

HANSON BOARD OF APPEALS
Minutes of Public Hearing November 18, 2014

RECEIVED
TOWN CLERK
HANSON, MA
2014 DEC 31 A 11:45

Members present: Robert Overholtzer, Chairman
David Nagle, Vice Chair
Sean Joanis, Member
Joanne Miniutti, Alternate

Petitioner: Bay Communications II LLC and New Cingular Wireless PCS, LLC
505 Liberty Street – Case#14NV27
7:00 PM

Attorney Ricardo Sousa, Prince, Lobel Tye LLC represented the Petitioner
Attorney Ginny Kremer, Blatman, Bobrowski & Mead, LLC represented the Town of Hanson

Also present: Steven Wry of Land Planning, Inc., Project Engineer for the BOA

Comments for the Fire Department attached.

The Petitioner is requesting a Use Variance, Dimensional Variances, Special Permit and Site Plan Approval under Town of Hanson Zoning By-laws Section VII.F.1., a Special Permit for a specific use – Personal Wireless Service Facilities-under Town of Hanson Zoning By-laws Section VII.K and a use Variance under Town of Hanson Zoning By-laws Section VII.K.3 and/or the Telecommunications Act of 1996; Section VII.K.6.(a)-dimensional requirements- and Section K.6.(e)(1) to allow for the construction of a wireless communications tower and facility including a 150' tall monopole tower, consisting of twelve (12) wireless communications antennas at centerline height of 145' together with accessory structures within a fenced compound as more particularly depicted on the plans at 505 Liberty Street, Map 81 Lot 15 Hanson Assessors Map. Property is located in the Business zone.

Atty. Ricardo Sousa made the presentation on behalf of the applicants mentioned above. The reason for the hearing is to be able to provide wireless coverage to the Town of Hanson in an area that requires significant coverage. Per Sousa there is a significant gap in the northern section of the town. This is a follow-up application from an application that was presented to the BOA back in 2010 by T-Mobile at 318 Liberty Street. Application was denied by the BOA for the construction of a telecommunications tower which would have assisted in filling the gap in coverage and resulting from that denial there was an appeal thru the Federal court by T-Mobile and it resulted in an agreement for judgment. That agreement called for Town Meeting to issue an RFP for an alternate site here at the Fire Station. Bay Communications won the RFP and entered into a lease agreement with the Town for the construction of this proposed monopole at the fire station. It is important in the context of this application as being presented tonight to understand the history of what happened before in this part of town in the initial effort to fill the gap in coverage. There was a question posed at Town Meeting as to

whether or not the Town Hall would be an appropriate location for a tower and at Town meeting that one article failed and therefore an RFP never ensued.

Giving his presentation at tonight's hearing was Franz Pierre a Radio Frequency Engineer for ATT Wireless, who indentified the gap in coverage here in the town and how the fire station fills that gap.

Mark Cook, Site Acquisition Specialist, from C.Davis Associates, here on behalf of Bay Communications, who will actually be constructing the tower.

Sousa stated that New Cingular Wireless is an entity name for the license holder for AT&T Wireless. Those are the same companies. T-Mobile is yet another company; they are not a co-applicant but Sousa has a radio frequency affidavit that will be submitted that states that they need this site for their gap in coverage.

Sousa did state that his law firm did represent T-Mobile in the Federal litigation; they did not represent Bay Communications at that time. Bay Communications is listed in the agreement for judgment; however it was not a party to that litigation – it was essentially the mechanism by which the town agreed to settle the McDonald's site litigation. There is a proviso that says in the agreement for judgment that Bay Communications is required to go through the process to request for zoning relief. Per Sousa, if zoning relief is not granted they then have the right to go to the McDonald's site.

As far as identifying the gap in coverage, Sousa wanted to refamiliarize the Board with the town of Hanson zoning map and stated that one of the biggest obstacles to provide coverage in the coverage gap that is there is the fact that the zoning by-law only permits telecommunications wireless facilities in the Commercial Industrial zone. This leaves quite a challenge to provide adequate coverage in the northern part of the town. What will be shown on the radio frequency charts is that they have site in the C/I zone but not in the area where they are not permitted to go. For that reason, this is why they are filing for all the zoning relief that is set forth in their application.

Franz Pierre for Bay Communications pointed out the sites where AT&T currently have a site either on an existing tower, a church steeple, a monopole – the sites that surround Hanson are all on monopoles or self-support towers; and it is the obligation of Bay Communications to utilize those existing structures first before a new tower is proposed. No more antennas can be added to these sites, per Pierre.

Sousa went on to talk about the site plan. Drawings show elevation on the tower itself with space available for police, fire or other emergency services with antennas. Can accommodate AT&T's antenna at the top at 145' with additional carriers below. At the base is a fenced compound for AT&T equipment and additional carriers as they co-locate on the tower. The compound will be directly behind the fire station-this location was specifically stated in the lease agreement – discussions took place with members of the fire department and the Town

Administrator to see if this could be moved – the tower and the compound – an alternative move could be off to the right instead of behind the fire station – about 100' approximately – still within the fall zone. The lease specifically states that the lease area is located directly behind the fire station. In order to present any other application the lease would have to be amended and the Board of Selectmen would have to authorize the amendment moving the compound. Bay State Communications is amenable to that move.

Sousa continued talking about the Use Variance – under the By-law the BOA does not have the authority to grant a use variance. The Telecommunications Act of 1996 and significant cases in Federal court have stated that municipalities, if there is an effective prohibition – that the by-law that prohibits the granting of a use variance – the Telecommunications Act will permit the BOA to grant the use variance.

Sousa referred to the visual analysis of the balloon test to the proposed tower. This was done in advance of the application.

Steven Wry of Land Planning submitted a report on the proposal. The site was reviewed as well as the zoning by-laws especially the section of personal wireless services. After reviewing the packet of information, the following comments were made: problem with the district – plans indicate the tower will be in the business district, and should only be considered in the C/I zone. Sheet C-2 of the site plans indicates that the facility falls within the Residential B zone – Land Planning believes that the zone line indicated on the plan is shown somewhat off from lots actual location. They recommend the designer review this matter and make the appropriate changes to the plan to reflect the precise location of the zone line. Other comments need to be reviewed by Bay Communications as they received this submittal this evening and had no time to review and comment.

The Board stated that due to the fact that another hearing was to take place at 8:00 pm,, this hearing would be continued to allow other Boards, the fire department and abutters a chance to speak at a later date agreed upon by all parties. At this point Town Resident Mark Vess spoke to the Board and asked the Board to allow some in attendance to have a say and hear their concerns. Vess claims that he has new information for the Board. Vess did not want to be interrupted , and went on to say that this is censorship. Board member Nagle told Vess his objection is noted.

Motion made to continue the hearing until December 16, 2014 at 7:00 pm: David Nagle
Second: Sean Joanis
Vote: 3-0

Motion made to close the hearing.



**Hanson Permanent Firefighters
Local 2713
AFL-CIO-CLC
Hanson, Massachusetts 02341**



Timothy Royer
President

Charles Barends
Secretary

To the members of the Board of Appeals:

Hanson Firefighters Local 2713 would urge you to deny the use variance, dimensional variances, special permit and site plan approval requested by Bay communications for the following reasons:

- The Health and Safety of the firefighters and general public due to long term exposure to radiation.
- Falling objects from the tower in close proximity to the building, and work area for firefighters including ice and snow.
- Service and operational limitations due to the location of the proposed tower
- Loss of parking spaces to a already limited parking lot resulting in diminished access to traverse the building with our tower truck. Also providing parking for members here on large incidents, training and coverage.
- Snow removal.
- The limitations set forth by this tower for any future expansion to the station or to the proposed future septic system for the currently failed system.
- The potential of injury or death due to failure or fire from the tower.
- Public safety service interruption from tower failure and impact to the building.

Sincerely,
Hanson Firefighters Local 2713

received
11-18-14 B09

Interoffice Memo

Date: 11/18/2014
To: Robert Overholtzer, Chair ZBA
From: Chief Thompson, Hanson Fire
RE: Cell Phone Tower Installation, Fire Headquarters

I have reviewed the application for use variance, dimensional variances and site plan approval submitted by Bay Communications on September 22, 2014. I have several concerns regarding the proposed location at Fire Headquarters.

1. The proposed location is in direct conflict with the Town of Hanson bylaws.
2. The impact on the daily operations of the Hanson Fire Department were not taken into consideration. (lost parking spaces, line of sight for apparatus returning from calls for service, snow removal during the winter)
3. The impact it could cause on any future expansion of the fire department.
4. Damage that could be caused to the Fire Station and apparatus by a collapse, falling objects or fire, due to a man made or natural disaster or improper construction.
5. The possible health risks to the employees that work in the building for extended periods of time.
6. The possibility of ice falling on firefighters, patrons, vehicles or apparatus during the winter months.

These are a few concerns that I have at this time. I would urge your board to deny the use variance, dimensional variances, special permit and site plan approval requested by Bay Communications in the interest of public safety.

Please feel free to contact me with any questions you may have.


Sincerely,


Jerome A. Thompson Jr.

Chief of Department

Received
11-18-14 B09

HANSON BOARD OF APPEALS
Minutes of Public Hearing December 16, 2014


RECEIVED
TOWN CLERK
HANSON, MA
2014 DEC 23 P 1:04

Members present: Robert Overholtzer, Chairman
David Nagle, Vice-Chair
Sean Joanis, Member

Petitioner: Bay Communications II LLC and New Cingular Wireless PCS, LLC
505 Liberty Street – Case#14NV27

This hearing is a continued hearing from November 18, 2014 on the application of Bay Communications II LLC and New Cingular Wireless PCS, LLC for a use variance, dimensional variances, special permit and site plan approval; a special permit for a specific use – Personal wireless Service Facilities – to allow for the construction of a wireless communications tower and facility including a 150' tall monopole tower, consisting of twelve (12) wireless communications antennas at centerline height of 145' together with accessory structures within a fenced compound as more particularly depicted on the plans at 505 Liberty Street. Property is located in the Business zone.

Chairman Overholtzer read into the minutes the letter received from Ricardo M. Sousa, counsel for the applicant dated December 11, 2014. By this letter the applicant respectfully requests that its application be withdrawn without prejudice.

Comments from Firefighter Ralph Becker, 26 Indian Trail, would like to see this disappear entirely; everything is being held up at the fire station like repair of the septic system, drainage system - they need to move forward with these repairs rather than wait for the cell tower people to decide what they are going to do.

Board member Nagle explained that this issue has been withdrawn – they would have to start all over again. But then again, some other company could come in and try to make the same deal. The Board of Appeals has no control over that.

Chief Jerry Thompson, Elm Street, asked if they could come back at any time and put it in the exact same spot.

Chairman Overholtzer explained that with a different Board of Selectmen and Town Administrator he is not sure what they can do.

The lease on the property is until 2020 – is this property tied up until then?

Member Sean Joanis stated that the Board does not know all the language of the lease. The Board is not in on that information.

Motion made to accept their request to withdraw without prejudice the application: David Nagle

Second: Sean Joanis

Vote: 3-0

Motion made to close the hearing: Sean Joanis

Second: David Nagle

Vote: 3-0



December 11, 2014

Via Overnight Delivery and Email (vcostley@Hanson-MA.gov)

Town of Hanson
Board of Appeals
542 Liberty Street
Hanson, MA 02341
Attention: Virginia Costley

Re: Withdrawal of Application for Use and Dimensional Variance and Site Plan Approval
Property Address: 505 Liberty Street, Hanson, MA 02341
Assessor's Map 81-0, Block 15-0, Lot E (the "Property")
Applicant: Bay Communications, LLC ("Bay Communications") and
New Cingular Wireless PCS, LLC ("AT&T") (and collectively, the
"Applicant")

Dear Mr. Chairman and Members of the Board of Appeals:

This office represents the Applicant in connection with the above-captioned Application for Use and Dimensional Variance and Site Plan Approval (the "Application") before the Town of Hanson Board of Appeals ("Board"). By this letter, the Applicant respectfully requests that its Application be withdrawn without prejudice.

Please let me know if you have any questions or concerns.

Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ricardo M. Sousa', written over a printed name.

Ricardo M. Sousa

rsousa@princelobel.com
(617) 456-8123

RMS/cd

2088650.1



HANSON BOARD OF APPEALS
Minutes of Public Hearing December 9, 2014

JK
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HANSON, MA**
2014 DEC 23 A 10:15

Member Present: Robert Overholtzer, Chairman
David Nagle, Vice-Chair
Sean Joanis, Member

Petitioner: Donald Ellis – Case#14AP06
Woodbine Avenue-7:00 pm
Special Permit/Variance

Attorney Brian Cook for Donald Ellis

This is a continued hearing from October 28, 2014.

Ellis is seeking a special permit/variance to allow for the construction of a single family home on a combined lot of 11,580 sq.ft. that does not meet setback requirements on a pre-existing nonconforming lot that is grandfathered on Woodbine Avenue. Property is located in Residence A zone.

Atty. Cook stated that a lot of time has been spent on this and are thankful for that. The focal point of the argument up to this point has been that Mr. Ellis purchased the lot that had been in existence prior to zoning and by virtue of that existence has grandfather status. As there is some question as to the validity of that claim they engaged in a number of different activities; but effectively what occurred is Mr. Ellis reviewed all the records available here at Town Hall with the Town clerk as well as information that was on file in the library and in other locations. Through his search he was not able to determine that there had been any action taken by the Town to change the protection that was given in 1955. They then went to the Attorney General's office and had their office do a search of their municipal records. This records division of the AG's office is the agency responsible for accepting any by-laws from a Town, reviewing them and determining whether or not they are valid. Attorney Generals' office looked at everything from 1954 to 2014 and did not make a determination or give an opinion, they just provided that information to Mr. Ellis. They then reviewed it all and came to the same conclusion that the Town of Hanson has never done anything to change the by-law from 1955 which had the language which reads "all lots now registered at the Registry of Deeds in Plymouth will continue on their present basis." So that lot was registered in Plymouth, 4,800 sq.ft lot, and according to the By-laws of 1955 all land now registered at the Registry of Deeds will continue on its present basis.

