

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Planning Board Minutes, April 13, 2015

A meeting of the Town of Hanson **Planning Board** was held on **April 13, 2015** at the Hanson Town Hall, 542 Liberty Street, Hanson, MA.

Members present were Chairman Donald Ellis, Patricia Glenn, Joseph Gamache, Joseph Weeks and Stephen Regan. Town Planner/Conservation Agent Laurie Muncy was also present. Administrative Assistant Virginia Costley was absent.

By motion made and seconded, the meeting was called to order at 7:10 PM.

By motion made and seconded, the Board voted to approve the **minutes of February 23, 2015** as typed. Patricia Glenn abstained as she was not present for the meeting. Joseph Weeks made the motion to approve the minutes. Stephen Regan seconded the motion. Chairman Ellis and Joseph Gamache voted "Yeah". The motion passed unanimously.

At 7:15 PM, **Mark Ridder** approached the Board with a **request to release from covenant Building 9, Units 33, 34, and 35**, a three unit building within the **Stonebridge Commons** development.

Mr. Ridder was recently issued a **Certificate of Occupancy** for the Recreation Building and indicated that the landscaping is being started this week. Joseph Gamache stated that the site will need to comply with ADA – the Americans with Disabilities Act. Mr. Gamache stated that the area where the sidewalks meet the driveways currently do not meet ADA requirements and need to comply. He is referencing the Pulte side of the development. Mr. Gamache stated that the sidewalk apron at the driveways do not meet ADA compliance. Ms. Glenn stated that should be verified as it is her understanding that ADA requirements are not necessary for private roadways. Mr. Ridder stated that he will speak to his project manager to review this requirement. If it needs to be done, Mr. Ridder will ensure compliance. He will also review the detail specifications from the plan.

Both Mr. Ridder and the Planning Board will review the Pulte section of the development to ensure this requirement is applicable to that section. Mr. Ellis stated that on the cul-de-sac on Buttercup, the sidewalk is not fully connected due to the location of the three driveways at the end of the cul-de-sac. Mr. Ellis indicated that a tree was planted where the sidewalk should have been connected. Mr. Ridder stated that the sidewalk should have been connected and he doesn't understand how the site was altered without approval. Mr. Regan stated that he will visit the site to look at it before rendering an opinion.

Mr. Ellis stated that he met with the review engineer to discuss the flooding situation. Mr. Ridder indicated that the catch basin is in the correct location. He thinks the site has water at the end of an island and he will consult with the paving contractor to remedy the situation with a berm to catch the flows and move the water to the catch basin. Mr. Ellis indicated that a grass swale will control the flows. There is inadequate snow storage so both Mr. Ridder and Mr. Facchini will look at this area to control the drainage to the catch basin. Mr. Ridder indicated that he might have to install a pipe into the catch basin. Mr. Ellis was concerned with the water freezing in the pipe.

Mr. Ridder also indicated that there will be an enclosure constructed to house the mailboxes and protect them from the elements.

The next scheduled meeting of the Board will be April 27th at 6pm at the recreation building at Stonebridge Commons to facilitate a site inspection for the entire Board. We will hold the regular Planning Board after, at 7PM at the Town Hall to further discuss the status of this development. This meeting will be posted as a site inspection for the entire board to attend. Ask Becky to prepare hardcopies of the last engineering report and a set of endorsed plans for review by the Board during the inspection. Stephen Regan made a motion to endorse the covenant release. Patricia Glenn seconded the motion. The motion passed unanimously and the Board signed the covenant release.

Mike Facchini approached the Board to request a release of covenant for **Building 16, Units 60 through 62** within the **Stonebridge Commons** development. Stephen Regan made a motion to grant the requested relief. Joseph Weeks seconded the motion. The motion passed unanimously and the Board signed the covenant release.

Discussions:

7:30 **Alden Way** – Lori Sawtelle of 52 Alden Way submitted a letter regarding the status of the roadway. Ms. Sawtelle indicated that the frost heaves on this roadway are seriously impacting the ability to safely navigate the roadway. This road is currently classified as a "Private Road" although it is currently being plowed by the Town. Ms. Sawtelle stated that several years ago the roadway failed and was subsequently repaired. This year the frost heaves were pretty bad and she is concerned that the roadway will continue to deteriorate as it aged. Stephen Regan has recused himself from voting but was present in the audience to state his opinion regarding the roadway as he is a property owner within the site. There were several property owners in attendance to discuss this site.

Cheryl Damon approached the board to state that she was in contact with the Developer – Tedeschi/Gray - several years ago regarding the condition of the roadway. She stated concerns that the street does not have street signage or lighting. She stated that in the past there were large sink holes in the street that could cause a school bus to crash. She notified the developer several times before the roadway was repaired. She asked for an update from the Board regarding the status of the lawsuit.

Mr. Ellis stated that he had requested Town Counsel to appear before the Board approximately 3-4 years ago to notify all owners of property within the site of the status of the subdivision and the lawsuit. The judge released the remaining bond held to ensure completion of the site. The site is approximately 12-15 years old and the presiding judge required that some of the catch basins needed to be repaired. The judge based his decision on the reports of the review engineer.

