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HANSON, MA
2015 DEC 15 A 11:05

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing December 1, 2015

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk
Ryan Tully, Alternate

Petitioner: Deborah Nelson – Case#15DC27 -7:00 PM
22 Richard Road – Special Permit

Petitioner did not attend the hearing; nor has the hearing fee of \$200 been submitted by the Petitioner.

The Petitioner is requesting a special permit to allow for an in-law apartment at the above address. Property is located in Residence A zone.

Ms. Nelson signed a form to allow the hearing to be continued until January 5, 2016 at 7:00 pm.

Motion made to continue the hearing until January 5, 2016: Sean Joanis
Second: Joanne Miniutti
Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing December 1, 2015

RECEIVED
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2015 DEC 15 A 11:05

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Clerk
Joanne Miniutti, Clerk

Petitioner: Hatherly Realty, agent Robert Ahern
Case#15DC28 -7:15 PM
1375 Main Street – Unit 1 – Special Permit

Petitioner is requesting a special permit to allow for the operation of a real estate office with related signage at the above address. Property is located in the flexible overlay zone.

Ahern stated that hours of operation will be from 9:00 am to 8:00 pm., seven days a week. There will be six employees.

Signage as per zoning by-law.

Hanson Fire Department had no major issues with the application but will need a business response sheet, a key for the knox box and a fire extinguisher to be installed.

Motion made to allow the special permit as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing November 17, 2015

RECEIVED
TO THE CLERK
HANSON, MA

2015 DEC 16 A 9 24

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Steven Vasiliadis – Case#15NV24
1272 Main Street – Bldg. 2
Special Permit – 7:00 PM

Petitioner has to cancel his hearing. Hanson Fire Department has a list of concerns (see attached), and the landlord cannot fulfill all that is required for this business to open and operate safely.

Motion made to close the hearing.

Interoffice Memo

Date: 11/10/15
To: Robert Overholtzer, Chair ZBA
From: Fire Prevention, FF Kevin Mossman
RE: 1272 Main St., Bldg. 2, Bays 1-2

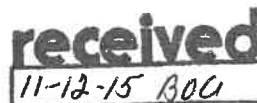
Concerning the application of Stephen Vasiliadis for a repair and body work business at 1272 Main Street, Building 2, Bays 1 and 2, we request the following:

1. Plans showing the proposed changes to the rented space. (Location of wall/ceilings/type of construction-ventilation and/or spray booth.) Changes to space may require modification and/or additions to current fire protection systems.
2. A list of any hazardous materials-combustible/flammable gases/fluids/solids and quantities to be stored, and any anticipated hazardous processes inside the building.
3. Any planned waste oil tanks/barrels to be stored in the building?
4. Will there be any welding or cutting operations?
5. Estimated number of vehicles that will be in the building?
6. Because this is a new business, the occupancy will require a Knox Box with keys, or if box is already in place, just the keys for the Knox Box.
7. Installation of fire extinguisher(s).
8. Business Response Data Sheet completed, if not done already.
9. An inspection by the Fire Department prior to opening.

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

Regards,

Kevin Mossman



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HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing December 1, 2015

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk
Ryan Tully, Alternate

Petitioner: Deborah Nelson – Case#15DC27 -7:00 PM
22 Richard Road – Special Permit

Petitioner did not attend the hearing; nor has the hearing fee of \$200 been submitted by the Petitioner.

The Petitioner is requesting a special permit to allow for an in-law apartment at the above address. Property is located in Residence A zone.

Ms. Nelson signed a form to allow the hearing to be continued until January 5, 2016 at 7:00 pm.

Motion made to continue the hearing until January 5, 2016: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing December 1, 2015

RECEIVED
TOWN ENGINEER
HANSON, MA
2015 DEC 15 A 11:05

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Clerk
Joanne Miniutti, Clerk

Petitioner: Hatherly Realty, agent Robert Ahern
Case#15DC28-7:15 PM
1375 Main Street – Unit 1 – Special Permit

Petitioner is requesting a special permit to allow for the operation of a real estate office with related signage at the above address. Property is located in the flexible overlay zone.

