

Hanson Planning Board
Minutes of the Public Meeting of
April 23, 2018 at 7:00 PM
Hanson Town Hall, Meeting Room A

Call to Order

Chairman Weeks called the meeting to order at 7:04 PM. Attendance was as follows:

Present: Joe Weeks, Chairman
Joe Campbell, Vice-Chairman
Don Ellis, Member
John Kemmett, Member
Joe Gamache, Member
Deb Pettey, Interim Town Planner

Guests: William Cushing, REMCO Enterprises, Inc.
John Romanelli, Romanelli Associates
Michelle Mills, 191 Captain Nathaniel Drive
Alan Dias, Halifax, MA
Mark Ridder, Manager, Glenwood Investments, LLC

Mr. Campbell made a motion to take the agenda out of order and address the minutes at the end, which was seconded by Mr. Kemmett. The motion was approved 5-0-0.

Public Hearings

7:00 Review of A/ANR Plan Form A “ANR Plan of Land” Map 74, Lot 2 dated 4/06/2018 submitted by **Romanelli Associates, Inc.** on behalf of **Kathleen Nee** concerning the frontage and area on an existing public road – County Road

Mr. Ellis recused himself from the A/ANR Plan review.

Mr. Romanelli stated that this plan is in reference to a parcel of land on County Road. He said that it consists of approximately fifteen acres and will be divided in to two lots. Mr. Romanelli said there is adequate frontage and both lots meet the 90% minimum requirement of uplands. He said that the lot division line was drawn as the result of perc testing for septic.

Ms. Pettey stated that square footage, but not acreage, was included on the plan and told Mr. Romanelli that it can be added by hand to the mylar and copies. She also noted that abutting septic was omitted from the plan, with Mr. Campbell explaining that the lot to one side of the property is wooded and the lot to the other side is a significant distance to be of concern.

Mr. Campbell proceeded with the ANR Plan Checklist for the property in question. All checklist items were noted as acceptable except for the gross area, gross area of wetlands and gross area of uplands that Ms. Pettey had explained need to be expressed in acreage and will be edited by Mr. Romanelli.

Mr. Campbell made a motion to approve the submitted ANR with the annotations to be added by the developer. Mr. Kemmett seconded the motion. The motion was approved 4-0-0. Mr. Romanelli made the edits to the mylar and copies and board members Weeks, Campbell, Kemmett and Gamache signed all.

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Mr. Ellis returned to the meeting.

7:15 PM Public Hearing to amend the Town of Hanson Land Use Regulations Zoning By-Law in regards to Section 7.L.3 District Regulations and 7.L.d Height, Commercial-Industrial Zoning District

Mr. Campbell made a motion to open the public hearing, which was seconded by Mr. Gamache. The motion was approved 5-0-0.

Ms. Pettey explained that the town has insufficient cell coverage and discussions with cell providers have determined that municipal land at the middle school would work well for tower placement. She said that the current by-law [Selection 7.L.3] only allows cell towers in commercial-industrial zoning, however, properties reviewed in those districts were determined not to be suitable. Ms. Pettey said that the proposed by-law change, requested by the town administrator, is to exempt the municipality from the by-law.

Ms. Pettey said she has worked with town counsel on the proposed language. She said that wording as it stands now allows cell towers to be placed on any municipal property in any zone, but that a cell tower would have to be approved at town meeting.

Mr. Kemmett expressed concern that abutters may not be aware that final approval of a cell tower will occur at town meeting and could miss the opportunity to voice their concerns. He noted the need for language to address abutter notification. Ms. Pettey said that existing language in the by-law already addresses the site plan review requirements, which would provide the abutter notice.

Mr. Ellis said that the language should be more specific to clarify that the actual site location for each specific cell tower has to go before town meeting for approval. Ms. Pettey said she will work on the language to ensure that there would be no misinterpretation.

Ms. Pettey said that the other by-law change [Selection 7.L.d] concerns increasing the current maximum cell tower height of 150 feet to 200 feet. She said that the fall zone, which is three times the height of the tower, would remain the same, affording protection regarding its placement.

Mr. Campbell made a motion to close the public hearing, which was seconded by Mr. Kemmett and approved 5-0-0.

7:30 PM Continued Public Hearing for a proposed residential Definitive Subdivision Plan, to be known as "Cushing Trails" containing eight (8) lots; the property on which the subdivision is to be located consists of approximately 9.6± acres of land. Zoning Classification is Residence AA, property shown as Town of Hanson Assessor's Map 117, Lots 6 & 7 submitted by Applicant: REMCO Enterprises, Inc. and said Plan prepared by Webby Engineering Associates, Inc., dated October 27, 2017

Mr. Ellis made a motion to open the continued public hearing, which was seconded by Mr. Kemmett. The motion was approved 5-0-0.

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Member Campbell recused himself from the hearing discussion of Cushing Trails.

Mr. Cushing presented to the board a signed request that the planning board's decision on Cushing Trails be extended to May 14, 2018. Mr. Kemmett made a motion to accept Mr. Cushing's request for the extension to May 14, which was seconded by Mr. Gamache. The motion was approved 4-0-0.

Mr. Gamache made a motion to continue the public hearing to May 14, which was seconded by Mr. Kemmett. The motion was approved 4-0-0.

Mr. Campbell returned to the meeting.

Discussion

Request for Release from Covenant Building 29, Unit 106 (21 Liberty Circle) and Unit 107 (23 Liberty Circle) for Stonebridge Commons from the Covenant dated September 23, 2013.