Atty. Cook then stated that Town Counsel indicated to Atty. Cook and Ellis that if they wanted to prove their point they should do the research which is what they have done and are presenting it to the Board with a memo hopefully for Town Counsel's review. This packet has every by-law back to 1955 and nothing that indicates the Town ever repealed it. So this lot before the Board should be considered a legal lot. Cook and Ellis also had a conversation with

the AG's office as to whether they had to prove it and we told "no." The Town has to prove whether Ellis and his attorney are wrong.

There is the possibility that Town Counsel will come to a different conclusion. Mr. Ellis and Atty. Cook are done at this point. Presentation is complete now up to the Board to say "yes" or "no" and move on from there.

The Board will send a copy of the packet presented tonight to Town Counsel and continue the hearing until January 6, 2015 for an opinion by Town Counsel.

Motion made to continue the hearing until January 6, 2015 at 7:00 pm.

JH

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HANSON, MA

HANSON BOARD OF APPEALS
Minutes of Public Hearing December 9, 2014

2014 DEC 23 A 10:15

Members present: Robert Overholtzer, Chairman
David Nagle, Vice-Chair
Sean Joanis, Member
Joanne Miniutti, Alternate

Petitioner: Renae Keddy – Case#14DC28
48 Indian Path – 7:15 PM
Variance/Special Permit

The Petitioner is requesting a special permit/variance to allow for the construction of a 41' x 24' – 2 car garage with a second story addition above at the above address. Property is located in Residential A. zone.

Comment from the Building Inspector was that he has no concerns but a building permit will be required prior to construction.

Petitioner explained that they did not get professional plans done as they did not know if they were able to meet the requirements and did not want to spend a lot of money. The garage will be built on a slab. They will need a 10' variance on the side. Between their property and the neighbors is a row of arborvitaes.

Abutters wanted to know if there is any conservation land involved; also drainage – would it affect their properties.

The Board needs to see surveyed plans showing the relief that they will need to move forward. Keddy was instructed to get a surveyed plan defining the property lines and how many feet they need.

Motion was made to continue the hearing until January 6, 2015 at 7:15 PM.

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing November 18, 2014

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HANSON, MA
2014 DEC 10 P 1:29
JK

Board Members present: Robert Overholtzer, Chairman
David Nagle, Vice-Chair
Joanne Miniutti, Alternate

Petitioner: Augusto Deoliveira – Case#14SP25 – 8:00 PM
808 West Washington Street
Special Permit (cont. from 10/28/14)

Also present: Atty. Christina Knopf counsel for Augusto Deoliveira

This hearing was continued to allow Board Member Nagle to make a site visit to the above location and inspect the site. Board member met with Mr. Deoliveira at the location. He made an inspection of where the kennels were going to be located as well as the indoor facility. There were 8 dogs present at the visit. Nagle stated that if this is approved it will be subject to the Building Inspector having final approval of the conditions of the facility as to when it is ready. He will need to sign off on this and say it is ready to be used. Deoliveira felt that he could get this ready in about three weeks.

Nagle also addressed the house in the front of the property which is vacant and needs to be razed. Again Nagle stated that if this is approved, it will be subject to a review in 12 months and during that 12 month period the structure will be removed. He stated that the building is not habitable.

Atty. Matthew Costa, representing David & Debbie Dean, who are abutters. Costa felt there were a few matters that have not been addressed yet. After reviewing the Zoning by-laws he feels that the proposal doesn't address some of the matters in the by-laws. In the flexible overlay district - where this property is - there is a requirement for landscape buffer areas - Section VI. - minimum of 20 ft. buffer for each lot, and within buffer areas, screening shall be retained or provided. Goes on to reference side and rear buffers. Costa stated that there should be some kind of planted screenings and does not feel a fence would be enough. From his review of the file he saw nothing about any type of planted buffer along that lot line which is completely wide open. He feels his clients will be directly impacted because they have three approved lots along those lines.

Nagle stated that this is a small self-sustaining farm that will now have a kennel on it.

Costa proposed that some type of screening be planted along the lot line or a solid fence. Some type of buffer is needed per Costa. His clients want the board to impose conditions to at least minimize the impact of barking dogs. An additional concern is that the by-law defines a

kennel as being 50' from any residence and on the plan as submitted, it appears there is an enclosed area that really goes in between where the kennels are and the house which is close to the lot line and also parking. Right now there are not any residences on this side of the property. His clients are concerned about property values as they are proposing to build three houses on abutting property.

As far as the buffer, the Deans would like a solid fence – would have to run anywhere from 400' to 600'. They feel arborvitaes would take too long to grow. Mr. Costa mentioned that he spoke to the zoning enforcement officer in Barnstable today, the Conservation agent and also to the animal control officer and they all were very clear that they have had ongoing issues with compliance.

Board member Nagle stated that the site in Barnstable was not appropriate for the kennel. Nagle went on to say that this is a much larger site, rural in nature, there is an existing farm with existing animals on it.

Costa wants the Board to impose conditions that are as clear as possible so if problems do occur - barking dogs, dogs off leashes, disturbances, etc., the conditions would address this.

Motion made to approve the Special Permit with the following conditions:

Installation of a 6' chain link fence surrounding the place in which the dogs will be housed subject to approval by the Animal Control Officer that the facility is safe in accordance with his rules and regulations; subject to approval by the Building Commissioner with respect to the interior of the first floor of the dwelling where the dogs will be housed at night in inclement weather; that it is habitable and a dropped ceiling will be affixed and done to the satisfaction of the Building Commissioner.

Propose a review be done in one year's time. In one year the Board reserves the right to impose additional requirements to address issues with respect to noise and other concerns of neighbors including the potential installation of a vegetative or a solid fence buffer that runs along that portion of the property that is open in reference to the Dean's property. We will reserve the right to impose those additional requirements; as well as any other concerns that arise during the one year period of time.

Over the course of the one year a condition of the Special Permit is that the vacant house in the front of the property is to be demolished and all debris removed and cleaned up. Also, subject to the general requirement that any other Board in the Town of Hanson that has the authority to impose conditions will do so: David Nagle

Second: Joanne Mininetti

Vote: 3-0

Motion to close the hearing: Joanne Mininetti
Second: David Nagle
Vote: 3-0

HANSON BOARD OF APPEALS

Minutes of Public Hearing October 28, 2014

2014 NOV 12 A 10:55

RECEIVED
TOWN CLERK
HANSON, MA

Members present:

Robert Overholzer, Chairman
David Nagle, Vice-Chair

Sean Joanis, Member

Joanne Miniutti, Alternate

Petitioner:

Augusto Deoliviera – Case#14SP25

Atty. Christina Knopf, legal counsel for Augusto Deoliviera
808 West Washington Street – Special Permit

First public hearing for Mr. Deoliviera took place on September 30, 2014 and was continued to October 28, 2014.

The Petitioner is requesting a Special Permit to allow for the operation of a kennel for boarding and training of dogs with related signage at the above property. Property is located in the Flexible Overlay zone.

Read into the minutes were the following comments from Robert Curran, Building Commissioner/Zoning Enforcement Officer, Town of Hanson, indicated that the construction of any new buildings will require a Building Permit and has suggested that a review date be set in approximately one year to re-evaluate this business.
Board of Health had the following questions/concerns: how will the owner dispose of the animal feces; how will the owner control the potential of flies; how will the owner dispose of the animal carcasses used for feed; any structure to be erected must be signed off on by the Board of Health to ensure it meets Title 5 setback requirements, and that the current septic system can support any additional proposed use.

Atty. Knopf spoke on behalf of Augusto and his proposal and presented the Board with a book containing information relating to his proposal. Atty. Knopf asked that if the Board did intend to share any of the information contained in the book with the public to allow her an opportunity to redact some of the information. The Board had no problem with this request.

Comments and concerns expressed by those present – some for the Petitioner, and some against – were heard by the Board.

One Board member asked that the hearing be continued to allow for a site visit.
Motion made to continue the hearing until November 18, 2014 at 8:00 pm: David Nagle
Second: Joanne Miniutti
Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing October 28, 2014

RECEIVED
TOWN CLERK
HANSON, MA
2014 NOV 10 A 11:00

Members present: Robert Overholzer, Chairman
Sean Joanis, Member
Joanne Miniuiti, Alternate

Petitioner: Socratis Sarras- 7:45 PM
Case#14OC26
1127 Main Street – Site Plan/Special Permit

The Petitioner is seeking site plan approval and a special permit to allow for the operation of The Chimney Chap and South Shore Fireplace at the above location. Property is located in the Flexible Overlay Zone.

The business was started in 1978 by his parents and the Petitioner took it over in 1996. The business has increased dramatically which resulted in the opening of the business in this location. Installs wood stoves, gas stoves, pellet stoves, plus chimney cleaning and repairs.

Petitioner did state that they are the only company in the State that has an A+ at the BBB and on Angie's list.

Hours of operation will be from 6:00 am to 10:00 pm, six days a week. Closed on Sundays. Number of employees will be seven.

The Building Inspector commented that he has no concerns and that a building permit has been issued for the installation of the awnings. The Petitioner stated that Fire Chief Thompson stopped by, walked thru and approved everything – all up to code.

Signage ok as currently installed.

Motion made to approve the site plan and special permit: Sean Joanis
Second: Joanne Miniuiti
Vote: 3-0

Motion made to close the hearing and seconded.
Vote: 3-0

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TOWN CLERK
HANSON, MA
2014 NOV 10 A 11:00

HANSON BOARD OF APPEALS
Minutes of Public Hearing of October 28, 2014

Members present:

- Robert Overholtzer, Chairman
- David Nagle, Vice-Chair
- Sean Joanis, Member
- Joanne Miniuitti, Alternate

Absent:

Petitioner, Donald Ellis

Prior to this hearing tonight, the Petitioner requested another extension on this hearing. Board member Nagle made the statement that all these extensions have been at the request of the Petitioner.

Motion made to extend the hearing until December 9, 2014 at 7:00 pm: David Nagle
Second: Sean Joanis
Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing September 30, 2014

RECEIVED
TOWN CLERK
HANSON, MA
2014 OCT -7 P 1:14

Board Members present: Robert Overholtzer, Chairman
David Nagle, Vice-Chair
Joanne Miniuiti, Alternate

Petitioner: Augusto Deoliveira – Case#14SP25 – 7:00 pm
808 West Washington Street
Special Permit

Also present at this hearing was Dog Officer Bernie Delorey.

The Petitioner is seeking a special permit to allow for the operation of a kennel for boarding and training of dogs with related signage at the above property. Property is located in the Flexible overlay zone. Business will be known as Griffin Shepherd Kennels.

Lt. Gary Smith of the Hanson Fire Department had the following questions and concerns: Is this an in-home business; a separate building will require a Knox Box; a list of any hazardous materials being stored, if any, must be listed; fire extinguishers may be required; also a Business Response Data Sheet needs to be completed and we will need to conduct an inspection prior to the business opening.

Two e-mails received from abutters and read into the minutes were concerned with noise and barking; also possible construction of any buildings that may become an eyesore.

Deoliviera started explaining the operation and stated that he wants a place to keep his dogs – the boarding for now would be minimum as he has just a couple of dogs for training. He stated that he will not be doing a lot of boarding. People come with the dogs for the day for training. Training will be done on the property but dogs then go home with owners. Right now he has 15 adult dogs that are his own – they are housed in the house at night. When he is training other dogs, his dogs would be kept in a kennel located on the property. Owner of the property Cynthia Dean stated that there is a full garage downstairs for the dogs to stay as well. Per Deoliviera there are no plans to erect any buildings as he has enough for now.

Some time in the future Deoliviera stated that he would like to purchase some of the land in the back of the property. He also stated that if a dog stays over 6 months they have to be counted. People buy them and they stay with him until they are fully trained. So if he has 15 dogs and has 5 for training total now is 20 dogs. So the 5 would be considered boarding.

Abutter at 845 W. Washington Street, Rod Topolewski, directly across the street for the proposed, doesn't have a problem with the kennel but does with the amount of dogs. How often will they be out? Can hours be mitigated after 8:00 pm for noise? Deoliviera responded that he is very responsible for his dogs – right now he does live very close to the neighbors and

the dogs do not have a lot of space to exercise – but in the back they would have 9 acres to run around and would not have to be in a kennel all day. Owner Cynthia Dean stated that they are in the process of installing 6' high chain link fencing around most of the property.

Abutter Frank Harbester, 908 W. Washington St., was concerned with the business escalating and more dogs barking all the time.

David Dean who owns abutting property but is residing in Bridgewater, will be constructing a house in the spring and is concerned about safety, noise and containment of the dogs, glad the property will be fenced in.

Deoliviera reiterated that he has had the dogs for four years now and they have never hurt anyone or any other animals. Deoliviera said he does not let the dogs run loose by themselves, he does take them off the leashes at dog parks and lets them run. Deoliviera stated that he is very protective of his dogs and never lets them run outside by themselves.

Board member Nagle asked Deoliviera if he was primarily a breeder. Deoliviera answered a breeder and trainer; breeds the dogs, trains the dogs and then sells the dogs. He also trains dogs along with the owners. Deoliviera stated again that his main concern is to keep his own dogs and be able to train them when they have puppies before the puppies go home. Right now Deoliviera stated that he has 15 dogs and a litter of 10 puppies – sometimes he would have one or two litters at a time but most of the puppies go home before training at 8 weeks with two or three staying for training.

Dog Officer Delorey asked Deoliviera if he had the facilities to get rid of dog waste. Deoliviera answered that he will have to find a company that comes and takes the waste away. In Hyannis he has people that come once a week and take it to the dump. Deoliviera stated that he also picks up the waste in bags until it can be disposed of.

Deoliviera has no employees, no specific hours or days of the week that he will be opened. He did show the Board a sign that he would like to install in the front of the property. He would need a sign permit from the building department before installation.

Kaitlyn Spink from Newton, Ma., came before the Board with a complete package that she prepared with copies for the Board members to review regarding deceptive practices by Deoliviera. Due to the thickness of the packet and a second hearing on the night's agenda, the Board could not let Kaitlyn discuss the entire package, but did invite her back if this hearing is continued.