Ahern stated that hours of operation will be from 9:00 am to 8:00 pm., seven days a week. There will be six employees.

Signage as per zoning by-law.

Hanson Fire Department had no major issues with the application but will need a business response sheet, a key for the knox box and a fire extinguisher to be installed.

Motion made to allow the special permit as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

JK

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing September 15, 2015

RECEIVED
TOWN CLERK
SEP 24 A 9 11

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk
Ryan Tully, Alternate

Petitioner: Timothy Dunne – Case#15SP23
1000 Main Street- Unit 106 – 7:15 PM
Special Permit

Petitioner is requesting a special permit to allow for cabinet refinishing, fiberglass and metal fabrication – specialties automotive and marine – with related signage at the above address. Business to be known as “Wicked Design Group.”

Property is located in Business and Flexible overlay zones.

Building Commissioner commented that he has no objection to this proposal however a building permit will be required for the installation of a spray booth and a permit will be required through the Fire Department for the modification of an existing sprinkler system.

Petitioner does customization on automobiles, makes custom trim panels. On the marine side he does boat repairs, swim platforms made out of fiberglass, some made out of teak and/or trek decking. As far as cabinet refinishing does speaker cabinets customized to customers taste – mostly for recording studios.

There will be a minimum of hazardous materials – 5 gallon bucket of thinner – order per job. Fire department recommended Dunne use approved cabinets for storage. Fire department will recheck once spray booth is installed.

Number of employees will be two. Hours will be 7:00 am to 7:00 pm Monday thru Saturday.

As far as signage one will be placed on Unit door.

Motion made to approve the special permit as presented: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing September 15, 2015

RECEIVED
TOWN OF HANSON
2015 SEP 24 A 9 11

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Elizabeth A. Brown, Trustee of Waltham Street Realty Trust
Represented by William Cushing III
119 Waltham Street – Case#15SP22 – 7:00 PM
Special Permit/Variance

Petitioner is requesting a special permit/variance to allow for the demolition of a preexisting nonconforming house and to construct a new dwelling at the above address. Property is located in Residence A zone.

Building Inspector Robert Curran commented that his office has no objection to this proposal, however a Building Permit will be required prior to the start of any demolition or construction.

The Petitioner will demolish the current dwelling and construct a 26' x 30' two-story colonial home. Conservation Committee has okayed the project subject to ZBA approval and BOHealth approval. The finished structure will be more conforming to zoning.

Abutter, Julianne Cachopa at 127 Waltham Street, was in favor of the project – definite improvement.

Petitioner was asked to withdraw his request for a variance without prejudice as the Board felt they could act on a special permit only.

Petitioner made the request to withdraw without prejudice the request for a variance.

Motion made to accept the withdrawal of the variance without prejudice: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to grant the Special Permit as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON ZONING BOARD OF APPEALS
Minutes of public Hearing September 15, 2015

RECEIVED
TOWN OF HANSON
SEP 24 A 9 10
JH

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk
Ryan Tully, Alternate

Petitioner: Dunham Farm LLC – Case#15JN15
902 Main Street – Modification – 7:30 PM

Petitioner is requesting a continuance of this hearing (via e-mail) until the next available Board of Appeals meeting which will be November 17, 2015 at 7:00 PM.

Motion made to accept the applicant's request for a continuance until November 17, 2015:
Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 1, 2015

JM
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HANSON, MA
2015 SEP 14 A 9 57

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Roger A. Reed – Case#15SP21
1280 Main Street – Unit B2
Special Permit

Petitioner is requesting a special permit to allow for the operation of a performing arts and pilates studio with related signage at the above address. Property is located in the Flexible Overlay zone.

Business will be known as "Reed Performing Arts and Pilates Center." Along with dancing, there will be musical instrument instruction and pilates.

Hours of operation will be 7:00 am to 12 midnight Monday thru Saturday.

Number of employees will be four full time.

Rocky Mendes and Laurette Ryan are two employees who will also be using the studio at various times.

