

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF NOVEMBER 13, 2018
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
Paul Andruk, Vice Chairman
Sharon LePorte, Member
William Woodward, Member
Michael DeVeuve, Clerk

Also Present: Rebecca Nehiley, Administrative Assistant

Minutes

Motion to approve minutes of September 25, 2018: Sharon LePorte

Second: Paul Andruk

Vote: 5-0-0

Minutes of October 30, 2018 – **passed over**

Public Hearings

7:00 PM Notice of Intent for construction of a single family house with a new septic system and driveway within 100 feet of a Bordering Vegetated Wetland at 0 County Road, Map 74, Lot 2 for Kathleen Nee, 12 White Island Road, Halifax, MA 02338 represented by Alan Dias General Contracting, 1 Snow Street, Monponsett, MA 02350 (**DEP #SE175-0704**) (**New Hearing**)

Michael DeVeuve read the public hearing notice and the abutters were verified. Alan Dias submitted a revised plan dated 11/13/18 for the construction of a single family house and septic system designed outside of the 50' no touch zone. The plan also depicts extensive grading, erosion control and conservation posts. The Commission received a letter received 11/13/18 from Daniel C. Mulloy of Site Design Engineering, LLC recommending approval of the wetland line. Mr. Clemons asked for comments from abutters. Those present were:

Mr. Joseph O'Sullivan, 625 W. Washington Street – Has concerns with flooding. Mr. Dias said that there is approximately 1,000 feet between this property and his and what they are proposing creates minimal impervious area and he doesn't expect excessive runoff.

Elizabeth O'Sullivan, 625 W. Washington Street – Also concerned with flooding. There are 9 puddles in their yard and the stream is always full. Mr. Clemons, referring to the topo map, said that it is a perennial stream, however given the distance from this property and the extensive wetland in between; the Commission is not in a position to say no to the project.

Donald Smith, 593 W. Washington Street – Commented that the drainage in that area was a result of a project to drain a meadow. The water runs downhill towards their property, but he doesn't have an objection to the project. Mr. Clemons said the water runs downhill regardless if there is a house there or not.

Motion to approve an Order of Conditions with Special Conditions: Paul Andruk

Second: Bill Woodward

Vote: 5-0-0

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7:15 PM Notice of Intent for the construction of a single family house, septic system, driveway, utilities, site grading and landscaping within 100 feet of a Bordering Vegetated Wetland at LOT 2, Maquan Street, Map 71, Lot 10 (portion of) for Dale & Brenda Dennison represented by Land Planning, Inc., 1115 Main St., Hanson, MA **(DEP #SE175-0703) (New Hearing)**

Michael DeVeuve read the public hearing notice and the abutters were verified. Mr. Clemons recused himself as he had a role in the wetland delineation. Steve Wry submitted a plan (Rev. 11/13/18) that depicted revised placement of erosion control to encompass the trees. The property had been subdivided by the owners and the wetland was flagged in July of 2018. The plan depicts the existing conditions as well as the 50' and 100' buffer zones. The existing gravel drive, located in the 50' buffer, is to be loamed and seeded to establish ground cover. Three trees will be removed for the septic system but the vegetation on the existing slope is to remain. Marc Garrett of the The Garrett Group made a site inspection on behalf of the Commission to review the wetland line and provided a report (dated 11/8/18). He commented that an isolated wetland on the eastern side of the property may potentially be a vernal pool. Mr. Wry reported that it is protected by the Wetlands Protection Act and no disturbance is proposed on that side of the site. No abutters were present.

Motion to approve a variance for work within the 50' buffer zone: Michael DeVeuve

Second: Sharon LePorte

Vote: 4-0-1 (Phil Clemons abstaining)

Motion to approve and issue an Order of Conditions with Special Conditions:

Sharon LePorte

Second: Bill Woodward

Vote: 4-0-1 (Phil Clemons abstaining)

7:30 PM Continued Notice of Intent for the construction of a 3-story, multi-family residential building with associated parking lot, driveways, utilities, landscaping, septic system and storm water management systems at Phillips Street & Station Street for Dakota Partners and Kenneth Marston represented BSC Group, 803 Summer Street, Boston, MA 02127 **(DEP #SE175-0705)**

This hearing was continued from 10/30/18. Mr. Clemons began by restating the project is exempt from the Town Wetlands By-Law but is still subject to the Wetlands Protection Act and Rules and Regulations. He reported that a site walk was conducted on 11/5/18 with members that included himself, Sharon LePorte, Michael DeVeuve and Dan Mulloy, P.E. from Site Design Engineering, LLC. Others from BSC Group accompanied them on the site walk. They walked along Phillips Street and Station Street and other portions of the property where they observed standing and running water. Mr. Clemons said that looked at a couple of catch basins along Station Street where the infrastructure appears to be dysfunctional. One catch basin is completely full of sand.