Ruth Nelson who owns a horse farm in Hanson on Hudson Street spoke in favor of Deoliviera. She now lives in Whitman and does own a Griffin Shepherd, 17 months old, and has now purchased a second Griffin Shepherd which is one of the puppies at the house now. She met Augusto when she bought her first shepherd, she considers herself a good judge of character of animals and people. She knows of the concerns expressed by Kaitlyn Spink and also knows of

the trashing of Deoliviera that has not been proven –she takes her animals very seriously – her horses, her dogs, her pigs, - she has nothing but faith in Deoliviera. Her dog is wonderful as are all of his dogs- she knows them all personally by name, she has been to his house and has seen the conditions of his house at an unannounced time and the conditions of the yard, she has been on dog walks with him and she has nothing but good things to say about Deoliviera. Every breeder that she knows whether it be horses or dogs do have problems and it is understandable – it happens. She wants to see Deoliviera be given a chance – he has worked very hard to get where he is. He has a wonderful group of people behind him who all own Griffins , they all keep in touch and they all share pictures.

Board member Nagle stated that it is unlikely that a decision can be rendered tonight – would like to go out and take a look at the property; would also like some more specifics- exactly how many dogs are going to be on the property, size of the fence and location, location and size of the kennels. Also some kind of drawing as to where the dogs are kept in the house.

Carolyn Lynch, an attorney at the hearing to help Deoliviera stated she was at the house immediately after the Barnstable Animal Control Officer showed up at 6:00 am in the morning with a search warrant. She can absolutely assure the Board that there were no puppy crates all over the place, there was no feces or urine all over the house – even the animal control officer did not find anything. She is not aware of any criminal or civil lawsuits.

Owner Cynthia Dean mentioned that the house and garage are air conditioned both up and down. She also stated that she would not give Augusto this opportunity as she has lived in Hanson most of her life if she didn't think that he could do this. His dogs are totally amazing and she feels Deoliviera is going places. He is an unbelievable trainer, his dogs are the best behaved – his 15 dogs are better than most single dogs; and what he has done to help people with her rescue and other peoples' rescues are unbelievable. She stated that this young man has a talent that until you witness it you would be amazed. Dean continued that she loves her farm and would do nothing to jeopardize it.

Deoliviera stated that the warrant was in mid-August – mainly because of the number of dogs; he lives in a residential area he could not apply for a kennel license and he did not know that at the time he moved there. He was in the process of buying the house until he met Dean who had him train her dog and then mentioned her property which would be good for him and his dogs.

Motion made to continue the hearing until October 28th, 2014 at 7:00 pm: David Nagle
Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing of September 16, 2014

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HANSON, MA
2014 SEP 23 A 10:37

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Joanne Miniutti, Alternate

Petitioner: Donald Ellis – Case314AP06
Woodbine Avenue – 7:45 PM
Variance/Special Permit (cont. from 8/19/14)

Mr. Ellis requested another extension on this hearing until September 30, 2014.

Motion made to continue the hearing until 9/30/14 at 7:15 PM: David Nagle

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 16, 2014

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2014 SEP 23 A 10:37

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Joanne Miniuitti, Alternate

Petitioner: Wilbur Danner – Case#14SP24
Meadowbrook Restaurant – 7:30 PM
1486 Main Street
Site Plan/Special Permit

For the Petitioner: Attorney Daniel Cronin

The Petitioner is requesting site plan approval and a special permit to allow for the construction of 2 outdoor decks at the above address. Property is located in the Flexible Overlay Zone.

The Board of Health commented that the site was visited and a seat count was done. As long as the establishment adheres to the maximum seat count (322 seats) the Board of Health has no issues with the proposed outside seating area.

Building Commissioner Robert Curran had no problem with the proposal but recommends a 6' or 8' screened fence be installed on each side of the deck closest to the property line. A building permit will be required prior to construction.

The proposed is the result of feedback from clientele who suggested outside dining in the good weather – seasonal only.

The deck proposed on the side (20' x 40') will be dining only and will have a roof but will not be enclosed.

The front proposed deck (33' x 20') will be a waiting area for customers.
No change in hours, no entertainment.

Abutter Michael Lewis, 1488 Main St., questioned noise level and did not want any alcohol served in outside waiting area. Lewis stated he still has concerns regarding fencing and buffer zone on his side of the property.

Motion made to approve the special permit and site plan: David Nagle
Second: Joanne Miniuitti

Vote: 3-0

Motion made to allow for up to an 8' fence under the special permit recommended by the Building Inspector: David Nagle

Second: Joanne Miniuitti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 16, 2014

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2014 SEP 22 P 2:09

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Joanne Miniutti, Alternate

Petitioner: Thomas James, represented by
Collins Civil Engineering Group, Inc.-Case#14SP23
273 Lakeside Road – 7:15 PM
Variance/Special Permit

The Petitioner is seeking a special permit/variance to allow for the demolition and reconstruction of a preexisting nonconforming home at the above address. Property is in Residence A zone.

The Building Commissioner, Robert Curran, has no concerns with the project but a separate demolition and building permit will be required prior to any demolition or construction.

Plan presented at the hearing was prepared by Collins Civil Engineering Group, Inc., 225 South Main Street, W. Bridgewater, Ma., dated May 29, 2014 and numbered 12-219-1585.

David Klenert, Collins Civil Engineering, spoke to the Board about the Plan. The existing three bedroom room single family home which is 950 sq.ft. will be demolished and new home will be built on the existing footprint and will be 750 sq.ft. with a second story. Overall with the new dimensions the property is less nonconforming.

Both the Conservation Commission and Board of Health are waiting for approval from the BOH, per Klenert.

Abutter Gail Joyce, 276 Lakeside Road, commented that any improvement would enhance the neighborhood.

The BOA determined that a variance was not needed and requested the petitioner to withdraw without prejudice the request for a variance. The petitioner made the request.

Motion was made to approve the withdrawal without prejudice of the variance:
David Nagle

Second: Joanne Miniutti

Vote: 3-0

Motion made to approve the special permit: David Nagle

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 16, 2014

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2014 SEP 22 A 9 14**

Members present:

**Robert Overholtzer, Chairman
David Nagle, Clerk
Joanne Miniutti, Alternate**

Petitioner:

**Lynn Hollis – Case#14SP22
573 Liberty Street – 7:00 PM
Special Permit**

The Petitioner is seeking a special permit to allow for an in-home occupation to operate a bait and tackle shop with related signage at the above address. Property is located in Residence B zone.

Building Commissioner, Robert Curran, had no comments on the proposed other than a sign permit will be required.

The Petitioner explained that basically she will be operating a bait shack – stocking worms, shiners, mackerel, fishing hooks, poles – items related to fishing.

The shop is attached to the house. Ample parking is available. Hours of operation will be 5:00 am to 8:00 pm seven days a week. Number of employees will be 2.

Solar lighting will be used in the parking area and handicap parking will be available.

Signage will be as allowed per Board of Appeals to 3 sq. ft. and 20 ft. in from street.

Name of the business will be "Liberty Bait & Tackle."

Motion made to approve the special permit: David Nagle

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 19, 2014

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2014 SEP 10 A 8 56 JK

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Donald Ellis – Case#14AP06
Woodbine Avenue – 7:15 PM (cont. from 8/5/14)
Variance/Special Permit

Also present: Atty. Brian Cook for Donald Ellis

The Petitioner is requesting a special permit/variance to allow for the construction of a single family home on a combined lot of 11,580 sq.ft. that does not meet setback requirements on a preexisting non-conforming lot that is grandfathered on Woodbine Avenue. Property is located in Residence A zone.

Cook submitted an entire packet to the Board containing every case researched, everything they looked at is in this packet submitted this evening. Cook wanted to make the argument relative to research of an alteration of the setback requirements. Initially conversation was about a special permit, now focusing on a variance. Per Cook, Town Counsel had indicated in a meeting that he attended, that in many cases Board of Appeals will wipe out dimensional requirements completely; but the ability to look at an alteration of a diminimus dimensional invasion is different that a use variance. In looking at the three prongs of the statute, continued Cook, the belief is that Mr. Ellis' property satisfies these – first being that zoning by-law c.40A, Section 10 does allow a board to grant variances where: 1. Owing to circumstances relating to certain conditions that affect this parcel of land and not every other parcel in the area – in this case it would be the shape that could be argued; 2. A literal enforcement of the provisions of the ordinance would involve a substantial hardship, initially financial hardship was not part of it and then the law changed over the last years and hardship could be financial or otherwise – in this case Cook will show what the hardship is with a literal enforcement basically a boxcar will be built: 3. Finally desirable relief may be granted without substantial detriment to the public good – this is a neighborhood that is zoned residential- Ellis is looking to build a residential property- no additional impact on the neighborhood by adding another house to the neighborhood and so the belief is that the relief requested fulfills the requirements of the zoning by-laws and the goals of the public good which is creating residential properties in residential neighborhoods and avoiding uses that overtax a zoning district.

Cook stated that what they looked at first was what is the goal here, what is Ellis trying to do. The first is to request of this Board that they have a variance of the setback requirements because of the shape of the lot – in case law that was looked at it does indicate that a Board does have that ability. The second thing looked at is whether or not a dimensional variance was

different than a heavier variance because they know there is this feeling that Boards do not give variances. Usually people who are looking to get a variance are technically looking to get something that they do not deserve. They are looking to cut a lot in half and put two houses on it. Cook continued that one of the Board members raised an interesting point which was it is hard to come to the Board asking for a variance when you created the problem. That is usually when someone subdivides their property and leaves a small lot at the end and then comes in and says to the Board can I build on what I have left. Again, there are cases in the packet where occasionally someone buys a lot and has a problem with the shape of the lot that is not a hardship that that person created – this is a hardship that the person found. Cook continued in saying that they will show the Board what will happen if they try to adhere to what is in place. Third thing is whether or not if the Board were to grant a variance of this nature would you be somehow working against the by-law or giving something to an applicant that just did not pass muster. In this case, the test is whether or not it is against the intent of the zoning by-law and clearly it is not, per Cook. The zoning by-law in the Town of Hanson wants to keep residential properties near residential properties, commercial properties near commercials, etc.. and not put multi-family in a single family neighborhood.

After going thru legal arguments, they then started from what would the Board like to see—the first thing was if they take the property that is there and tried to put a house on that property that met the setbacks and all other requirements you would wind up with an 11' house. The belief is that neighbors would not want a long skinny house on the lot. The second one was if they built it on an angle, it would match the angle of the street, they would wind up with a 20' wide house that could be marketable – meet the setbacks on one side and are within a foot of the front corner but again because of the angle of the lot they wind up 10' from the lot line in the back corner. The third possibility is they wind up meeting the setbacks and then only being about a foot and a half off in either corner; however this house is not at the same angle—would be parallel to the street line rather than the other houses. The question now is there one of these more palatable than the others to the Board.

Board member Nagle stated that he feels this is the classic case of creating your own hardship—he does not see this as a financial hardship in the sense that a lot was bought for market value and you could potentially sell it for the same price – the relief is extraordinary in this case, per Nagle, and sets a terrible precedence. If the lot is not grandfathered, they are asking for a huge variance.

Board member Joanis asks what is the hardship in not granting the variance. Cook responded that if the lot were considered buildable the hardship would be creating a house that might be unmarketable.

Cook stated that if they mitigate they will win on the grandfathering situation because they existed prior to zoning and the by-law said that it would continue to be looked upon as a buildable lot. If the lot was grandfathered, per Cook, Ellis could build the 11' house and meet 20' setbacks, but no one would want it. Cook thought it was Town Counsel who talked about relief of the dimensional setbacks was pretty much a given. Lot 1 has less than 5,000 sq.ft. – that's out, per Nagle. Lot 2 has no frontage.

Ellis stated that both lots were there before zoning.

Once you create a new lot, per Joanis, you have to conform to zoning for the new lot.
Cook said once you put them together you cannot take them apart again – when merged retain grandfathering status.

Abutters present had no comments.

Motion made to continue the hearing until September 16th, 2014 at 8:00 pm.

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 19, 2014

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2014 SEP -3 AM 12
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Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Brandon Smith – Case#14AU21
486 Winter Street – 7:00 PM
Special Permit/Variance

The Petitioner is seeking a special permit/variance to allow for the construction of a 16' x 24' single car garage that does not meet required side setback at the above address. Property is in the Residence A zone.

The Building Commissioner commented that he recommends a 4' x 6' clearance between the principal building and accessory structure. Other than this, his office has no concerns however a Building Permit will be required prior to construction.

A letter from abutter, James Barry of 458 Winter Street, was read into the minutes. Barry has no problem with the construction of a garage at 486 Winter Street.

Smith described the lot as awkward and misshapen which the Board did agree. Not a lot could be done to place the garage within the side setback. The garage will be approximately 4-1/2 ft. to 5' from the dwelling. The garage side setback will be reduced to 4'. Garage will be inside the existing fence now on property.

The Board felt that this would be a variance based on the shape of the lot.

Smith asked the Board if they would consider allowing him to change the dimensions of the garage to 16' x 26'. The Board had no problem with this change.

The Board asked Smith to withdraw the request for a special permit without prejudice.

Smith made the motion to withdraw the special permit without prejudice.

Motion made to approve the withdrawal of the special permit without prejudice: David Nagle

Second: Sean Joanis

Vote: 3-0

Motion made to approve the variance and construction of a 16' x 26' garage: David Nagle

Second: Sean Joanis

Vote: 3-0

Motion made to close the hearing.

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2014 AUG 19 A 10:40

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 5, 2014

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Donald Ellis – Case#14AP06
Woodbine Avenue – 8:00 PM
Special Permit/Variance

Ellis is seeking a special permit/variance to allow for the construction of a single family home on a combined lot of 11,580 sq.ft. that does not meet setback requirements on a pre-existing nonconforming lot that is grandfathered on Woodbine Avenue. Property is located in Residence A zone.

This hearing has been continued from April 29th, to May 20th, to June 24th, to July 15, to August 5th, 2014.

Ellis did not have his attorney present at this hearing and was asked if he wanted to proceed without him – his response was "yes."

Board member Nagle stated that he was ready to go for a vote and asked Ellis if he wanted to have his lawyer present before a vote is taken he has that option or can make that request. Nagle gave his analysis on this – there are two lots, neither lot is conforming – one lot is less than 5,000 sq.ft. but has the required frontage; the second lot has the square footage but no frontage – both are preexisting nonconforming lots. Neither one enjoys grandfather status individually. Combining them does not give you some kind of grandfather status – because it never existed to begin with. The lots can be combined and the only way to get relief is through a variance – not a special permit. Per Nagle, there is no legal basis for a variance because Ellis created his own hardship – this is really bad precedent saying it is okay to combine two lots and still make something nonconforming. There is no dwelling there. Nagle sees no legal basis for this variance.