Plenty of parking is available in back of the building.

Signage will be on signboard out in front provided by the landlord and one on the roof.

A fire alarm inspection report is needed by the fire department.

Motion made to approve the special permit: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

JK
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2015 SEP 14 A 9:57

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 1, 2015

Member present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Dunham Farm – Case#15JN15

Chairman Overholtzer opened the meeting and read into the minutes a letter from Drohan Tocchio & Morgan, P.C. represented by Atty. Adam Brodsky, requesting a continuance of the hearing scheduled for this evening. (see attached)

Motion made to continue the hearing until September 15, 2015 at 7:30 pm: Sean Joanis
Second: Joanne Miniutti
Vote: 3-0

DROHAN TOCCHIO & MORGAN, P.C.

ATTORNEYS AT LAW
175 DERBY STREET, SUITE 30
HINGHAM, MASSACHUSETTS 02043
Telephone: (781) 749-7200 ~ Facsimile: (781) 740-4335
www.dtm-law.com

ADAM J. BRODSKY
abrodsky@dtm-law.com

September 1, 2015

Via Electronic vcostley@hanson-ma.gov
and First Class Mail

Robert Overholtzer, Chairperson
Hanson Board of Appeals
Hanson Town Hall
542 Liberty Street – Second floor
Hanson, MA 02341

Re: Dunham Farm, LLC – 902 Main Street, Hanson, MA

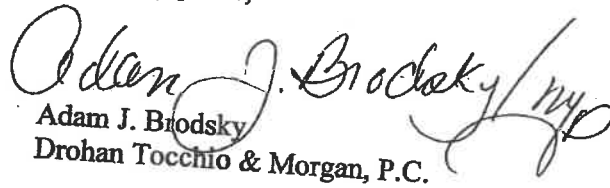
Dear Chairperson Overholtzer and Members:

As you are aware, this office represents Dunham Farm, LLC (“Dunham Farm”). We respectfully request a continuance of the hearing scheduled for this evening.

We are evaluating the necessity for modifications to the on-site septic system and have been in communication with the Health Agent. However, we have not completed those discussions and need additional time before reporting back to the Board of Appeals.

We apologize for the late notice and respectfully request a continuance to the next meeting date at which time we will be able to address the modifications. Thank you for your attention to and consideration of this matter.

Very truly yours,


Adam J. Brodsky
Drohan Tocchio & Morgan, P.C.

cc: Jason R. Talermin, Esq. (via email)
Paul Haverty, Esq. (via email)

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 18, 2015

RECEIVED
TOWN CLERK
HANSON, MA
2015 AUG 27 A 9:18

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Kimberly Duncan – Case#15AU20
Pleasant Street – part of 125 South Street
Variance – 7:15PM

The Petitioner is requesting a Variance to allow access to a retreat lot to construct a single family home that will be accessed from Pleasant when built.

Property is in Residence A zone.

Petitioner explained that her father acquired the property back in 1997. Parcel A, Parcel C and Parcel D were sold to her father. Parcel B, next to Parcel A is now a retreat lot, was not when her father bought. In 1998 a retreat lot was put next to the hammerhead lot. At that time a 10' separation was put between the two lots – both have 40' of frontage, but needs a variance to build.

The Hanson Planning Board approved the Plan prepared for South Street Realty Trust on March 19, 2015 - Approval under Subdivision Control Law not required.

Based on the dates of the purchase of the lot, and the fact that the purpose of the zoning by-laws at the time was to stop developers from putting in new developments behind other homes next to each other – not the case here, existing road has been there for a long period of time; motion was made to approve the variance as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

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

ES

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HANSON, MA
2015 AUG 27 A 9:18

HANSON BOARD OF APPEALS
Minutes of Public Hearing- August 18, 2015

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Joseph Padula – Case#15AU19- 7:00 PM
1221 Main Street – Special Permit/Variance

The Petitioner is requesting a special permit/variance to allow for the demolition and rebuilding of a single-family, two-story home at the above address. Property is pre-existing nonconforming and is in the Flexible Overlay zone.

