

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 6, 2018

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Members present: Robert Overholtzer, Chairman
Joanne Miniutti, Vice-Chair
William Cushing, Alternate

Petitioner: Dakota Partners – Case#17NV20
Depot Village – Comp. Permit
Phillips Street (cont. from 1/23/18)

Also present for the BOA: Atty. Michael Kenefick
Environmental Partners

For the Petitioner: Atty. Michael O'Shaughnessey
James O'Brien
BSC Group

Atty. O'Shaughnessey spoke about the few outstanding issues from the last meeting with the engineers for both parties. Per O'Shaughnessey, both Dom and Adam spoke last week and a response was filed in answer to Environmental Partners letter of February 2, 2018 in a letter dated February 5, 2018.

The two engineering firms continued on with their reports addressing concerns from the last hearing held on 1/23/18 to wrap the issues up. Dominic responded to those issues he felt needed some input; one being wastewater management – a Title V compliant septic design will be submitted to the Hanson Board of Health after approval of the revisions to the Comprehensive Permit. The design will comply with all requirements of 310 CMR 15 as the State regulations require.

The Petitioner requested a waiver from the local 50' conservation no disturb zone and one thing presented in an interim letter were impact areas – the changes from the approved 40B 2002 design to the current design. They have significant reductions in both impervious and total area impacted in both the 50' buffer and everything within the 100' buffer as well.

Adam from Environmental Partners said their only additional comments are the waiver request included a generic "waive the entire wetlands protection bylaw regulations and they do see the case for how 50' buffer might cause some issues for this project and so that particular aspect could potentially be waived but there may not be a need to waive the entire wetland by-law. Adam continued to say there is a State Wetlands Protection Act which they will have to file a Notice of Intent under with the Conservation Commission, but there is also the local by-laws

and it seems there are two aspects of that that are concerning- which are the 50' buffer and the 50' buffer strip.

O'Shaughnessey talked about asking for a general waiver just as a catch all in case he missed something along the way. What they are looking for continued O'Shaughnessey, is for the BOA to waive any and all local rules and regulations that may impede the construction of this project. Right now he feels the only one triggered is the 50' buffer.

O'Brien of Dakota Partners stated they are not taking the time to analyze the entire by-law because they should not have to. It is a State filed 40B program, they will follow the State Wetlands Protection Act and they intend to file a notice of intent. So he does not want to release the waiver from the by-law just because there is so much in there that might impact the project and they do not have the time to review everything with respect to the local concerns.

Adam of Environmental Partners stated that the Conservation Commission can also grant waivers to any portion of these by-laws, so it doesn't necessarily seem as though it needs to completely go away right now.

O'Brien spoke again to say that as the engineers have indicated as has the Petitioners in the past the waiver was granted for the project initially; they are only here to modify the building style and type of layout- we asked for changes and now we are identifying them-this is a waiver they are continuing with. There could be things like wetland resource areas depicted as asphalt more than 4 sq.ft. or something that puddles more than a foot and a half. He stated that he does not know what is in our by-law – they don't follow that – they have a State permit and are willing to follow the State Wetlands Protection Act. He reiterated that they will be following the State Wetlands Act. In consideration of that, O'Brien continued, they hope the Board understands they are working tremendously to make sure drainage and everything else with respect to the Town requests and desires be followed – it is a sensitive issue for them because they do not know what is in the by-laws and can't be hit it with later and it just stops the project. That's allowing two Boards to approve something locally and it shouldn't be allowed period by the BOA. So this is why they are asking for that waiver.

Per the Petitioner, the only role of the Conservation Commission is to review the Notice of Intent. O'Brien stated they will file under the local Conservation Commission and file with them under the Wetlands Protection Act and both engineers have agreed that the design put forth is about 40% less impacted than the one approved in 2002.

Adam of Environmental Partners suggested possibly wording the condition that if something really major comes up in these regulations then the Conservation Commission should have to take those into consideration and realize it is a 40B project and may not need to hold strictly to these conditions but seems too broad of a brush to just wipe it out.