Ellis states that you can combine lots to make them less nonconforming. Ellis believes that these lots are approved by the by-laws. It wasn't under the State's statute; it was grandfathered in by a by-law. Ellis previously submitted by-law information and referring to that submission went on to say that it states "all lots registered at the Registry of Deeds of Plymouth County will continue on its present basis; and then referred to Section 4 –F all lots of land as indicated in items Section 4A shall not be affected by Section 4, items B,C,D and E." Ellis went on to add information from the Town Meeting held on February 11, 1957 that said "the following proposed changes to the zoning by-law – Article 34 – to see if the Town would vote to amend the zoning by-laws by eliminating Article F which said did not have to have 30,000 sq.ft.,etc. –

by a show of hands the majority were in favor of providing some provision is made for lots now registered that do not have the required width and depth." Per Ellis, the Town wanted these lots to be built on. All the lots now registered of more than 100' of frontage shall not be affected by Paragraph B Section 4; and then all lots of land with frontage of 50' inclusive shall have a minimum setback of 10' and a minimum of 5' from each side."

Nagle stated that there is no grandfathered status as Lot 1 has less than 5,000 sq.ft. Lot 2 has the square footage but no frontage- neither parcel has grandfather status per Nagle, you cannot combine them to enjoy grandfather status.

Ellis then referred to the ruling made by the Mass. Supreme Judicial Court on Rourke v. Rothman which says "the SJC after all appeals went through landcourt and regular court system, formerly for owners and developers of small preexisting lots the SJC did not agree with the Plaintiff's argument or with the prior rulings of the landcourt or the Court of Appeals. In a decision authored by Justice Judith Cowin, the SJC held that a repeal of a zoning exemption is no different than an increase in a zoning requirement. A lot protected under Chapter 40A from an increase in a by-law requirement; e.g. lot area or lot width, shall also be protected from elimination of a by-law exemption whether a property is conforming at the time of a zoning by-law amendment because it meets all preexisting requirements or it is exempt from such requirements is a distinction without difference. "

Board Member Joanis asked Ellis if his argument is to put aside the State law – these two lots individually met the requirements of the zoning by-laws at the time that they were created; and thereafter when the by-laws were changed the Town when enacting new by-laws said this is for everything after today as long as you complied previously your fine. Ellis answered yes, it was protected under the by-law. Ellis said the Town does not have to go by State law – the Town said that these lots in a by-law were buildable.

Abutters present from 314 Woodbine Avenue had no comments.

Opinion from Town Counsel, Jay Talerman read into the minutes states that "the fact that prior building permits may have been issued in error(I cannot confirm this) is not a reason for the ZBA to grant approval for this project. Stated differently, the ZBA is not required to repeat a mistake (if a mistake has been made). For these reason, my opinion remains the same – that the property is not entitled to the requested relief for the reasons I stated previously."

Board member Nagle stated again that this is a variance. Ellis agreed and stated that this is the case on a lot when you can't meet the setbacks.

Board member Joanis reminded Ellis that if he is looking for a variance, he needs to meet the threshold test for a variance. Ellis said yes he is looking for a variance under the grandfathering because it was a by-law – the lot was approved on a by-law, per Ellis he does not have to meet the threshold test for a variance.

Per the Board members it is okay for Ellis to combine the lots, no problem, but he has no grandfather status, so he has to meet the legal test for a variance. Relief could be given under a variance, but the concern is that this is the classic case of creating your own hardship. It is not due to soil, topography or shape of lot size, etc..

Ellis stated that the lot was grandfathered in and he is making it less nonconforming - only suitable use for it.

Board member Joanis took Ellis thru the threshold test starting with #1 – the variance is being requested because of some circumstance that impacts the property in question, rather than a circumstance that impacts all or most properties or structures in the zoning district – is it that this property as one property – one was landlocked and therefore had no frontage and by combining them you lessening that so this impacts only these properties put together in this particular instance – Ellis answered right – it doesn't affect any other property. #2 – strict application of the zoning ordinance or by-law in question would create a substantial hardship, financial or otherwise – so if we strictly apply the zoning bylaws you have two vacant lots that you cannot do anything with, so it's going to be a financial hardship - Ellis said "right." #3 – the variance can be granted without a substantial "detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law – and it has already been said that building this structure would not deteriorate substantially from the neighborhood – it would be in compliance with every house in the neighborhood –so, per Joanis, the only one Ellis cannot meet is #1 – creating his own hardship.

Joanis continued the strict application of the zoning ordinance does not create a substantial hardship- financial or otherwise – because Ellis is not changing the condition of the lots-by not changing them that are still in the same condition – there is no substantial hardship created because Ellis bought two non buildable lots – could still be sold as two unbuildable lots therefore no financial hardship. Ellis stated that the financial hardship is that the by-laws say there were buildable. Joanis said the by-law has to do with the grandfather status – he is putting aside the grandfather status – Ellis said putting aside the grandfathering status is creating a hardship but he believed they were buildable and he bought them. Joanis answered you do not have a hardship – you have lost an opportunity to create more wealth.

Motion made to approve the continuance until August 19th, 2014 at 7:15 PM; Sean Joanis

Second: David Nagle

Vote: 3-0

JK

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 5, 2014

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2014 AUG 19 A 10:40

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Donald Shute – Case#14MA11
Brookside Estates – Main Street
7:45 PM – Site Plan Approval

Also present – Patrick Carrara, review engineer for the BOA

Shute is seeking site plan approval to move forward on the proposed Brookside Estates – Phase II. This hearing was originally heard on June 24th – continued to July 8th – continued to July 15th and then to August 5th, 2014.

Shute stated that at a previous hearing Patrick had made a list of suggestions which have been incorporated into the Plans. A second review from Patrick indicated that everything was addressed except for showing the limited clearing – limited clearing now has been added to all of the sites.

Patrick Carrara spoke and said that he has been working with Al Loomis from McKenzie Engineering right along on these suggestions. Per Patrick, all the drainage issues have been addressed, also included the drives and walkways in the impervious areas. Also agreed upon the decks did not have to be included in the impervious areas – with stipulation that if they intended to have patios these need to be shown. The Master Plan has been updated, per Patrick, updated all the drainage calculations and the impervious area calculations – satisfied with the results. The only items that would require discussion would be the recommendations on the last page.

The Board asked did Patrick want these four recommendations in the Decision. Per Patrick, number 1 has already been addressed, so only need to include 2, 3 and 4 in Decision.

Donald Shute discussed Item #4- which addresses the need for the consultant to confirm construction and report back to the Board and compliance confirmation by the Board's consultant will be required prior to the issuance of an occupancy permit for the dwellings at the expense of the Petitioner, Mr. Shute. Although Patrick did a good job and kept expenses down, this is another layer of engineering expense that adds to the cost of the house. Per Shute, the Conservation Commission, the Board of Health and the Building Inspector all approve the plans and sign off on them – Shute feels that this is enough layers. Having additional layers from the ZBA at his expense is too much. Shute is suggesting a compromise – perhaps every 8 to 10 houses could provide a status update showing everything is going as planned. Shute did

mention that there are covenants now as he had planned to build all the houses – so everything must conform to site plan.

Patrick suggested that Shute add to the Deeds that construction of the sites has to conform to the approved site plans- any changes in construction, buyer would have to start the process over again for their lot. Shute said the as-built plan submitted to the BOH will show the septic system, the house and all other issues Patrick would be concerned about. Patrick said they could take the as-built plan and compare it to the original site plan and say whether it is built in compliance or not. Patrick also indicated that there is no problem if Shute builds four lots together and does an as-built for those four lots and turn in one plan showing all four lots – that would be fine. Shute is happy with that. The Board agreed to do 10 sites – 10-sites - then 7 sites.

Motion made to approve the site plan and incorporate the recommendations of P.M.P. in their letter of July 23, 2014 with the additional condition that the review engineer periodically review the as-built plans for compliance with the site plan: David Nagle

Second: Sean Joanis

Vote: 3-0

Motion made to close the hearing.

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 5, 2014

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2014 AUG 18 A 11: 57

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Michael MacCurtain – Case#14AU20
Dba Five Rings K-9 Services – 7:30 pm
1615-1625 Main Street
Special Permit

Petitioner is seeking a special permit to allow for dog training at Juliet's Pet Salon with related signage at the above address.

Property is located in the Flexible Overlay zone and Zone II of the Aquifer Zone.

Building Commissioner had no concerns but a sign permit will be required.

Petitioner stated that the training will be done inside predominately, outside on occasion. When outside, will be in the 40'x 50' pen that is now in place.

Offered is one group class a month for existing customers – limit of 5 dogs. Individual sessions are one dog for one hour. Right now the business is pet grooming, boarding, daycare and now training.

Hours will be from 6:30 am to 9:00 pm – 5 days a week; weekend by appointment.

Temporary sign for now is attached to signboard at front of property.

Motion made to approve the special permit: David Nagle

Second: Sean Joanis

Vote: 3-0

Motion made to close the hearing.

**Hanson Board of Appeals
Minutes of Public Hearing August 5, 2014**

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2014 AUG 13 A 10: 59

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Michael O'Connell – Case#14AU19
572 Pleasant Street – 7:15 PM
Special Permit/Variance

Petitioner is seeking a special permit/variance to allow for the construction of a 26' x 36' garage that does not meet set back requirements at the above address. Property is preexisting nonconforming and is in Residence A zone.

Proposed garage Plot Plan prepared for the Petitioner by Land Planning, Inc., 1115 Main Street, Hanson, Ma., dated 6/30/14 and numbered P-2996.

Building Commissioner Robert Curran had no comments on this project but will require the Petitioner to obtain a building permit prior to construction.

Lot size is 30,002 sq.ft. Garage will be 11.8' from side setback. The Board determined that the Petitioner should withdraw without prejudice his request for a Variance; and the Board will vote on the special permit.

The Petitioner made the request to withdraw the variance without prejudice. Motion was made to accept the request: David

Second: Sean

Vote: 3-0

Motion made to approve the Special Permit: David

Second: Sean

Vote: 3-0

Motion made to close the hearing.

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2014 AUG 13 A 10:59

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 5, 2014

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Arthur Miner – Case#14AU18 – 7:00 pm
43 Waltham Street – Special Permit/Variance

Petitioner is seeking a special permit/variance to allow for the construction of a two-car garage and attached breezeway that does not meet setback requirements at the above address. Property is preexisting nonconforming and is in Residence A zone.

Building Commissioner, Robert Curran, had no concerns with this request, however a building permit will be required prior to construction.

Plan showing proposed addition was prepared by Robert C. Bailey Co, Land Surveyors, 199 Plymouth Street, Pembroke, Ma.

Per the Petitioner, the addition for the garage will come off the enclosed porch –maybe 50' total off the side of the house. The existing property is only 3.2' from the rear of the property and the proposed addition will be 14.5' from the rear. The shed currently on the property will be removed.

The Board determined that the variance was not needed and asked the Petitioner to withdraw without prejudice. The Petitioner made the request to withdraw the variance without prejudice. Motion was made to accept the request: Sean

Second: David

Vote: 3-0

Motion made to approve the special permit: David

Second: Sean

Vote: 3-0

Motion made to close the hearing: Vote 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing July 15, 2014

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14 JUL 29 AM 9:56

Members present: Robert Overholtzer, Member
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Donald Shute – Case#14MA11
Brookside Estates – 8:15 PM
Site Plan Approval

Motion was made to continue this hearing at the request of the Petitioner, Donald Shute, until
August 5th, 2014 at 7:45 PM: Sean Joanis
Second: David Nagle
Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing July 15, 2014

RECEIVED
TOWN CLERK
14 JUL 22 AM 11:50

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Donald Ellis – Case#14AP06 – 7:00 pm
Woodbine Avenue
Special Permit/Variance
(cont. from 5/20/14)

Representing Donald Ellis is Atty. Brian Cook

Counsel for the Board of Appeals not present.

Ellis is seeking a special permit/variance to allow for the construction of a single family home on a combined lot of 11,580 sq.ft. that does not meet setback requirements on a preexisting nonconforming lot that is grandfathered on Woodbine Avenue.

Ellis presented the Board with literature on 5 vacant lots each under 5,000 sq.ft that were issued building permits for new homes from 1959 thru 1967. Info was obtained thru Building Department and Assessors Office. Ellis pointed out that the Town was allowing lots to be built on that were under 5,000 sq.ft. Ellis also presented the Board with a Decision from July of 1989 which allowed a house to be rebuilt on lots 245 and 247 Map 2 Hanson Assessors Map that was destroyed by a fire in late 1977 – lot size 4,800 sq.ft.

According to the By-law, per Ellis, any lot under 5,000 sq.ft. that was recorded at the Registry of Deeds before zoning is considered a buildable lot.

This new information had not been sent to Town Counsel due to vacations, so the Board wants Town Counsel to review this new info and make comments.

Atty. Cook stated that they took a look at the requirements of a Variance and everything seems to fit (see Threshold Test submitted). Cook referred back to a comment made about opening up floodgates here, and per Cook there are not that many lots that would fall into this category – the key here is the weird configuration of this lot where it is almost on a parallelogram almost – no matter where you put the house you end up impacting one side or the other. Per Cook, the setback issue is waivable. All the lots on the street are angled.

Abutter present at 314 Woodbine Avenue has a hard time envisioning how this will look – and how does septic fit in.

Motion made to continue this hearing until August 5, 2014 at 8:00 pm: David Nagle

Second: Sean Joanis

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Meeting June 24, 2014

RECEIVED
TOWN CLERK
14 JUL -8 AM 10:44

Board Members: Robert Overholtzer, Chairman
 Sean Joanis, Member
 Joanne Miniutti, Alternate

Petitioner: Tracey White – Case#14JN14
 1272 Main Street
 Site Plan Approval

Engineer for Petitioner: Webby Engineering – Joseph Webby
Review Engineer for BOA – James Engineering, Inc. – Gary James

Petitioner is looking for site plan approval to allow for the construction of six-one level steel buildings each consisting of 7,200 sq.ft. – 4 units each having 1,800 sq.ft – to be leased or sold with ample parking and related signage at the above address.

Property is located in the Commercial Industrial and Flexible Overlay zone and Zone II of the Aquifer Protection Zone.

Comments from the Fire Department are attached.

