

**HANSON CONSERVATION COMMISSION
MINUTES OF THE PUBLIC MEETING OF FEBRUARY 11, 2020
TOWN HALL, 542 LIBERTY STREET HANSON, MA 02341**

Called to Order at 7:00 pm under M.G.L. c131, §40 and the Hanson By-Law 3-13, §5 and Rules and Regulations by Paul Andruk, Vice Chairman, in Meeting Room A at the Town Hall

Present: Paul Andruk, Vice Chairman
Bill Woodward, Member
Sharon LePorte, Member
Frank Schellenger, Agent
Lan Woodward, Administrative Assistant

Absent: Phil Clemons, Chairman

Also Present: Eric Brzuszek, 152 Gray Lane
Carol Brzuszek, 152 Gray Lane
Mike O'Shaunessy, Esquire
Mark Ridder, 280 Liberty LLC
Steven Wry, Land Planning
Richard Kirby, LEC Environmental Consultants, Inc.
Karen Obillo, 135 Elm Street
Kirk Obillo, 135 Elm Street

Minutes

January 28, 2020 Minutes

The minutes of January 28, 2020 were tabled until the next meeting.

Public Hearings

7:00 P.M. Continued Notice of Intent for a temporary wetland crossing and test pit excavation within 100' of a bordering vegetated wetland at Elm Street, Map 36, Lot 8-1A for Harbor One Bank, represented by J.K. Holmgren Engineering, Inc. (DEP#SE175-0718).

Scott Rogers at J.K. Holmgren Engineering, Inc. previously notified the Conservation office that the applicant wished to abandon the Notice of Intent without prejudice.

Motion to close the hearing without a finding and without prejudice for Elm Street, Map 36, Lot 8-1A for Harbor One Bank, represented by J.K. Holmgren Engineering, Inc. (DEP #SE175-0718): Bill Woodward
Second: Sharon LePorte
Vote: Vote 3-0-0

7:30 P.M. Continued Notice of Intent to construct an age-restricted, affordable housing development containing 56 two or three-family townhomes (11 located within the Buffer Zone) within 27 structures, a centrally-located clubhouse, internal access drives and surface parking, and stormwater management and utility infrastructure. Portions of the proposed work will occur within bordering vegetated wetlands, isolated vegetated wetlands, and the 100-foot buffer zone to bordering vegetated wetlands at 280 Liberty Street, Map 82, Lots 12, 15, 19 for Mark Ridder, 280 Liberty LLC, represented by LEC Environmental Consultants, Inc. (DEP#SE175-0717).

Rich Kirby stated that revised plans were submitted since the last meeting and that he has responded to comments from the letter sent by Agent Frank Schellenger. The plans were revised based on the Zoning Board requirements. The layout of structures around the cul-de-sac has been changed a bit; They removed the grass swales that had been proposed as part of the stormwater management, and have increased the size of 1 box culvert at the BVW crossing. Planting areas were added. The completed septic design was submitted to the Board of Health for their review, and another test pit was placed. The Board of Health Agent was presented with modified groundwater analysis. A copy of the septic design will be forwarded to the Conservation Commission.

Mr. Kirby reported the following resolution of the Agent's comments:

- Benchmarks have been added to the Revised Plans.
- Elevation contours in the BVW are less than 98. The topography descends southerly within the BVW toward an east-west flowing intermittent stream located within the southern portion of the site. The BVW located south of the limit-of-work is below elevation 98.
- There is no work proposed within Vernal Pool Habitat, the limits of the Property Vegetation Plan have been added to the Revised Plans.
- No streams occur within the vicinity of roadway crossings. LEC anticipates the height and width of first culvert will be adequate for the movement of most amphibians, reptiles, and small mammals.
- The building layout has been revised and grass swales have been removed to allow naturally vegetated buffers to the abutters.
- The discharge from Stormwater Basin 21 is hydraulically close enough to the analysis point that a separate reach is not warranted in the stormwater report calculation.
- The proposed grading within the area to the northeast of the first culvert entrance has been revised to prevent backwater from approaching Liberty Street. The backwater elevation of the proposed 3X8 culvert is calculated at 99.85 feet. The backwater will be contained entirely within the property.
- The applicant intends to perform additional soil testing and provide a more comprehensive mounding analysis report to the Board of Health.
- No grading is proposed at the northerly property line adjacent to 152 Gray Lane. The limit of the proposed fill is south of the predevelopment Tc flow path. The depiction of the watershed and Tc path is correct as shown.