Mr. Rinaldi, P.E. of BSC Group and Pilote of Dakota Partners, Inc. who were also on the site walk, attended the hearing. Mr. Rinaldi said that they observed the behavior of the wetlands behind Phillips Street and as a result, updated the detail for the proposed footbridge crossing. He submitted a rev. detail sheet dated 11/13/18 that clarified that "The bridge span shall be 25' or 1.2 times the bank to bank width at the bridge location, whichever is greater."

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Mr. Clemons said that most of the concerns relate to stormwater management. His recommendation was to encourage communication with the private party that maintains the structures on Station Street and thought should be given to alleviating concerns of stormwater management without interfering with the main purpose of the project. Mr. Pilotte agreed and said that he had voiced his concerns to the owner about managing the stormwater on his site. Mr. Pilotte added that it's his understanding that the collapsed pipe is tied into to this and backs up into the CB's. He said it's difficult to say who owns the easement, but he has asked his attorney to look into it. Mr. Clemons remarked that in order not to miss an opportunity to fixing the existing issues on the site, it might be the right thing to do to have a condition in the Orders to commence a conversation with the owner to address it as the property hasn't changed hands yet. Mr. Clemons suggested that the owner could do a restoration/mitigation of the area at the end of Station Street by "day-lighting" the stream and taking it out of the pipe as a solution. It's a complex area, but it might drain the area better by removing the failed pipe. Abutters present were:

Diana Clay, Station Street – Mrs. Clay commented that the drains on Station Street used to work, but they haven't been maintained. She asked if the Commission had power to cite the owner for not maintaining the drainage pipe. Mr. Clemons mentioned that maybe the Highway Department should join the conversation on the standard of maintaining the pipes and that the quickest thing would be to clear the catch basins which would be in everyone's best interest.

William Doucette, 185 Phillips Street – Was concerned about whether the site would perc. Mr. Rinaldi answered a series of test pits were passed in November of 2017 and reported in the Stormwater Report dated October 2018. Mr. Clemons added that that is under the purview of the Board of Health.

Dick Vining, 131 Station Street – Submitted four (4) pictures of standing water and the clogged drains. He was of the opinion that one of the biggest issues was safety.

Mr. Doucette asked about having a 3rd party review of the wetland line. Mr. Clemons said that he is leery of taking so long to coming up with a perfect solution as this is an opportunity to improve the town environmentally, economically and safety wise. The potential is to approve it as proposed and work with every other town official to find out what the fix is and assign responsibility to make it happen. "Maybe we'll see some environmental benefits." He suggested continuing the hearing while conveying to Dakota Partners that the project is affected by whether the legal issue of responsibility is resolved. Mr. Pilotte said that he had nothing of substance in regards to the ownership of the easement, but he was amenable to a continuance.

Motion to continue to 11/27/18 at 7:15 PM: Sharon LePorte

Second: Michael DeVeuve

Vote: 5-0-0

Appointments

7:45 PM Appointment with Michael Murray of 254 Lakeside Road to discuss a proposed annual maintenance agreement in regards to deeded access to the pond over 269 Lakeside Road based on Plan of Land signed by Hanson Planning Board, Alvin Reed dated 1958

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Mr. Murray attended the meeting and submitted a Plan of Land dated 12/30/58 that depicts a 4' Right-of-Way off of Lakeside Road to Oldham Pond. He said that his intent is to send a letter to the owner that he wants to clear the ROW. The owner has 30 days to take action. This will preclude an adverse possession, according to Mr. Murray. Mr. Murray would like the area to be maintained as a drainage easement to the pond and eventually turned over to the town.

Mr. Clemons commented that typically, the Conservation Commission requires a plan prepared by an engineer accompanied by a narrative explaining the work to be done. He added that we needed to properly digest everything that's been put in our hands, but for future reference, we will need something in writing.

Discussions

Motion to approve the proposal from Anderson Surveys, Inc. to install stone bounds at Whitman St., Map 109, Lot 5-1: Sharon LePorte

Second: Paul Andruk

Vote: 5-0-0

Old Business/New Business

Awesome Pest Exterminating/Invoice – **signed**

RE Lyons & Sons/Invoice – **signed**

Solitude Lake Management/Invoice – **signed**

Adjournment

Motion to adjourn at 9:05 PM: Michael DeVeuve

Second: Sharon LePorte

Vote: 5-0-0