Webby presented the plan for Mr. White and indicated that White will have to also file with Conservation Committee. The plan shows all buildings with the proposed parking for each. The proposed buildings will be one story and consist of steel and concrete block. Proposed lighting on the plan to be directed away from abutting properties and streets. Two fire hydrants are being proposed.

Some of the uses being proposed for the building are general contractors mainly. All parking will be in the front of the buildings and all buildings will have a back egress. Deliveries will be made in the front of the buildings. The existing driveway opening on Main Street will provide access to all of the proposed structures and also existing structures.

Gary James, James Engineering commented that the proposed impervious coverage on site will be 29.53% which is within the limits (30%) maximum of the Aquifer Protection District. James commented that there are no proposed users indicated on the plan, so no determination can be made as to storing of materials specifically disallowed with the Aquifer district. Only Building #1 will be required to have floor drains and a tight tank as it is the only one that will have vehicular access inside the building.

All new businesses will have to come before the BOA for a special permit.

Sean made the motion to approve the site plan as presented.

Joanne –second. Vote: 3-0

Interoffice Memo

Date: 6/23/14
To: Robert Overholtzer, Chair ZBA
From: Lt. Gary Smith
RE: 1272 Main Street

Concerning the application of Tracey White for site plan approval at 1272 Main Street, we request the following:

1. Copy of proposed building plans – floor plan/ceiling heights, mechanicals, etc. to determine level of fire protection systems required.
2. Water line for hydrants to be looped.
3. Planned use of buildings, if known.
4. Business Response Data Sheet required for each business.
5. Knox Box installed on each building.
6. All businesses will require an inspection by the Fire Department prior to opening.

Feel free to contact me with any questions you may have.

Regards,



HANSON BOARD OF APPEALS
Minutes of Public Hearing June 24, 2014

RECEIVED
TOWN CLERK
HANSON, MA
14 JUL -8 AM 10:44

Members present: Robert Overholtzer, Chairman
Sean Joanis, Member
Joanne Miniutti, Alternate

Petitioner: Charlie Toupence – Case#14JN13
1272 Main Street – Unit #4
Special Permit

The Petitioner is seeking a special permit to allow for Caife, LLC, dba “The Green Monki” coffee and roastery to operate as an artisan micro roastery at the above address. Property is located in the Commercial Industrial and Flexible Overlay zone.

The Building Commissioner for the Town of Hanson has no concerns regarding this proposal, but a building permit will be required for the interior build out.

Fire Department had a list of requests. (see attached)

Business will consist of selling whole roasted and ground coffee beans, loose tea and tea products, brewed coffee and tea to go.

Number of employees looking ahead will be five.

Hours will be from 4:00 am to 9:00 pm, Sunday thru Saturday. Customers hours will be from 6:00 am to 6:00 pm.

There will be take out only, no seating.

Parking not a problem.

Signage will be 2-30” in windows with open neon sign inside building.

Some bakery products will be made available to customers in the am.

Sean made the motion to approve the special permit as presented.
Joanne – second. Vote: 3-0

Interoffice Memo

Date: 6/17/14
To: Robert Overholtzer, Chair ZBA
From: Lt. Gary Smith
RE: 1272 Main Street

Concerning the application of Charlie Touvence for Caife, LLC, dba "The Green Monki" coffee and roastery business at 1272 Main Street, Unit 4, we request the following:

1. List of any hazardous materials, if any.
2. List of any flammables or combustibles, if any.
3. Any hazardous processes on site, if any.
4. Keys for the Knox Box.
5. Installation of fire extinguisher(s).
6. Business Response Data Sheet completed, if not done already.
7. An inspection by the Fire Department prior to opening.

Feel free to contact me with any questions you may have.

Regards,



received
10-23-14 B09

HANSON BOARD OF APPEALS
Minutes of Public Hearing June 24, 2014

RECEIVED
TOWN CLERK
14 JUL -7 AM 9:37

Members present: Robert Overholtzer, Chairman
Sean Joanis, Member
Joanne Minuitti, Alternate

Petitioner: Donald Shute – 14MA11
Brookside Estates
(cont. from May 20, 2014)

Patrick Carrara, review engineer for the BOA, had no comments for this hearing as he has received no new information – was not in attendance.

Shute is requesting another continuance as only half the septic plans have been reviewed. Back taxes had to be paid before any review of the above could be done, per Shute. Taxes have now been paid in the amount of \$344,000. Shute said that he hoped to have the sidewalks in but needs to work with Planning Board to resolve the issue. Common practice, per Shute, is to put the granite in before the sidewalks, the granite is a combination of vertical granite and sloped granite. At the last Planning Board meeting Shute the plans were ambiguous in slope versus vertical. Planning Board said that the inside of the radius of the cul-de-sac could be Cape Cod berm and the outside would be vertical. Originally it was supposed to be sloped granite on the inside and the outside per original plans which had been approved. Shute will be meeting with Planning Board on the 14th of July to okay the original plan.

Shute mentioned the previous hearing with the BOA, in which member Nagle was rather insistent that the subdivision be planned as if all the driveways are going to be eventually paved. The subdivision was approved for 18 single family homes with two car garages and that amount of impervious surface was calculated for the four detention basins, continued Shute. Now 37 homes will be where once were only 18. So that the existing basins do not have to be altered, one method was to have all stone driveways. Now Shute's engineer has gone back and on the remaining homes he has proposed inground infiltrators for every home. These are like mini septic systems, per Shute. In the first 10 houses, if they want to pave their driveways, they have to come back before the BOA – the next set of houses, the approval will already be in place – if they choose to pave the driveway it will already be calculated as if it is paved.

Previously, our review engineer, Patrick Carrara, PMP. wanted a running tally on decks, walkways and driveways. Shute does not believe that a stone walkway or decks should not be included in this impervious surface tally, as they do not get any vehicle traffic – keep it to driveways only, if the Board agrees.

Board member Joanis asked if Lot #12 was to be released. Shute said yes. Joanis mentioned that the lot right now is covered with trees, stumps, etc. Shute said that all debris will be turned into a mulch pile for use in the project.

The Board made the motion to continue the hearing until July 8th at 7:15 pm.

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing May 20, 2014

RECEIVED
TOWN CLERK
14 JUL -2 AM 10:19


Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Donald Ellis – Case#14AP06- 8:00 pm
Woodbine Avenue
Special Permit/Variance
(cont. from 4/29/14)

Representing Donald Ellis is Atty. Brian Cook

Petitioner is seeking a special permit/variance to allow for the construction of a single family home on a combined lot of 11,580- sq.ft. that does not meet setback requirements on a preexisting nonconforming lot that is grandfathered on Woodbine Avenue.

Atty. Cook read a statement into the record and then focus on what may be the pivotal case in this matter and then seek the Board's guidance. Cook stated that the applicant is looking to assert the grandfathered status of a preexisting nonconforming lot in order to build a single family residence in a neighborhood zoned single family residences. Cook continued saying that the applicant has reviewed the history of the Hanson zoning and case law regarding nonconforming lots and grandfathered rights of nonconforming lots and presents the following to the Board for consideration: Lot under consideration was a lot validly created and shown on a plan that pre-existed any form of zoning in the town of Hanson. The lot appears on a record card in the Assessors office as of 1945. The Town adopted zoning in March of 1955 but took special steps to protect undersized nonconforming lots. The Town in essence validated the legality of these lots with zoning amendments. The Town position was consistent with the Court's opinion in Rourke vs Rothman that is the statutory policy of keeping once buildable lots buildable grounded in principals to fairness to landowners. Consistent with this policy we have construed various provisions of Section 6 broadly to protect landowners expectations of being able to build on once valid lots. The Court echoed this statement in the case that is cited in which it said while elimination of nonconformity may be a general goal it is certainly not the goal of the first sentence of Section 6 which was mentioned by Town Counsel. The manifest purpose of which is to preserve the buildable status of certain nonconforming lots in perpetuity. Therefore, it is their opinion that this lot was and continues to be buildable – is appropriate for this neighborhood and consistent with the zoning objectives of the Town. To refrain from using the flexibility given to this Board and to deny virtually any use or value for the property would not be in keeping with the intent of the law or the past decisions of the Town to make use of appropriate parcels for residential use.

Cook continued saying the one quote that is in the case included in packet seems to be the key – that if you bought or had a buildable lot it is always a buildable lot, the Town can come along,

the State can come along and create greater restrictions and requirements going forward, but those that exist as of that time and put on record exist forever. The question he has for the Board is if they can prove to the Board that this is a grandfathered lot with protections would you allow the applicant to build upon it.


Board member Nagle replied that if they get past the grandfathered status, that would be a separate issue entirely. In Nagle's opinion if they cannot show that this has grandfather status, it cannot be approved. Nagle stated that Town Counsel would have to review this and hearing to be continued. Once Town Counsel gives an opinion letter the Board would be able to decide if grandfather status exists.

David made the motion to continue the hearing until June 24 at 7:30 PM pending ok from Don Ellis - maybe on vacation and have to change dates.

NEW DATE PER DONALD ELLIS is July 15, 2014 at 7:00 pm.

Motion made to close the hearing.

HANSON ZONING BOARD OF APPEALS
Minutes of Hearing of May 20, 2014

RECEIVED
TOWN CLERK
14 JUN 26 AM 10:38


Members present:

Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner:

Ahmed Barakat
1479 Main Street – Case#14MA12
Amend Decision

The Petitioner is seeking to amend the Decision #11DC24 to change from three duplex buildings each containing one bedroom to three duplex buildings each containing two bedrooms (interior change only) at the above address.

The reason for the change was because the Bank felt financing would be more easily obtained with two bedrooms rather than one.

At the hearing on this matter, Mr. Barakat told the Board that the Bank agreed to go ahead with the original plan of one bedroom only. Mr. Barakat requested to withdraw without prejudice his request to amend the previous decision.

David made the motion to allow the withdrawal of the request to amend the Decision #11DC24.
Sean – seconded the motion.

Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Hearing of May 20, 2014

RECEIVED
TOWN CLERK
14 JUN 26 AM 9:25

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Donald Shute – Case#14MA11
Brookside Realty Trust – Brookside Estates
Site Plan Approval

Also present: Patrick Carrara, III – PMP Associates for the Board of Appeals

Petitioner is requesting Site Plan Approval to allow for construction to begin on Lots 2,3,4A,5,6,7,8,9,10, 11, 12, 14 and 15 – Phase 2 of Brookside Estates under Condition #5 of the Special Permit issued to Chilmark Company approved in Decision #06MY17 on October 18, 2006, Map 36 1-5; Map 36 1-6; Map 36 1-8, Map 36 1-9; Map 36 1-10; Map 36 1-14; Map 36 1-15; Map 44 1-2; Map 44 1-3; Map 44 1-4A,; Map 44 1-7A; Map 44 1-11 and Map 44 1-12 Hanson Assessors Map. Property is in the Flexible Overlay zone and Zone II of the Aquifer Protection District.

Roadway was begun six or seven years ago, first phase was for 18 homes – plans indicated large homes with 2 car garages and paved driveways. Approval requested in 2007 to put in detached housing rather than multiunit condos. Two houses are on every lot and two lots have three houses. Road was in and detention basins were already approved by the Planning board. Stormwater management act changed – the rules and regulations in effect at the time allowed for the bottom on the detention basin to be one foot above the water table – now they have to be two. So now he is putting 37 houses where once was 18 and this involves more impervious surface. So he had a choice of fewer homes or expanding the basins. So what worked out is to keep the same amount of water on the site by having smaller homes, driveway with stone rather than paved and keep a running tally of the amount of impervious surface so that the basins will not be overwhelmed.

Shute indicated he has had trouble with financing and the bank; the first five lots were approved and eight of the houses have been built with one remaining. Shute stated that \$344,000 in taxes owed to the Town and on the first five plans Shute had an agreement with the Town and paid a portion of the taxes. This time the Town does not want a portion of the taxes, they want it all, said Shute. Shute's bank has agreed to pay all the taxes – once the taxes are paid in full the septic plans will be submitted for approval.

Presently there are 12 site plans but 13 lots - 1 lot to have only one house, this lot is conforming and does not need a site plan. Per Shute, the Planning Board has to release the lots once the taxes are paid. On these site plans submitted, 2 lots have three houses, remaining lots have two. In every case possible, stated Shute, they have included an inground infiltrator (dry

well). The idea is to take the runoff from the roof and put in into the ground. Site has good soils Any paved driveways need BOA approval. As far as the road goes what remains to be done are the streetlights, street trees, top coat and sidewalks. He is planning to put the street trees in now, but the topcoat and sidewalk are generally done after all the houses have been put in. Money is in an escrow account in the Town's name. Each individual lot is a condo- in most cases a condominium of two – owners own the lots together and have an exclusive use over their half of the lot.

Comments from the Building Commisioner were read into the hearing as well as comments from the Conservation Commission. (see attached)

PMP's comments and concerns are attached as well.

Abutters present were concerned about the lack of sidewalks for current residents so children could be accommodated while waiting for the school bus. Also concerned about the value of the modular homes being installed versus stick built already in place. Want infrastructure completed on Phase I before Phase II begins.

Shute indicated that he met with the Planning Board recently and agreed to do the granite, sidewalks and trees imminently.

PMP suggested to Mr. Shute to have his engineer address the comments in PMP's letter, make any revisions necessary at this time for the site plan, and deliver to PMP for review.

The Board determined it would be in Mr. Shute's best interest to continue the hearing until June 24th, 2014 at 7:00 pm to address the issues.

David made the motion to continue the hearing until June 24, 2014 at 7:00 pm. Sean: second.
Vote: 3-0

P.M.P. ASSOCIATES, LLC
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

Performing engineering for the future, today!

200 North Bedford Street
East Bridgewater, MA 02333

Zoning Board of Appeals
Town Hall
542 Liberty Street
Hanson, MA. 02341

Tel. (508) 378 - 3421
Fax. (508) 378 - 8382
www.pmpassoc.com

May 19, 2014

Subject: Site Plan Review
Special Permit – Brookside Realty Trust – Brookside Estates
P.M.P. Project Number K068.04

Dear Board Members:

As requested P.M.P. Associates, LLC (P.M.P.) has performed an initial review of the site plan submissions for lots 2, 3, 4A, 5, 7, 8, 9, 10, 11, 12, 14, and 15 in phases I and II of Brookside Estates flexible zoning development. The plans have been prepared by McKenzie Engineering Group, Inc. for Donald Shute, Trustee Brookside Realty Trust.