Agent Schellenger has talked to Mr. Kirby and is in general agreement with the responses except for the following:

- The mounding analysis is a concern. He has referred that to the Board of Health and they will look closely at that. Agent Schellenger has discussed this with the Board of Health Agent, Gil Amado, and he will be discussing it with Land Planning. Agent Schellenger stated the septic system design is being referred to the Board of Health Agent. He has not gotten a chance to talk to Steve Wry, Land Planning. Project can be conditioned, with standard complex conditions along with a couple of other conditions to ensure we get the reports expected from the Wetland Scientist. We can get a set of conditions put together then reviewed by the applicant. Agent Schellenger recommends that hearing be continued. Mr. Kirby would like to request continuance as well, they have an upcoming ZBA meeting and they are contemplating changes on dwellings at the cul-de-sac to give a 50' setback. The possible changes were shown on diagram, there is not much change in the buffer. Land Planning will re-run the calculations.
- The 1st crossing culvert doesn't have to meet the stream crossing standards, but it cuts off the habitat to the North. It is a 40' tunnel that will be about 2' high. Once the culvert is buried in soil, that leads to concerns of backwater, it's not going to be a 3' opening, so the backwater calculations which it is based on probably should be looked at again. The backwater would go up to near 100, say 99.85 grade, the grade running though is near 100 according to plan. If the backwater is any higher than it will push back into that area. The idea of grading up behind the building focuses the flooding, confines it more. Agent Schellenger stated that the Commission has a responsibility to be concerned regarding loss of habitat and does not believe any wildlife will go through the tunnel.

Agent Schellenger asked if it squishes the circle. Mr. Kirby said the location of the road/driveway will remain the same. Agent Schellenger said in order for people to start living here before the project is complete, how is it going to be built. The septic has to be there first; will the drive road be put in the back to allow filling the hill?

Mr. Ridder stated that they will be starting at the back. He said it's all or nothing to be respectful of the people who have moved in there. Mr. Ridders said the people living in the back while building is in progress will be aware.

Mr. Schelleger said they will be filling back, but not the front. Until filling out, they would have to have 2 pocket wetlands built right away and we will require construction sequence. Mr. Ridder said yes.

Mr. Schellenger asked the Commission the idea of putting together the set of conditions for applicant review and if it has been done before. The project seems to cry out for review.

Mr. Andruk said it would be fine as long as the hearing is still active.

Attorney O'Shaunessy would love to see the conditions in advance. Since the idea was thrown out there, if there are issues they can be discussed at the next meeting.

Ms. LePorte discussed drainage basins and temporary water holding areas. She asked who would be responsible. A condo association would handle and they would handle the operation of management. Mr. Andruk asked if there were any comments from abutters.

Carol Brsuszek, 152 Gray Lane - Carol Brsuszek stated the septic design is not accurate. In November 2019 they had Title V Failure and had to have septic repair. They moved there in December 2010 and they are the 3rd owners of the house. They do have a dry basement with a French drain. They have a ½ finished basement and have a sump pump, but they have water to the left side of the house. They do have more water since the neighbor's house fire. They have put in 30 yards of loam and the front yard has a row of hemlocks. Very little of the property has grass because it is all wet. The proposed development would be on the right side and it is very wet. She presented pictures. Ms. Brsuszek stated that when they had the Title V inspection done, their engineer did a study and said the developer and town made a major mistake. They are a family of 6 and many times during late Winter, early Spring they have issues with shower, toilet, and laundry. In July the D-box overfilled with water, automatic hydraulic failure. The engineer then designed a 5-bedroom septic. The residence was then assessed as a 5-bedroom although it is a 4-bedroom. Their engineer lifted the system, should development be proposed, the town said they would like a deed restriction. The engineer then got rid of variance and went with the 5-bedroom septic. They paid \$41,2000 to fix that due to the town and developer's mistake.