Mr. Ellis explained that the developer often maintains the fee in the road when they transfer ownership of lots, therefore often the roadway is still private property. It is the responsibility of the developer to submit the required plans (layout plans, acceptance plans, drainage easements and other necessary documents) in order to move this street forward to roadway acceptance. He explained the roadway acceptance process to Ms. Damon including the risks associated with purchasing property in an unaccepted subdivision. There is no legal requirement for a developer to move a site forward for acceptance. It was suggested to the assembled public that they review their options for moving the site forward toward acceptance. One of the suggestions included considering a betterment alternative to finance roadway repairs. Other suggestions to consider are the formation of a Homeowners Association, hiring legal representation to advise what legal options are available to the residents, submission of a petition article for consideration at town meeting to accept the road "AS IS".

The assembled public were advised as to the process and legal requirements of moving a roadway toward acceptance. They were advised to seek legal counsel to protect their personal interests. They were supplied with information regarding a betterment program for consideration. There is little that the Planning Board can do at this time to move this site along.

The Board held a discussion regarding paper streets that are currently classified as **private roadways** (i.e. Snow Street and others down in Monponsett). Ms. Muncy provided the Board members with the following documents regarding private roadways:

- The City of Worcester Resident's Guide to Private Streets – this document explains the two options for dealing with private roads;
 - Private street conversion
 - Private street betterments
- An email from MassPlanners dated March 1, 2010 regarding the plowing of private roads in Middleboro.
- A newspaper article dated June 26, 2013 regarding Wareham plowing private roadways.
- A Boston Globe article dated March 8, 1998 regarding plowing of private ways.

Don Ellis requested the use of Town Counsel to assist with our liabilities and responsibilities for private roadways. He stated that Snow Street was taken for back taxes. He stated that the way the deeds were written was to the Monponsett Improvement Association and the town took the property in 1953 along with other land and homes on which taxes were owed to the Town. The document identifies parcels by book and page from Jacob W. Wilbur who deeded it to the association.

Mr. Ellis also stated that he had reviewed a letter from the Board of Selectmen informing Alan Dias that the Town of Hanson owns the land and any alterations made to the property must be authorized by the Board of Selectmen. This was a document that limited the use of Snow Street by Mr. Dias and his business vehicles. Laurie Muncy stated that a person can own property along a private roadway, they are also liable for taxes owed on the parcel, but they are not guaranteed a building permit unless they meet the requirements in place when they apply for a building permit. Often there are construction requirements in order to create "buildable" frontage, whether you are building one home or ten. A set of minimum standards – as stipulated within the Adequacy of Access bylaw – apply to all property requesting a building permit that obtains its frontage from a private road. You cannot amend the requirements if one person is a builder and another person is a property owner. There are not separate rules for different entities, all the rules must be evenly applied to all.

Mr. Ellis would like direction from Counsel on what we as a Planning Board should do to authorize a permit. What type of work is required in order to improve the roadway? He would like Town Counsel to provide us with direction as to what our authority is to improve the roadway.

Ms. Muncy stated that it places her in a difficult position as the requirements are contained within the bylaw and a plan meeting those minimum specifications should be submitted, in its proper format, for review by the Board.

Stephen Regan made a motion to request Counsel to assist the Board with paper streets that were taken for back taxes. Joseph Weeks seconded the motion. The motion passed unanimously. Laurie will send the request to the Town Administrator for authorization.

The Board discussed the status of **Brookside Estates**. Mr. Regan and Mr. Gamache have visited the site on their own time, at separate occasions. Mr. Regan met on site with the owners of 9 Progress Way to ascertain the status of the granite curbing at their driveway. Mr. Regan indicated that throughout the western most entrance of the site, the curbing slopes on both sides. On the eastern most side of the

development the curbing is different.

Mr. Gamache stated that every catch basin is clogged with construction debris and/or silt from the ongoing construction of homes. The Board requested that the assistant send Donald Shute a letter that states the catch basins silt fabric has failed and the basins need to be cleaned. The use of silt fabric is not acceptable and needs to be removed and replaced with silt sacks. It would appear that at least one basin contained foreign matter (buckets) that should not be inside. The condition of the drainage basins should be reviewed to ensure they are free of debris and silt.

Mr. Regan indicated that at the one intersection, at the radius, one granite section has the dive stone and the other is tied into the Cape Cod berm. Mr. Gamache asked what was indicated on the construction detail sheets on the plan. The plan should be reviewed to determine what is indicated on the detail sheets regarding the type of berm and curbing approved by the Board. The Planner indicated that the granite was not detailed adequately for her to make a determination and should be verified by both the Board and the review engineer.

Mr. Ellis believes that the granite is incorrect and the Board should require that it be removed and replaced. Patricia Glenn expressed concerns regarding the legality of making changes to endorsed and recorded plans. She suggested that the Board obtain an opinion from Town Counsel prior to requiring Mr. Shute to replace granite curbing already in place if that option is not within their legal ability.

The Board asked that the Planner make a request for the assistance of Town Counsel regarding the ability of the Planning Board to require revisions to a site after the plans have been signed, recorded and the construction has taken place.

Ms. Muncy discussed with the Planning Board the proposed Site Plan Review public hearing by the Zoning Board of Appeals to review the Marangiello plan for property located at 1101 Main Street. She will prepare a letter of comments and forward to the Board for their comment. She advised them to attend the ZBA meeting.

The meeting adjourned at 9:45 PM

Respectfully submitted,

Laurie Muncy

Town Planner/Conservation Agent