General Comments:

The following comments relate to all of the site plans submitted for the above referenced lots.

1. No septic system design information was submitted with the site plans. Although P.M.P. does not review the septic system designs for compliance with the State Sanitary Code (Title V), which review will be completed by the Board of Health, P.M.P. does identify any design issues that may impact the site planning process.
2. The last Master Progress Plan submitted was dated March 21, 2007 and revised July 11, 2007. A revised / updated Master Progress Plan needs to be submitted to account for the "as-built" conditions of the currently developed lots, the proposed development of the lots for which the site plans had previously been submitted and the latest submission. The running total of both the impervious area and runoff volumes will need to be provided for each lot as well as the total for the entire subdivision.
3. The crushed stone walkways & driveways should be included in the impervious area calculations with the note adjusted. Although they are specified as pervious now, once the dwellings are constructed and sold, there is the possibility of the driveways being paved. In addition, without proper maintenance, the crushed stone driveways will become impervious over time. The driveways & walkways should be dimensioned to ensure compliance with the pervious/impervious calculations.

received
5-20-14 BCC

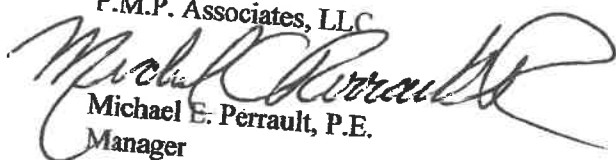
May 19, 2014

Initial Site Plan Review – Special Permit – Brookside Realty Trust – Brookside Estates

4. Although there is a general note on the site plans regarding lighting, the location for the on-site lighting needs to be shown on the site plans for each lot to avoid lights that will shine directly on an adjacent dwelling.
5. The limits of clearing, although noted, are not clearly shown. A typical landscaping plan should be provided for each lot that details the proposed plantings. Buffers need to be detailed in accordance with the Landscaping and Buffer Area Requirements of the Flexible Zoning Section of the Zoning Bylaw.
6. There are no decks or patio locations shown on the site plans as were shown on the previously approved concept plan dated August 16, 2006. If there are any decks or patios proposed, they need to be shown on the individual site plans and accounted for in the pervious/impervious calculations. If not shown, PMP would recommend permit conditions prohibiting them in the future.
7. The proposed house designs and location appear to differ significantly from the previously mentioned approved concept plan. None of the house designs or floor plans was provided with the submitted site plans. The Board will need to determine if the designs and layouts are consistent with their previous Special Permit approval.
8. No design information has been provided for the proposed roof infiltration systems. Please provide all design information and supporting calculations. Each plan needs individual construction details, including limits of excavation, materials, etc.
9. While the individual site plans have not been reviewed in depth due to the lack of supporting design information provided, P.M.P. does suggest that the design engineer review each of the site plans to resolve potential grading issues with steep slopes adjacent to foundations or surface runoff being directed towards foundations and septic systems. The areas of the driveways should be clearly labeled. All garages currently proposed or anticipated for future construction need to be shown and clearly labeled with slab elevations provided and accounted for in the pervious/impervious calculation.

Should the Board have any questions regarding these review comments we will be available to answer them at your public hearing on this matter scheduled for May 20, 2014.

Very truly yours,
P.M.P. Associates, LLC


Michael E. Perrault, P.E.
Manager



Town of Hanson Building Department

542 Liberty Street • Hanson, Massachusetts 02341
Tel. 781.293.5503 • Fax 781.294.0884

May 14, 2014

Hanson Zoning Board of Appeals
542 Liberty Street
Hanson, Ma. 02341

Re: Brookside Realty Trust

Dear Honorable Board of Appeals,

I have seen and reviewed the application of Brookside Realty Trust, requesting a public hearing under MGL Chapter 40A and the Town of Hanson Zoning By-laws, section VII.F.1 through 4 for Site Plan Approval, to allow for the construction to begin on Lots 2, 3, 4A, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15, Phase 2 of Brookside Estates under Condition #5 of the Special Permit issued to Chilmark Company approved in Decision #06MY17 on October 18, 2006; on Brookside Drive.

The property is located on the Hanson Assessors Map 36 1-5; Map 36 1-6; Map 36 1-8; Map 36 1-9; Map 36 1-10; Map 36 1-14; Map 36 1-15; Map 44 1-2; Map 44 1-3; Map 44 1-4A; Map 44 1-7A; Map 44 1-11 and Map 44 1-12 and is a Flexible Overlay Zone.

I have no concerns regarding this petition; building permits will be required prior to the start of any construction.

Sincerely,

Robert P. Curran
Building Commissioner
Zoning Enforcement Officer



HANSON CONSERVATION COMMISSION
TOWN HALL 542 LIBERTY STREET
HANSON, MASSACHUSETTS 02341



MEMO

Date: April 28, 2014

To: Hanson Board of Appeals

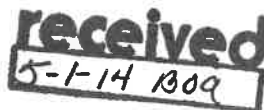
From: Conservation Commission

RE: Brookside Estates

Mr. Donald Shute, Chilmark Co. was issued an Order of Conditions for Brookside Estates, Phase II (DEP #SE175-0441) on January 25, 2005 for 615 linear feet of roadway and infrastructure at Brookside Drive and Progress Way including 2 detention basins that are within conservation jurisdiction. Mr. Shute has not requested a Certificate of Compliance from the Conservation Commission for the completion of this work as required.

The following individual lots will require a Notice of Intent for work proposed within 100 feet of a Bordering Vegetated Wetland: Lot 2, Lot 3, Lot 4 and Lot 5. Lots 3 & 5 have 2 homes within jurisdiction and will require separate Notices of Intent.

The wetland lines that are depicted on the recently submitted and most current Plans dated April 18, 2014 appear to have been delineated in 2004 and are no longer valid. An updated wetland delineation is required for any new Notices of Intent.



PHONE: 781-294-4119

FAX: 781- 294-0884

WEBSITE: WWW.HANSON-MA.GOV

HANSON ZONING BOARD OF APPEALS
Minutes of Hearing of May 20, 2014

RECEIVED
TOWN CLERK
HAISTON, MA

14 JUN -2 PM 1:20

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Amanda Monti – Case#14MA10
188 South Street – 7:00 PM
Special Permit/Variance

Petitioner is requesting a special permit/variance to allow for the demolition of a preexisting nonconforming home and to relocate and construct a new home that meets the required setbacks in all areas except for frontage at 188 South Street. Property is in Residence A zone and is preexisting nonconforming.

Comments from the Building Commissioner, Robert Curran, are that he has no concerns regarding this proposal and feels that a newly constructed single family home will enhance the property and provide a safer more energy efficient home. A permit will be required prior to any demolition or construction.

The Board agreed that a Variance would not be required and asked the Petitioner to withdraw the variance without prejudice. Monti withdrew her request for a variance without prejudice. Nagle made the motion to approve the request to withdraw the variance without prejudice; Sean-second. All in favor? 3-0

Nagle made the motion to approve the Special Permit as requested. Sean-second. All in favor? 3-0

Motion to close the hearing.

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing April 29, 2014

RECEIVED
TOWN CLERK
HANSON MA
14 MAY 15 PM 12:57

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Faith Machado – Case#14AP08
683 Winter Street - 7:30 pm
Special Permit/Variance

Petitioner is seeking a special permit/variance to demolish and reconstruct a 22'x36' new home that is preexisting, nonconforming at the above address. Property is located in Agricultural and Residence A zone.

Comments from the Building Commissioner, Robert Curran, has no concerns regarding this proposal however a building permit must be issued prior to the start of any demolition or construction.

Conservation Commission commented that this project will require a Notice of Intent as it is within conservation jurisdiction.

Petitioner will be demolishing a very distressed property and rebuilding a new home that will be less nonconforming. Still won't make the setback in the front but will be dropped back an additional 10'. Will be conforming on three sides and will be going from 18.5' to 28.2' in the front, from the tar will be 40'.

The deck will also be reconfigured. The house will be 22' x 36' – small colonial with porch in front.

The Board asked the Petitioner to withdraw the request for a variance as they determined that this required a special permit only.

The Petitioner made the request to withdraw the variance without prejudice.
David made the motion to accept the withdrawal. Sean-second. Motion made and seconded.
All in favor: 3-0

David: Motion for the record the proposal makes this site more nonconforming than previously existed consistent with the character of the neighborhood and therefore the special permit as presented is approved. Second: Sean

Motion made and seconded. All in favor? Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing April 29, 2014

14 MAY 15 AM 11:34

RECEIVED
TOWN CLERK
HANSON MA

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: David Snow – Case#14AP07
1000 Main St. - Unit 106
Special Permit/Site Plan Approval

Petitioner is requesting a special permit/site plan approval to allow for the fabrication of machine guards and boat parts made from Plexiglas at the above property. Property is located in the Business and Flexible Overlay zone.

Business will be known as DASFAB INC. Building Commissioner Robert Curran had no concerns regarding this proposal; a building permit will be required to modify or to change the use of this building.

Petitioner will set up a machine shop that will machine plastic guards, boat parts, aquarium tanks, etc. At some point he will add another machine to be able to do mass production at some point in the future.

Some solvents will be used for gluing plastics together – no more than two/three gallons at a time – already discussed with the Lt. Gary Smith – Smith came over to the site, took a look at it and Petitioner will have a fire cabinet with the chemicals stored inside. Nothing that will approach a quantity that should cause concern.

Hours will be 7:00 am to 10:00 pm, seven days a week. There will be two employees.

Products used are Plexiglas and lexan and similar products.

Boat parts include windshields, steps, rails, hatch covers, rod holders. Snow does custom fabrication. Orders are taken via phone and internet.

There will be a sign placed over the overhead door and Petitioner will obtain a sign permit from the building department.

Parking is no problem. Snow will be using UPS for the vast majority of delivery and shipment.

Sean made the motion to approve the special permit/site plan as requested.
David-second. Motion made and seconded. All in favor?

Vote: 3-0 Motion made to close the hearing.

RECEIVED
TOWN CLERK
HANSON, MA
14 MAY 15 AM 10:14

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing April 29, 2014

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Representing the Board: Atty. Jay Talerma, Town Counsel

Petitioner: Donald Ellis – Case#14AP06
Woodbine Avenue
Special Permit/Variance – 7:00 PM

Representing Donald Ellis was Atty. Brian Cook

Petitioner is seeking a special permit/variance to allow for the construction of a single family home on a combined lot of 11,580 sq.ft. that does not meet setback requirements on a preexisting nonconforming lot that is grandfathered on Woodbine Avenue. Property is located in Residence A zone.

Comments from Building Commissioner read into the hearing (see copy attached).

Atty. Cook spoke on the proposal. As mentioned in the Bldg. Insp. memo the position of the applicant is that the property is grandfathered and did exist prior to any zoning in Hanson. They are taking the position that the lot was nonconforming, continues to be nonconforming and has been protected by both the Town of Hanson and the Commonwealth of Mass., in that it predates zoning. The goal of combining both lots was to make it less nonconforming giving it the 11,580 sq.ft. lot area size and 60' of frontage on an approved town way. Cook continued saying that the cuts of the lots are all at an angle. In trying to construct a house on this property in order to keep in line with the other houses, Ellis would have to violate a side yard setback. It is possible to build a house that meets all the setback requirements – it is possible to set the house in such a way that it would meet the setbacks but it would be a peculiar shaped house and not in keeping with the neighborhood. So the request of the applicant to present his proposal to the Board with the presentation that the proposal presented by the applicant would not be detrimental to the neighborhood in any way. Cook is asking the Board either to let them know that the Building Inspector has allowed them to move forward; if not, he is presenting it to the Board of Appeals and we are asking for you to make a determination as to whether you see additional nonconformities and if so, whether there is a finding that the nonconformities as presented are not substantially more detrimental to the neighborhood.

Cook told the Board that any questions they may have they are referring to the 1955 Zoning By-law in the Town of Hanson (see attached) in the Town Meeting minutes that accompanied it which seem to indicate that Hanson has gone beyond some other communities in protecting these nonconforming lots. In those days, continued Cook, companies such as the Monponsett

Land and Development company would come in and take a parcel of land and checkerboard it into 2,000 or 3,000 sq. ft. lots – small vacation lots that had paper streets. In this particular location there are two parcels of land that have not been under the same ownership until Mr. Ellis acquired them and the hope is that they can be combined and create a building lot that will add to the tax rolls and create another affordable home in the Hanson community.

Atty. Talerman spoke for the Board. He stated that this is an interesting one, has unique elements to it but going to a conclusion Talerman does not feel that this lot is entitled to any grandfathering at all. Two lots, being combined, he has no idea as to their status when zoning made them nonconforming; this could be relevant, if in fact, this could survive what he feels is a fundamental flaw, which he does not think it can without a variance. He feels they should be entitled to proceed with the filing for a variance – no other form of relief available, per Talerman. What they would need to satisfy in order to be able to build on this in terms of grandfathering status is what is called a separate lot exemption under Chapter 40A Section 6 which on a vacant lot allows you to build on a vacant lot if it is nonconforming provided that at the time it became nonconforming that it contained at least 50' of frontage and 5,000 sq.ft. If you have that status, continued Talerman, you can build on it and setbacks be damned. The setbacks issues go away- you can actually build on them close to the property lines. Right now we have two lots, the first lot – the front lot on Woodbine Avenue- has 60' of frontage, but not 5,000 sq.ft. – so it was never entitled to that separate lot exemption, in other words, at the time that zoning changed and made it nonconforming, it did not qualify for that very generous exemption. In other words it never had grandfathering rights, ever. The back lot, continued Talerman, had more than 5,000 sq. ft. but no frontage, so itself, it could not qualify either – with two lots not in common ownership at the time, but Talerman has no title to verify that, non common ownership neither of which qualify for the separate lot exemption. Now if one of the lots did qualify – say front lot had 5,001 sq.ft. – and wanted to add a little bit of land to it – Talerman would agree with Bob Curran that they are decreasing the nonconformity. That analysis cannot be used to revive rights that never existed in the first place. So, there are two lots that were never entitled to the exemption and the combination of them now doesn't help them revive something that never existed. Talerman went on to say that under the old zoning by-laws – a little quirky – it had some very generous grandfathering rights – but that doesn't work now either, because that by-law does not exist anymore. If there lots were combined at the time prior, may have some zoning relief but even in this case would only have five years of relief because they were held in common ownership. It appears, stated Talerman, that there is a valid application before this Board for a variance that could be entertained. Variance standards more difficult. Chapter 40A Section 6 covers all land and it is meant to cover all now defunct zoning by-laws.