Ms. Brsuszek has serious concerns on the stormwater management plans. There are also concerns with driveway due to the infiltration system design and displacement of water.

She would like to protect the septic system and there is no other place to place the septic system on their land.

Ms. Brsuszek said they are downhill from the proposed development, she asked where the water runoff will go.

Mr. Wry stated there are 4 runoff points in design; pre and post calculations have been done to up 100-year storm report.

Agent Schellenger asked Mr. Kirby if transects were done for soils? Mr. Kirby said they were not. He also asked if the change in elevation has been accounted for by adding 4' to the hill. Mr. Wry said yes.

Ms. Brsuszek said she hopes that everything is correct with the calculations. She can only go based on what she has seen. She said there is a delicate balance in that neighborhood, she does not want to fight the town or Mr. Ridder for a new septic system. It is a major concern and also concern for protecting their basement. She does wish the development well, she is trying to spare some heartache.

Eric Brsuszek, 152 Gray Lane - Eric Brsuszek said the biggest concern is stormwater and also for the house to stay dry. Their engineer has plenty of questions. There are 4 children at their residence. He has concerns with the septic system and whether it will function properly. They live with this every day, they have been to enough meetings, and he hopes that the calculations are correct. Mr. Brsuszek stated that they have to take serious recourse if it does not work. There have been a lot of changes to the land over the past 10 years.

Mr. Andruk thanked the Brsuszek's for their input.

Motion to continue hearing until February 25, 2020 at 7:00 pm by: Sharon LePorte

Second: Bill Woodward

Vote: 3-0-0

Agent Schellenger will send the draft of special conditions.

8:00 P.M. Continued Notice of Intent to construct a new single family dwelling with associated septic system, drive, utilities, and site grading within 100' of bordering vegetated wetlands at 135 Elm Street, Map 35, Lot 3 for Michael Borgen, Bay State Builders, represented by Land Planning, Inc. (DEP#SE175-0719).

Steven Wry discussed the concern regarding Wetlands from the Commission. Botanist Ken Thomson and Agent Schellenger performed a site inspection on February 10, 2020. Agent Schellenger received site inspection correspondence. Mr. Wry stated the plans shown have remained unchanged since the last hearing and that there would be no disturbance to the wetland. The Board of Health approved the plans last week.

Agent Schellenger had questioned whether the wetland is close enough that the driveway wouldn't fit. Holes were dug around that point and the flagging is correct. The soil below the proposed driveway is upland and will have to be filled in, gravel brought in before paved. He recommended approval of the order of conditions which would include standard conditions.

Motion to issue variance for work within 50' buffer zone by: Sharon LePorte

Second: Bill Woodward

Vote: 3-0-0

Motion to close the hearing and approve an Order of Conditions subject to standard conditions and order by: Bill Woodward

Second: Sharon LePorte

Vote: 3-0-0

Order of Conditions will be put together by the office and would need to be signed in the office later in the week.

Appointments

(None)

Discussions

Update on Sleeper property acquisition - Mr. Clemons

Agent Schellenger stated that we are waiting on the final approval of the Open Space Plan. Town Planner, Deb Pettey, is working on this. This needs to be approved by the state before any money is granted.

Town Meeting Articles

Agent Schellenger said there was a Department Head Meeting today. The Town Administrator reported that the school budget may require a large increase, so if there was money to give back, you were expected to give back. He has not heard from the Town Administrator directly, so we will try to maintain the article for the \$10,000 Conservation Fund. There are no additional articles as of now.

Future Business Meeting

Agent Schellenger is putting together an agenda to list things that the Commission would like to be discussed. He is looking at the Open Space Plan that has a long list. No time has been decided yet, but he will talk to Chair Clemons. It will be a posted meeting, but it would exclude any Wetland Protection Act discussions.

Old Business/New Business

Mileage Reimbursement/Invoice-Signed.

Next meeting:

February 25, 2020 at 7:00pm in Meeting Room A

Adjournment

Motion to adjourn at 8:33 pm: Bill Woodward

Second: Sharon LePorte

Vote: 3-0-0.