Please see attached report from BSC Group (for the Petitioner) on the remaining resolved issues.

Abutters present were still very much concerned with water runoff onto to Station/Phillips Street and the impact on the abutting properties.

The issue of the walkway to the train station from the project site came up for discussion. O'Brien said that they are committed to allowing the Board to put a condition in the Decision that they will maintain the walkway in perpetuity. They will perform all maintenance – shovel, change light bulbs etc. If maintaining the walkway is a condition of the permit, they will need to get an easement from Mr. Marston. They can provide an easement before recording of the Decision. Per Town Counsel there needs to be some form of assurance that Mr. Marston cannot keep anyone off the walkway. O'Brien suggested conditioning the Building Permit subject to recording of the easement and Town Counsel approval.

Abutter asked about bridge going over the wetlands. O'Brien said they have allowed a condition that says they will file with Conservation and make sure that is done as designed on the Plans. O'Shaughnessey answered with one suggestion by Environmental Partners is that a registered professional engineer design the bridge – when final plans are submitted it will show in that set.

Fitzgerald from Environmental Partners spoke on site distances and reiterated that this will be revisited in the spring when the foliage is back on the trees to make sure that there isn't any sort of pruning on the trees that will be necessary in order to maintain those site distance requirements. The cement concrete ramp at the southwest driveway now shows the detectable warning strip on the plans. Regarding the safety concern on Phillips Street the applicant has agreed to install a dynamic speed limit sign that would become illuminated when a vehicle is traveling at an excessive speed. The sign would be posted with an advisory speed limit sign and location would be approved by the Town prior to installing.

O'Shaughnessey spoke to the Board about what is required to get funding and said that filing under the low income tax program what is required is an approval from the Board; and what they are asking the Board to do tonight is at least approve the concept of the Plan – a 3-story building with 48 units with a mix subject to writing the Decision and coming up with findings and conditions.

Town Counsel told the Board that they could approve in concept subject to deliberations and conditioning (??) . Once you close the hearing the Board has 40 days to Decision. (Inaudible at this point on the tape)

Motion to close the hearing on Dakota Partners – 40B : William Cushing

Second: Joanne Miniutti

Vote 3-0

Motion to approve concept plan for a 48 unit – 3-story building with bedroom count (11 -1 bedroom; 31-two-bedrooms and 5-3 bedrooms) as shown on Plan subject to further deliberations and conditions: William Cushing

Second: Joanne Miniutti

Motion made to amend the previous motion to include subject to deliberations and imposition of conditions and issuance of Decision: William Cushing

Second: Joanne Miniutti

Vote: 3-0

February 5, 2018

Town of Hanson Board of Appeals
Mr. Robert Overholtzer, Chairman
542 Liberty Street
Hanson, Massachusetts 02341

RE: Depot Village 40B Residential Development – Response to Peer Review Comments

Dear Chairman Overholtzer and Board of Appeals Members:

On behalf of the Applicant for the above referenced project, BSC Group, Inc. (BSC) offer the Board the following responses to comments received in a letter from Mr. James D. Fitzgerald, P.E., LEED AP of Environmental Partners Group dated February 2, 2018. For simplicity and brevity, we have only included those comments for which a response is necessary. Several comments regarding the need to submit a Title V compliant septic system design and regarding performance of additional soil test pits as a condition of approval are acknowledged for the record. For each numbered comment provided, we have restated the comment in full and provided our response below it in italics. Comment numbers correspond to those from the peer review letter.

Wastewater Management

2. The Applicant should address the Title V design flow requirements of non-residential rooms, such as the laundry room and community room, within the proposed building. These rooms may increase the required design flow in accordance with 310 CMR 15.203 as noted by the Board of Health in its January 9, 2018 letter.

Because the site is located in the Zone II of public water supply wells, there are restrictions on what kind of on-site wastewater treatment systems may be constructed. The total system design flow has the potential to exceed 10,000 gpd. The final Title V system must fully comply with all requirements of 310 CMR 15.