In response to question by Mr. Gamache, Mr. Ridder stated that six units remain, including the two in this release request. Per review of documentation [dated 11/15/2017] by Environmental Partners, Ms. Pettey stated that \$88,000 of work remains on the project. Mr. Ridder said that no work has been done since that document was prepared. Ms. Pettey said there is \$42,000 in the bond and the town still holds four units in the covenant, which she confirmed are under construction. Ms. Pettey said her opinion is that the town is adequately protected with the \$42,000 and the units under construction.

Mr. Gamache asked about Mr. Ridder's agreement, in lieu of the guard rail requirement, to fix the catch basins in the first phase and parge them up. Mr. Ridder said that he was unaware of that agreement; but would accommodate the board's request. Mr. Gamache also expressed concern that there were torn silt sacks and ADA non-compliance issues at the public building, alluding to a list of items that had been provided to him before the winter. Mr. Gamache said that his expectation had been that those items would have been corrected prior to this release request, substantiated with photographs for the board.

After some discussion about release options, Mr. Campbell made a motion to release Building 29, units 106 & 107 only. The motion was seconded by Mr. Kemmett. Mr. Campbell stated that this alternative 1) provides Mr. Ridder the ability to pass papers on the unit closing next week, 2) keeps two buildings for the town to hold, and 3) retains the \$42,000 bond. After additional discussion. Mr. Campbell amended his motion to include an additional \$46,000 cash in order raise the bond amount to \$88,000—the value quoted by Environmental Partners for work that remains (per their reported dated 11/15/2017). The motion was seconded by Mr. Gamache. The motion was approved 5-0-0.

Ms. Pettey stated that she will await receipt of Mr. Ridder's check for \$46,000. She also suggested that Mr. Ridder appear at the May 14 meeting for discussion of the pending issues, including ADA omissions, and to address the possible release of the other buildings. Ms. Pettey said she will review former minutes that document past discussions. She said she will also consult with town counsel on the appropriate steps necessary to protect the town in regard to this particular release agreement. Board members signed the release in anticipation of the cash receipt.

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Discussion with Michelle Mills regarding American Disabilities Committee — Ms. Mills stated that she was trained as a community access monitor for Hanson, which qualifies her to monitor public building accessibility issues. She said that she is scheduled to attend a refresher course in the near future to bring herself up-to-date on regulations. Mr. Weeks clarified that Mike McCue is the town ADA agent.

Ms. Pettey asked Ms. Mills to assist her with the ADA portion of the Open Space & Recreation Plan which addresses the extent to which open spaces in town meet ADA compliance. Ms. Pettey said she will contact Ms. Mills to coordinate a meeting.

Mr. Weeks explained to Ms. Mills that the board needs an individual like her and her committee as a resource for 1) identifying ADA compliance issues in town, and 2) planning board meeting discussions that necessitate ADA expertise. Mr. Weeks said that the board will make a formal request that the ADA committee examine the Stonebridge public building for ADA compliance.

2018 Tax Title List — Ms. Pettey referred to the tax title list [Auction of Town Possessions] that was given to members. She said that the expiration date for action is drawing near and she needs to know if the board recommends for town purchase any of the properties for planning use. She asked members to look the list over and contact her if they have any comments, if any, as soon as possible.

Planning & Community Development Director position — Ms. Pettey said that she made some additional changes to the draft job description of the “Planning & Community Development Director,” for improved wording, consolidation, etc., with focus on primary responsibility being to the planning, zoning and other boards. Members expressed approval of this version of the job description. Ms. Pettey said that her understanding is that it will be used at town meeting to justify funding of the position. As the stated salary for the position was on the low side, there was some discussion that the board present its own salary range recommendation at town meeting.

Old Business/New Business

Mr. Weeks stated that the selectmen requested that the planning board prepare a one-page colored map that illustrates the proposed marijuana retail district. Ms. Pettey said that she is working on it.

Members signed an invoice from Environmental Partners.

Minutes

Mr. Kemmett made a motion to approve the minutes of the April 9, 2018 meeting, with amendments as stated below. The motion was seconded by Mr. Campbell.

1. In the last paragraph of page 2, Mr. Gamache asked that it be noted that members signed the plan, with the exclusion of Mr. Kemmett.

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2. On page 3, in the paragraph about Mr. Campbell's corner lot slide presentation, Mr. Ellis asked that the minutes include the statement that he made that Monponsett lots would be exempt and grandfathered in.

The motion was approved, 5-0-0.

Miscellaneous

Mr. Gamache asked Ms. Pettey for guidance on the board's approval of subdivision and ANR plans. Concerning subdivision approval, Ms. Pettey said that regardless of the board's opinion about a subdivision, it must have a specific reason from the by-laws for denying it. For ANR plan approval, she said that the only criteria for approving them is that they not be a subdivision and that the plan meets the minimum frontage requirements. She said that if the plan meets the criteria and the board votes against it, the plan will have to be signed by the clerk after twenty-one days and will still go forward.

Mr. Campbell asked if an item #21 could be added to the ANR checklist to document if the plan meets the 150 ft. set back requirement. Mr. Ellis explained that it's not necessary because it's not a requirement for an ANR. He continued that an ANR is a lot which doesn't have to meeting zoning requirements. He said those requirements come in to play when applying for a building permit.

Adjournment

Mr. Kemmett made a motion to adjourn, seconded by Mr. Ellis, which was approved 5-0-0. The meeting was adjourned at 9:42 PM.

Respectfully submitted,

Shirley Schindler, Minutes Clerk
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