Under "Report of Town Clerk" submitted to the Board by Atty. Cook, Section 3 – Non-conforming uses – A – Atty. Cook "read any building or use of land ----may continue to be used for the same purpose. "

Talerman stated again that this appears to be a filing for a variance and the Board will have to look at setbacks, topography if necessary; per Babrowski's book, if a lot is lacking frontage a

variance can still be allowed. The Petitioner needs to prove that a variance can be granted. They need variances for frontage, setbacks and area. May also need to go to Conservation Commission to see if there are any wetland issues.

Atty. Cook stated that their goal is to work with the Board to find a solution and would like to make their argument the best they can.

Donald Ellis, Petitioner, asked Atty. Talerman that when a zone changes from dimensional square footage and so on in a town, aren't all preexisting vacant lots grandfathered in. Talerman answered "yes" provided that they have 50' of frontage and 5,000 sq.ft. of area. Atty Cook asked about the little vacation lots that existed were they considered legal building lots when they came into existence – say 1800 – there is no zoning, so someone says this piece of paper is a building lot and they build houses on these pieces of paper and then at some point the town says those are just too small, they are going to catch fire, lets' make them this big. This one if it existed would still exist as a building lot – yes??? Talerman answered he did not think so.

Cook said that this is what the town tried to do here by saying we know we get a mess here in Hanson and lots of people have these various lots and said if you have legal rights to build you continue to have those rights to build but we are not going to let anyone else.

Abutter Louise Malone, 296 Woodbine Avenue, had nothing to say but just interested because this land borders hers. Abutter Amy Koskowski, 314 Woodbine Avenue, feels that the lot is pretty small.

Atty. Cook focused on why they need the variance – there is something strange about the lot- because of the way that everything was carved up the lot is on an angle – which makes it difficult to build. This is why they were looking for the setback variance. The other issue is the combining of the lots to make it less nonconforming. If the front lot were 50' and 5,000, there would be no need to attach the back lot; however if Mr. Ellis owns both of them they would automatically merge. The other situation is that if he did meet all the setbacks on this lot, the building would be unattractive to the surrounding properties.

Without relief, what is there is a fairly good parcel of land that winds up becoming overgrown and unused and of no value to anyone including the town or the neighbors. The real relief they are looking for is about a foot and a half.

Board member Nagle stated that Ellis is looking for 2/3rd's relief on the size of the lot; considerable setback relief.

Cook said that these lots do have grandfather status, maybe no buildable lot status, but grandfather status because they existed prior to zoning and they were lots – they were buildable lots.

Cook will be going forward to gather information to help with the variance petition.

The Board determined that it would be best to continue this hearing until May 20th, 2014 at 8:00 pm. David-second. All in favor? Aye-aye-aye.

Report of Town Clerk

TOWN MEETING

MARCH 7, 1955

Meeting called to order by Moderator Daniel J. Lewis at 7:15 P. M.

Tellers appointed and sworn—William J. Farrell, Harold Bryant.
Invocation offered by Reverend Robert H. Heigham.

Number of registered voters checked:

Men	159
Women	75
Total	234

Reading of warrant waived by motion from the floor.

TOWN WARRANT AND RECOMMENDATIONS

Article 1. To hear the reports of the various Town Officers and Committees and act thereon.

Proposed by the Board of Selectmen

Unanimously voted to accept the reports of the Town Officers and Committees as printed in the Town Report.

Article 2. To see if the Town will vote to fix the salary and compensation of all elective officers of the Town as provided by Section 108, Chapter 41, General Laws as amended: Three members of the Board of Selectmen, Three members of the Board of Assessors, Town Clerk, Town Treasurer, Town Collector, Tree Warden, Highway Surveyor, Moderator, Three Water Commissioners, Three members of the Board of Public Welfare, Five members of the School Committee, and Two members of the Board of Health.

Proposed by the Board of Selectmen.

Selectmen:

Chairman	\$275.00
Clerk	700.00
Third Member	250.00
Town Treasurer	1,150.00
Town Collector	2,000.00

The applicant shall cause to be printed in the nearest County Newspaper having the largest circulation in the Town a notice giving the time, date and place of the hearing together with a description of the property to be licensed.

The granting of the license shall cause the owner to hide from view, by a closely boarded fence six (6) feet high, the entire property to be used for a junk yard.

The Selectman may waive the fence clause if the property is not in view of a Public Highway or Public or Private buildings used for any purpose.

The Selectmen, on granting a license under this by-law, will set a reasonable fee.

The Selectmen are hereby authorized to make other regulations consistent with the conducting of such business.

Proposed by the Board of Selectmen.

Recommended.

Voted: To accept the amendment to the Town By-Laws as stated in this article by adding the same as a section of Article XI of the Town By-Laws.

Yes.....117

No.....32

Article 23. To see if the Town will vote to adopt the following "Zoning By-Laws" for the Town of Hanson or take any other action in relation thereto.

Proposed by the Planning Board.

PROPOSED ZONING BY-LAW

The purpose of these by-laws is to promote the health, safety, convenience, morale and welfare of the Town of Hanson.

Section 1. Establishment of Districts

A. Residential and Agricultural.

B. Business. Voted to accept as printed on map, in favor 96, against 58.

C. Industrial. Voted as amended: in favor 81; against 28.

AMENDMENTS

Section 1. Zoning Map.

From Elm Street northeasterly to Plan 57 at a point 500 feet from Holmes Street, 500 feet from Wampawtuck Street, thereon southerly parallel to Wampatuck Street to railroad track. Southeasterly by railroad to Pleasant Street, thence by Pleasant Street to south line of Plan 16 as shown, thence northwest to point of beginning at Elm and Main Streets, Assessors' plan.

These districts are shown on a map on file in the office of the Town Clerk and entitled "Zoning Map of Hanson, Massachusetts", proposed by the Hanson Planning Board dated March, 1955. This map is hereby declared a part of this by-law.

Section 2. Use Regulations.

II (1) Residential and Agricultural Districts.

Buildings, structures and premises may be used for any lawful single- or two-family dwelling, municipal, religious, educational or non-profit recreational purpose, for any agricultural use, and for uses customarily necessary thereto and for the following purposes by no others.

- A. The display and sale at a roadside stand or otherwise, of natural products, the major portion of which are raised on the farms of the Town.
- B. Professional offices in a private residence.
- C. The use of a room or rooms in a dwelling or necessary building for a customary home occupation or practice.
- D. Any other use, provided it is not injurious, noxious, or offensive and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to the interest of the Town.

II (2) Business Districts.

- A. Any use permitted in a residential or agricultural district.
- B. Retail stores and shops for custom work or making of articles to be sold at retail on the premises.
- C. Business and professional offices, banks and restaurants.
- D. Gasoline and Oil Stations.

II (3) Industrial Districts.

- A. Any purpose permitted in Residential and Business Districts.
- B. Any manufacturing that would not be offensive because of noise, vibration, smoke, gas fumes, dirt or other objectionable features.
- C. All buildings shall be set at least one hundred (100) feet back from street line.

Section 3. Non-conforming uses.

- A. Any building or use of a building or part thereof, or any use of land or part thereof which at the time of the adoption of this by-law or any amendment thereto lawfully was and still is being put to a use not conforming to the regulations of the zone in which such building or land is located, may continue to be used for the same purpose.

** ———*
 Section 4. Area Regulations.

- A. All land now registered at the Registry of Deeds, Plymouth, will continue on its present basis.
 - B. Lot area and frontage: Residential lots shall have a minimum frontage of one hundred fifty (150) feet and a minimum area of thirty thousand (30,000) square feet.
 - C. There shall be only one dwelling and accessory buildings on a lot of land.
 - D. New structures must be at least fifty (50) feet from the street line except where there are existing adjacent buildings. The set back will be the average distance of the existing adjacent buildings.
 - E. Structures in Residential Districts shall be twenty (20) feet or more from the side or rear lot lines.
- * ———*
 Voted: To eliminate Section 4 F and substitute the following as Section 4 F.
- F. All lots of land as indicated in items Section 4 A shall not be affected by Section 4, items B.C.D. and E.

Section 5. Administration.

- A. This law shall be enforced by the Board of Selectmen or their authorized agents.
- B. The Board of Appeals shall consist of three (3) members and two (2) associate members which shall be appointed by the Board of Selectmen.
- C. All members shall be residents of Hanson and their terms shall run for three (3) years, except the terms of the original members, one for one year, one for two years, and one for three years so that the term of one member shall expire each year.
- D. Appeals shall be taken to the Board of Appeals by any officer or Board of the Town or by any person aggrieved by any order or decision of the enforcing officer in violation of any provision of Chapter 40A, General Laws of the Commonwealth of Massachusetts.
- E. Requests may be taken to the Board of Appeals by any person, for a permit upon which the Board is required to pass, by virtue of this by-law.

Section 6. Amendments.

- A. This by-law may from time to time be changed by amendment by a Town Meeting in a manner approved by Law.
- B. Any amendments proposed to the Town and voted down shall not be brought before the Town again for two (2) years, unless the adoption of such proposed amendment is recommended in the final report of the Planning Board.

Section 7. Validity.

- A. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

Proposed by the Planning Board.

Refer to Town Meeting.

Voted: To accept Section 5. In favor, 92; Against, 4.

Voted: To accept Section 6 as printed.

Voted: To accept the Zoning by-law as amended.

in favor.....96 Against.....69

Article 24. To see if the Town will vote to raise and appropriate the sum of \$500.00 for the purpose of a short wave radio system.

Proposed by the Director of Civil Defense.

Not recommended.

Voted: To raise and appropriate the sum of \$500.00 for the purpose as stated in this article.

Article 25. To see if the Town will vote to raise and appropriate the sum of \$350.00 for the purpose of completing new backstop, complete grading of Pony League Field and cleaning damaged grove.

Proposed by Trustees of Memorial Field.

Recommend \$350.00 be raised and appropriated.

Voted: To raise and appropriate the sum of \$350.00 for the purpose stated in this article.

Article 26. To see if the Town will vote to raise and appropriate the sum of \$1,000.00 to be used together with the Highway and Drainage Committee funds for the purpose of establishing a drain from the Washington Street School to a Highway drain on East Washington Street or take any other action in relation thereto.

Proposed by the Highway Surveyor.

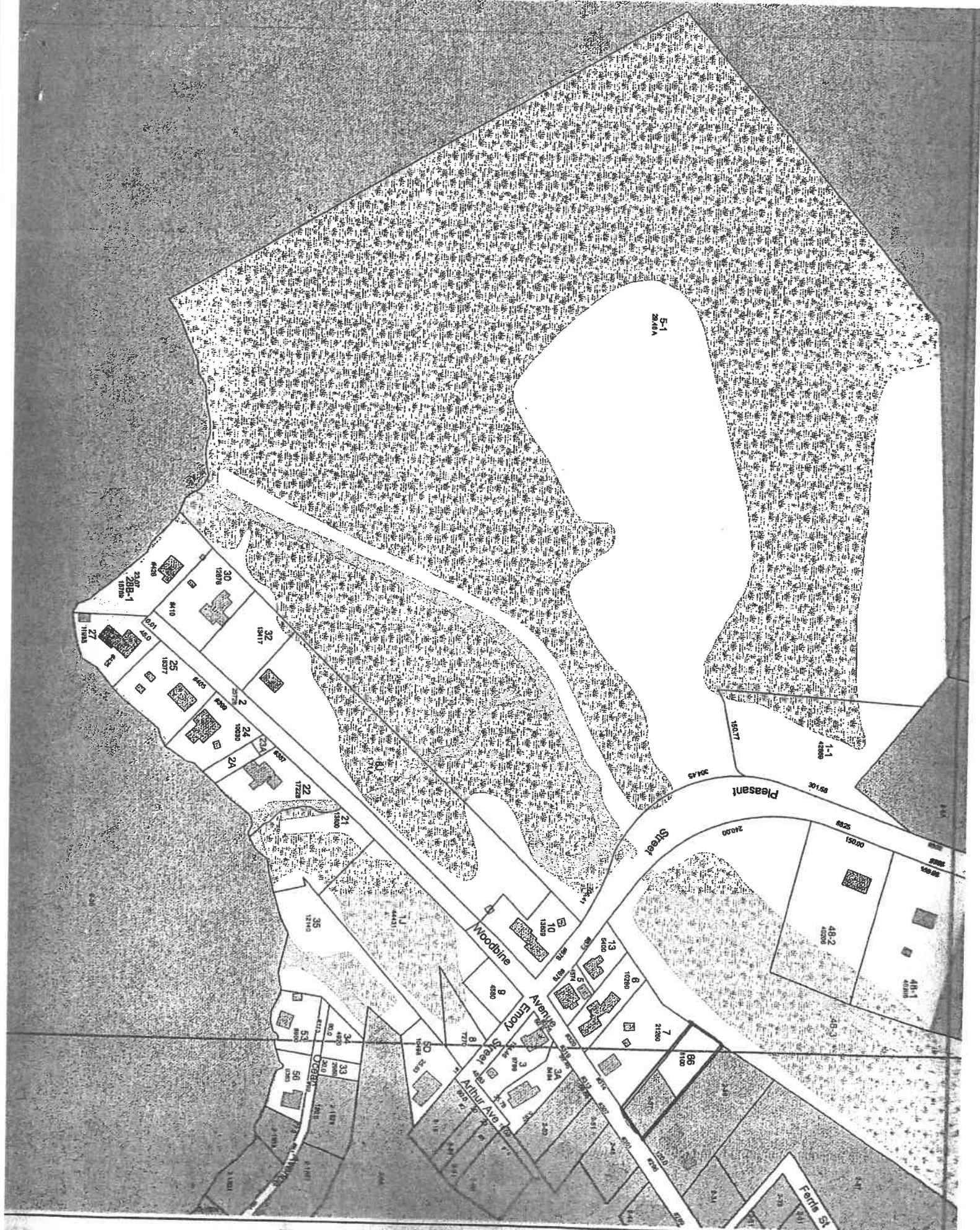
Recommended \$1,000.00 be raised and appropriated.