✓ *As previously stated in our responses to comments dated January 16, 2018 and January 23, 2018, and discussed at the January 23, 2018 public hearing on the project, a Title V compliant septic design will be submitted to the Hanson Board of Health after approval of the revisions to the Comprehensive Permit. The design will comply with all requirements of 310 CMR 15, as the state regulations require.*

Stormwater Management

1. The Applicant proposes work within the 100 and 50 foot wetland buffer zones, including the proposed building, the access driveway and parking spaces, the septic system, and the infiltration basin. Furthermore, the Applicant proposes clearing up to the wetland boundary in the vicinity of wetland flags W1-016 and W1-107. The Hanson Wetlands Protection Bylaws define the 50 foot buffer zone as a “No Disturb” zone under Part 8.01.2.

Engineers
Environmental
Scientists
Custom Software
Developers
Landscape
Architects
Planners
Surveyors

The Applicant will submit a NOI for approval. The Applicant has requested a waiver from the requirement to maintain a 50-foot "no disturb" buffer zone.

The Applicant has provided a table that suggests the current design has less impact on wetlands and wetland buffer zones than the 2002 design. The current design still includes approximately 34,873 sf (0.8 acres) of disturbance in the Buffer Zone. The Board should consider how the town's Wetland Protection Bylaw and Regulations address the local need to protect the natural environment when considering whether to grant the Applicant's request to waive all local wetland protection requirements.

waiver 50' bu

Please see the referenced table below, which was not included in the peer reviewers letter and which, in our professional opinion, clearly shows that the project as revised will have a reduced impact on the wetlands and wetland buffer zones. Please also note that the 34,873 sq.ft. (0.8 acres) of buffer zone impact referenced by the peer reviewer includes 25,935 sq.ft. (0.6 acres or 74% of the total impacts) that occur between the 50-foot and 100-foot buffer zones, for which no waiver is required. Finally, please note that the proposed revisions to the project include a 40% reduction in the impacts within the 50-foot buffer zone from the currently approved project.

	<u>2002 Approved Design</u>	<u>2018 Proposed Revisions</u>	<u>Change in Impact Area</u>
50' Buffer Impervious Area (sq.ft.)	7,679	4,676	-3,003
50' Buffer Total Impacts (sq.ft.)	14,903	8,938	-5,965
100' Buffer Impervious Area (sq.ft.)	19,532	15,917	-3,615
100' Buffer Total Impacts (sq.ft.)	54,473	34,873	-19,600

- The Applicant should clarify how the soil boundary, shown on the Existing and Proposed Watershed Plans, was established as it does not match the boundaries shown on the NRCS Web Soil Survey, provided in Appendix C of the Stormwater Report. Furthermore, the Existing and Proposed Watershed Plans indicate HSG A and B soils, while the NRCS Web Soil Survey indicates the site is primarily comprised of HSG A and D soils. The test pits, conducted in November 2017, indicate HSG A, B, and D soils. The Applicant should justify the use of HSG A soils and high infiltration rates in the calculations.

The Applicant has stated that the runoff calculations have been revised to reflect the NRCS soil types; however the HydroCAD calculations continue to show HSG B soils. The Applicant shows multiple test pits with loam and sandy loam consistent with HSG B soils. The Applicant should make clear and consistent assumptions about soil types throughout the figures and the existing and proposed HydroCAD calculations. The total area of each soil group should be equivalent in existing and proposed conditions (refer to page 3 of the pre and post HydroCAD calculations). For example in the existing conditions calculations there is 0.837 acres of HSG B soils and in the proposed conditions calculations there is 0.001 acres of HSG B soils; this difference cannot be explained by proposed paved surfaces.



The Applicant has eliminated the soil type inconsistency in the calculations. The Applicant's calculations show an increased rate of runoff during the 100-year storm in the direction of the dead end of Station Street and the nearby wetlands (Node 2R). Massachusetts Stormwater Management Standards (Volume 1, Chapter 1) require the following:

Proponents must also evaluate the impact of peak discharges from the 100-year 24-hour storm. If this evaluation shows that increased off-site flooding will result from peak discharges from the 100-year 24-hour storms, BMPs must also be provided to attenuate these discharges.

