Street in regards to the installation of the electrical utilities **(DEP #SE175-0617)**

Mr. Harrington approached the Commission to speak to the trouble that he's having with the electric company to install the utilities at his new home. He explained that the approved Plan

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(dated 11/12/12) depicted underground utilities that did not account for the installation of a transformer pad and electrical pole. The National Grid worker proposed to put them between the driveways. However, on the Plan, it is depicted as a "No cut" area. To complicate matters, the Lot has a Conservation Easement overlay (Attachment A) and language that says that a utility pole is a prohibited use. The document had been recorded at the Registry of Deeds. The electrical company is requesting that the town provide a release from the prohibited uses and record the same at the Reg. of Deeds. Mr. Kemmett read language from the CR into the record:

In the event of any disagreement hereunder regarding whether an act or use is "detrimental" or would "materially" impair the purpose of this Conservation Restriction or other significant preservation or conservation interest, the Town of Hanson, acting by and through its Conservation Commission, its agents and/or consultants shall make the determination with respect to interpretation of the above stated.

Mr. Kirlin asked if there was any reason not to allow the electrical work. Ms. Muncy was of the opinion that the original intent of the Orders of Conditions was to allow the installation of utilities. Mr. Kemmett suggested that Town Counsel write a Release or an Addendum to the CR for a utility easement for the pole down to the transformer pad. Ms. Muncy asked Mr. Harrington to provide a plan to the Commission of the amount of area to be disturbed.

Discussions

Bid for tree work at Smitty's Bog

Mr. Clemons reported that bid requests were sent out to six tree companies and only one was received from Keaney tree Service. The amount of the bid was \$1,700.00. Mr. Clemons had already flagged the trees to come down. Mr. Kemmett commented that it was a sensitive area. Mr. Clemons remarked that erosion control would be installed.

Motion to accept bid from Keaney Tree for the intended parking area at Smitty's Bog:

Phil Clemons

Second: Brad Kirlin

Vote: 4-0-0

Factory Pond Dam Update

Ms. Muncy reported that we had received the Factory Pond Dam Phase I Report/Evaluation and a Dam Safety Certificate of Completion from the Office of Dam Safety/DCS for the repairs made to the jointly owned dam. The project included the removal of woody vegetation, the reinforcement of the left embankment, non-structural concrete repairs and the replacement of weir boards. The dam now has a rating of being in "good condition." The Town of Hanover is responsible for the restoration on the Hanover side of the dam but is asking that Hanson wrap up the project and issue a Certificate of Compliance.

Mr. Kemmett asked why the cost for repairs came in so low. Ms. Muncy replied that she had originally asked for the entire cost of repairing the dam at town meeting, but since Hanover had successfully applied for ½ the funding at their town meeting, the balance of around \$60,000 will now go back into Hanson's General Fund. She was very impressed with the engineering and

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the contractor that did the work. Mr. Clemons commented that he has been there and there is a very nice stone dust path to view the dam with accompanying signage. It's a beautiful view and very peaceful and unique. The neighbors there like it a lot.

Motion to approve and issue a Certificate of Compliance: Brad Kirlin
Second: Phil Clemons
Vote: 4-0-0

Old Business/New Business

Whitman-Hanson Express/Invoice – **signed**
Town of Hanover/Invoice – **signed**
Mileage Reimbursement – **signed**

Adjournment

Motion to adjourn at 8:40 PM: Brad Kirlin
Second: Brenna Audette
Vote: 4-0-0