Voted: Unanimously voted to raise and appropriate the sum of \$1,000.00 to comply with the intent and purpose of this article.

Article 27. To see if the Town will allow the Assessors to use a sum of money from the Surplus Revenue to reduce the tax rate for 1955 or take any other action in relation thereto.

Proposed by the Finance Committee.

Voted: To allow the Assessors to use the sum of \$16,000.00 for the reduction of the 1955 tax rate and to appropriate the \$16,000.00 from Surplus Revenue.



Town of Hanson, Massachusetts
Assessor's Map

Legend
 street
 Drain
 Bog
 Marsh
 Water

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing March 25, 2014

RECEIVED
TOWN CLERK
14 MAR 31 AM 10:03

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Dong Xing – Case#14MR05
379 West Washington St.
Special Permit – 7:00 pm

Petitioner is seeking a special permit to allow for an in-home occupation for the display of kitchen cabinets in garage with related signage at above address. Property is located in Residence AA zone.

Building Commissioner would like the opportunity to view the garage area prior to opening for business to review any hazards or accessibility issues.

The Board read into the minutes the letter from Peter Chernicki, 27 Pennsylvania Avenue, Hanson, regarding concerns and issues on the proposed. (see attached)

The Petitioner explained that the garage would be used for the display of kitchen cabinets only based on a prior relationship with a distributorship. This would allow the customer to view them before ordering. There is no cutting, no painting. – by appointment only. The cabinets are made in China, imported to New York and New Jersey. Approximately 70 to 80 cabinets will be on display. The storage facility (garage) is a metal fabricated building. Once the client determines the cabinet or cabinets they want, the information will be forwarded to the distributorship and cabinets will be shipped from there. No shipping done from Petitioner's property.

One time shipment of cabinets will be made – no trucks on a daily basis. Cabinets are all assembled.

Signage will be placed behind mailbox – 3 square feet. Will require a permit from the Building Department.

Hours will be from 9:00 am to 5:00 pm, Monday thru Friday.

Abutters present were concerned with signage – size, type, illuminated; questioned storage and selling of cabinets from the property.

The Board made the decision not to allow for the storage of cabinets as this looks more like a distributor than a home occupation. The Board recommended to the Petitioner to rent a space to store the cabinets off the premises.

David made the motion to approve the special permit with the following conditions: customer traffic is limited to distributors and the only cabinetry on the premises is limited to that used for display only.

Sean: second.

All in favor: Vote: 3-0

Motion made to close the hearing.

Peter Chervicki 3/24/14
27 Pennsylvania Hanson 02341

- ① No Dumpsters
- ② No Trash Behind Garage
- ③ No Sign on Building
- ④ No Trucks or Vans with
- ⑤ Signs or Decals
- ⑥ Limit hours no Sunday

Thank you

Sheila + Peter Chervicki
Jim C

Sorry Could not Attend Work
Nights

received
3-24-14 1009

HANSON BOARD OF APPEALS
Minutes of Public Hearing March 4, 2014

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Member

Petitioner: Vincent Gallagher – Case#14FB04
104 Glenwood Place
Special Permit
(cont. from 2/18/14)

RECEIVED
TOWN CLERK
HANSON
14 MAR 20 AM 10:58

Petitioner is seeking a Special Permit to allow for an in-home occupation to be known as Dry Dock Sailing Academy. This business will manufacture small replacement parts for boats using PLA plastic with related signage at 104 Glenwood Place, Map 116 Lot 1 Hanson Assessors Map. Property is located in Residence AA zone.

Building Commissioner had no concerns or issues with this petition.

Petitioner will be using cad cam software and instead of printing on paper you print on plastic. This will be for marine use – PLA is UV capable – meets the requirements. His goal is to allow the small boater to scan (using a mobile app), modify (if necessary) print and ship their own replacement part(s) in real time and on demand. 3D printing allows this to happen.

No hazardous chemicals are used. There will be no employees, no boats on premises. Business will be limited to small boat parts. There will be some UPS deliveries.

Hours are 10:00 am to 6:00 pm Monday thru Saturday or by appointment; mostly over internet, will employ the services of makerbot.com.

Sign approved will be no more than 3 sq. ft.

Motion made to approve the Special Permit: David Nagle
Second: Sean Joanis
Vote: 3-0

3D Printing

New Home Business

Small Parts, Big Dreams.

Hello, My name is Vince Gallagher. My family and I are your neighbors at 104 Glenwood Pl. Shortly, you will receive a letter in the mail from the Town of Hanson announcing the creation of a small business at my residence. I am starting a home business, **Dry Dock Sailing Academy**, which will involve **3D printing**, Augmented Manufacturing (AM).

I am focusing on small boat parts because that is what I know (and need). Printing will initially be **off-site** using the vendor's software and printing capabilities. Eventually, I would like to perform printing on-site. This would be a cost savings overall and allow 3D printing to be available locally as well. Product shipment will be occurring via Fed Ex, UPS or USPS. Once printing occurs locally, the anticipation is for more parcels per delivery rather than any increase in deliveries to the local area. **Business Hours are expected to be 10 am to 6 pm Monday thru Saturday or by Appointment.** (Sunday is reserved for religion, football, and actual sailing.) Additionally, I am open to demonstrations and possible educational tie-ins with local school districts.

The printer type I will use is designed for home use and is about the size of a microwave. These printers are similar to ink jet printers. They use non-toxic plastics as the printing material. They heat the plastic like a hot glue gun and print

layer by layer of material usually at thickness of one tenth of a millimeter (0.1 millimeter).

Large expensive industrial machines use metal alloys as well as plastics. I am focusing on the smaller printer using PLA plastics to assist the small boater.

Obviously, any boater can go to a retail store and pick up a one size fits all part. I am looking to help the boater avoid the three or four trips needed to get the parts to work just right.

My goal is to allow the small boater to Scan (using a mobile app), Modify (if necessary), Print and Ship their own replacement part(s) in realtime and on demand. 3D Printing allows this to happen but is only one part of the process.

If you are interested in exploring 3D Printing as a hobby, craft or even your own business, I strongly recommend the following sites for more information:

- ▶ <http://www.3dsystems.com>
- ▶ <http://www.makerbot.com>

You can explore, purchase or simply establish an account to build your own creations. Depending on the type of printer, you can even print food. Chocolate is a big sell.

Please contact me with *any* questions or concerns:

vgallagh@icloud.com

781.234.8678 (mobile)

HANSON BOARD OF APPEALS
Minutes of Public Hearing March 4, 2014

RECEIVED
TOWN CLERK
HANSON, MA
14 MAR 20 AM 9:52

Members present: Robert Overholtzer, Chairman
 David Nagle, Clerk
 Sean Joanis, Member

Petitioner: Ronald Sullivan – Case#14FB03
 1375 Main Street
 Special Permit

The Petitioner is seeking a Special Permit to allow for the operation of a consignment and thrift shop dba Hanson Trader & Thrift Shop with related signage at 1375 Main Street – Unit 1 – Map 44 Lot 12 Hanson Assessors Map. Property is located in the Flexible Overlay zone and Zone II of the Aquifer Protection area.

Comments from the Fire Department indicated that Lt. Smith has spoken with Mr. Sullivan and has been advised that there will be no hazardous, flammable or combustible materials or fluids stored in the unit. The Fire Department must conduct an inspection prior to opening.

The Building Commissioner had no concerns with the petition.

Per the Petitioner they will be buying/selling used household items, appliances, hand tools, etc. Some items may be on consignment. Hours of operation will be from 8:00 am to 8:00 pm Monday thru Sunday. Number of employees will be two. The Petitioner obtains most items for sale thru buyout of storage units, flea markets. This business is definitely not a pawn shop - do not lend out money.

Sign will be installed over existing sign on building.

Motion made to approve the special permit as requested: David Nagle

Second: Sean Joanis

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing March 4, 2014

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TOWN CLERK
HANSON, MA
14 MAR -6 AM 10:34

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Alternate

Also present: Atty. John Goldrosen, Kopelman & Paige

Petitioner: Marston Realty Trust, Kenneth Marston Trustee
Depot Village – Comprehensive Permit 40B
Phillips Street – Case#14JA02 – 7:00 pm

This is a continued hearing from February 4, 2014.

The hearing is in regards to a request for an extension of the time allowed to act for the Comprehensive Permit plan entitled Depot Village located on Phillips Street, Assessors Map 50 Lots 24D and 152. The Board of Appeals had determined that the extension requested is a substantial modification to the Comprehensive Permit.

Member Sean Joanis stated that the understanding is that a permit for an extension is not to be unreasonably denied ; however given the length of time with this project and its outstanding permit and the fact that the permit had previously expired- this Board basically resurrected the permit on behalf of the applicant. The fact that the applicant has failed to comply with prior conditions on extensions including providing any evidence of financing for the project; the fact that the applicant has not gone before other Town Boards including the Conservation Commission to move this project forward, the inclination is to deny the extension as it is not unreasonable to do so given the history of the permit and the application for an extension.

Board Member David Nagle said as this has been a nine (9) plus year project that at some point the permit lapsed for a significant period of time. The Board voted to extend the hearing with the submission of quarterly reports. The reports in the opinion of Board member Nagle were insufficient. At one of the hearings it was represented by an agent of Mr. Marston that the project was not viable in its current form and would have to be subject to new modifications with respect to the amount of affordable units and modification to the project itself.

Mr. Marston has not obtained Conservation Commission permits nor Board of Health permits.

There were concerns from the public hearing of February 4, 2014, from abutters that the property has fallen into disarray and is becoming a dumping ground. For all the reasons previously stated and reasons stated above from Board member Joanis, this should be denied.

Motion made to deny the extension : Sean Joanis

Second the motion and move to incorporate any of the previous findings that were cited for denial of the extension in the hearing held on November 12, 2013 into this motion: David Nagle

All in favor? David Nagle-Aye; Sean Joanis-Aye; Robert Overholtzer – Aye

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 4, 2014

RECEIVED
TOWN CLERK
14 FEB 11 AM 10:50
JK

Members present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Alternate

Also present: Atty. John Goldrosen, Kopelman & Paige

Petitioner: Marston Realty Trust, Kenneth Marston Trustee
Depot Village – Comprehensive Permit 40B
Phillips Street – Case#14JA02 – 7:00 pm

This hearing was originally scheduled for January 21, 2014 at 7:00 pm but due to a snowstorm was continued to February 4, 2014 at 7:00 pm.

For the record, Kenneth Marston, Trustee of Marston Realty Trust, nor any of his representatives were present at this hearing.

The hearing is in regards to a request for an extension of the time allowed to act for the Comprehensive Permit plan entitled Depot Village located on Phillips Street, Assessors Map 50 Lots 24D and 152. The Board of Appeals had determined that the extension requested is a substantial modification to the Comprehensive Permit.

After reading the notice into the hearing, the Board told those present that this hearing concerns the extension of the permit only.

The Board stated the procedural history of this project starting with May of 2012 at which time the applicant requested an extension of the comprehensive permit. The request for an extension with 90 day review hearings was granted thru Nov. of 2013. At this hearing, the Board voted to deny any further extensions. There are two factors to consider: first, that this development has been extended over nine years – originally approved in May of 2003; a dispute with the Water department was resolved in 2005. Between 2005 and 2014 the project has gone thru two modifications which came before this Board and were approved. Nine years have now gone by.

Second factor, at the December 10th hearing a representative of Marston Realty, Paul Cusson of Delphic Associates, was present at the hearing. Basically he made representations that the project was unable to secure funding, would be necessary to apply for further modifications for funding and maybe another year or two before the project could start. Based on the lack of information that the Board was given and based on the length of time given to this project, the Board determined that a request for extension constituted a substantial change and accordingly this hearing was scheduled.

Atty. John Goldrosen explained that an extension of a 40B is a lot more open-ended. If an applicant is not happy with a decision they may appeal to the DCHD. Basically, the applicant submits a request, the Board must decide if it is substantial or not; if substantial must schedule a public hearing. Generally a request for an extension is not to be considered a substantial change – in this case, substantial change is due to the sheer duration of time and extending a project that is not buildable in its current form per representation made at a previous hearing. Goldrosen explained to the abutters present that they would have a chance to comment on any changes if and when the Petitioner files for modification to the plan. If the Board decided that the proposed changes were substantial, there would be a public hearing; once the hearing is closed the Board has 40 days to approve or disapprove the modification.

Abutters present were concerned with the following: drainage not done properly, easement never addressed, traffic, pollution, conditions of Comprehensive Permit have not been addressed or met – onus on applicant to fulfill; why has it taken nine years and still not started; why is applicant not here at the meeting; mountains of trash on the property from tires, mattresses, old travel trailer taken apart, etc.. , can't this property be better secured.

Other concerns were if applicant does not have the money, how long are permits given; who oversees placement of tenants. Atty. Goldrosen told the abutters that as of right now Hanson Housing Authority oversees the tenant placement.

Once the public hearing has been closed the Board has 40 days to render a decision.

Motion was made to close the hearing . Next hearing date is March 4, 2014 at 7:00 pm.

RECEIVED
TOWN CLERK
HANSON, MA
14 JAN 15 AM 9:50
JH

HANSON BOARD OF APPEALS
Minutes of Public Hearing January 7, 2014

Members Present: Robert Overholtzer, Chairman
David Nagle, Clerk
Sean Joanis, Alternate

Petitioner: Patrick Greally – Case#14JA01
1000 Main Street – 7:00 PM
Warehouse Unit #8
Special Permit

The Petitioner is requesting a Special Permit to allow for the refinishing and renewal of kitchen cabinet doors and furniture using proprietary products at the above address. Business will be known as "N-HANCE".

The majority of the work is performed in the customer's home. Cabinet doors are refinished in the warehouse shop. Some furniture pieces are worked on as well. Per Greally, 60% of the area is storage and office space, the rest is shop area.

No sanding is done – he uses a wet abrasive process. No hazardous chemicals used at all. He has been to the fire department.

There will be two employees; hours will be 6:00 am to 10:00 pm, Monday thru Saturday.

Spray room is vented out; no customers will be on site. There are two parking spaces for two company vans.

Permission for sign is granted subject to Landlord installing signage for all tenants of the building with Building Commissioner's approval and a sign permit.

Motion made to allow the special permit: David

Second: Sean Joanis

Vote: 3-0

Motion made to close the hearing.