The Applicant should fully address this potential for off-site flooding. At the last meeting, residents raised concerns about existing flooding along Station Street and this additional runoff has the potential to make existing conditions worse.

As previously stated in our January 23, 2018 response letter, "All design points and storm events analyzed result in no increase to the peak discharge rate except for the 100-year storm event to west wetland. As this increased rate only includes an increased volume of approximately 523 cubic feet of runoff over existing (0.079 acre-feet proposed vs. 0.067 acre-feet existing), and the wetland in question includes over 4 acres of land on this property alone, this minimal increase is not expected to result in any additional downstream flooding. Therefore, the project remains in compliance with Stormwater Standard #2 with the revised runoff calculations."

The concerns raised by abutters during the public hearing were regarding existing drainage issues in Station Street and Phillips Street. The runoff in question does not flow to Station Street or Phillips Street, but rather to the large wetland in the western end of the site. Additionally, the 523 cubic feet of runoff is discharged towards the west wetlands over an approximate 12-hour period, further lessening any impact. The Stormwater Management Standards (Volume 1, Chapter 1) state that "The evaluation may show that retaining the 100-year 24-hour storm event is not needed." If one were to assume an unrealistic worst-case scenario in which the wetland in question is confined to the project site (i.e. limited to 4-acres in size rather than the considerable larger area extending off the project site) and completely inundated with water (similar to a pond), and the 523 cubic feet of water reaches it instantaneously (as stated above, this discharge actually occurs over an approximate 12-hour duration), this would result in a rise in water elevation of approximately 0.04-inches (less than 1/16-inch). The de minimis rise in elevation in this unrealistic hypothetical worst-case scenario would not result in an increase to downstream flooding. Therefore, as previously stated, it is our professional opinion that the project will not result in an increase in downstream flooding and is fully compliant with Stormwater Standard 2.

6. The Applicant has requested a waiver from Zoning Bylaw VI.F.3.25 which prohibits the removal of earth, loam, sand, and gravel, or any mineral in excess of 50 cubic yards, not incidental to construction of a building. Since the project site is located within the Zone II protection area associated with the town's drinking water wells, all aspects of the application, including the proposed drainage basin, should comply with 310 CMR 22.21 (2)b.6 (adopted locally as Zoning Bylaw VI.F.3.24) which restricts "the removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation".

There remain areas of more than 4 feet of cut; however, the Applicant's latest design is an improvement over the previous design.

It is unclear as to which areas the peer reviewer is referring as all portions of the site have been regraded to be greater than 4-feet above high groundwater elevation as required by the standard. If, based on additional test pits to be performed, further regrading of the site is required to maintain compliance with this section, it will be done and submitted to the Board for review in accordance with the expected conditions of approval.

Site Comments

4. The Applicant should show the detectable warning strip on the "Concrete Sidewalk Ramp, Type A" near the south west driveway entrance.

While the detail for Accessible Curb Ramp Type 'A' on Drawing C-5.2 already show the detectable warning strip, a hatch showing this warning strip on the ramp near the south west driveway entrance has been added to Drawing C-2.0.

General Comments

1. The Applicant should show the full limit of tree clearing on the plans.

The project plans have always shown the limit of work, which represents the limit of clearing in applicable areas. The plans have been updated to include a specific line-type to represent this limit of clearing and it has been specifically called out as such.

We believe that these fully address all comments raised by the peer reviewer. Please do not hesitate to contact our office should you have any questions on these responses. We look forward to discussing the project further at the upcoming public hearing. Thank you.

Sincerely,
BSC Group, Inc.



Dominic Rinaldi, P.E., LEED AP BD+C
Senior Project Manager / Senior Associate

Attachments:

Revised Plan Set 02/05/18

cc: J. O'Brien, Dakota Partners, inc.
M. O'Shaughnessy, Esq.
J. Hession, BSC Group

*Dominic
Speed Limit
Sign
back direction*