Padula will be building a New England Style farmhouse– two story – 26' x 34' with a 6' porch in front. With the new plan he meets all the setbacks.

Padula made the request to withdraw the variance without prejudice.

Motion made to accept the withdrawal of the variance without prejudice: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to approve the special permit as requested to demolish and rebuild: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

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

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 4, 2015

Board Members: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Robert White – Case#15AU18
1282 Main Street – Special Permit
7:15 PM

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HANSON, MA
2015 AUG 13 A 10:23

Petitioner is requesting a special permit to allow for the operation of a doggy daycare to be known as Stay & Play Doggy Day Care with related signage at the above address.

Per the Petitioner and the landlord, this hearing needs to be postponed until electricity can be installed in unit.

Motion made to cancel the hearing until further notice: Sean Joanis
Second: Joanne Miniutti
Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 4, 2015

JK
RECEIVED
TOWN CLERK
HANSON, MA
2015 AUG 13 A 9 58

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Paul Newcomb – Case#15MR04
Newcomb Tree Service
0 Phillips Street – Special Permit/Site Plan

Also present for the Petitioner: Steve Wry, Land Planning, Inc.

This is a continued hearing from July 21, 2015 as Petitioner was on vacation. The Petitioner is requesting Site Plan approval and a Special Permit to allow for the operation of Newcomb's Tree Service LLC- trucking, wood recycling yard and mulch sales with related signage at the above location. Property is in the Commercial Industrial Zone.

Updated comments (copies attached) submitted by the Board of Health basically indicates that the use of a tight tank on this site would not be approved per D.E.P.

Conservation Agent indicated that the Site Plan will require a filing of a Notice of Intent with the Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L., and the effects of the proposed development on streams, wildlife and similar considerations within the scope of the Conservation Commission.

Planning Board suggest that drainage calculations be submitted for any proposed stormwater management and a proposed traffic count to determine the impact to Phillips Street and the abutting residential properties.

Steve Wry, Land Planning, indicated that they know they have to file a NOI with Conservation, have it prepared just waiting to submit and know that Conservation will have issues like drainage, etc. As far as traffic counts, Wry indicated that Newcomb has about 40 pieces of equipment. The majority of the business is shipped off site – some retail. Most retail is delivered by Newcomb, some landscapers do pick up mulch. Per Newcomb, does not do a lot of residential.

Wry continued regarding the drainage calculations and stormwater management, Newcomb just wants to move to this site on a temporary basis – lease for a year or two. Per Wry, the previous development (Depot Village) was approved but is waiting to see if it will be financially feasible. Per Wry there site is kind of an open field that is overgrown. This site is bigger and more comparable to his needs. Gravel is being proposed for along the wood chip piles, log piles and also parking area for the vehicles. Grass swales are proposed along the perimeter of the stockpile areas. Protection in place to prevent disturbance from these piles, erosion controls along the downhill side of the piles, mulch processing area and other side of the grass swale.

Trying to leave as much vegetation as possible in the open areas. Regarding the piles, the log piles are limited to a height of 30' by fire code and wood chip piles have no height restriction per Newcomb.

Wry went on to address the BOH comments and stated that he was aware that a tight tank would be allowed. Newcomb has heard from a contractor that this has been allowed in the past especially where he plans on being there temporarily; there is an area to put in a septic system though. Per Wry, there is no proposed storage of petroleum.

Board member Joanis referred to the section of the by-law, Section VI.E.- Commercial Industrial District is intended for use by research laboratories, office buildings and light industries which are compatible with a low-density, rural residential community. Joanis feels that Newcomb will have 40 pieces of equipment on site – this is not light industry. While Joanis said that the definition of commercial industrial district if the only industry that is allowed is a light industry when he looks to the definitions of what is light industry in the by-laws he doesn't see one – so that leaves it to him as a Board member to determine what a light industry is- and 40 pieces of equipment daily, coming and going a couple of times a day – does not see this as a light industry. Joanis also concerned under Section E.1.(c)-manufacturing enterprises - of which you will be manufacturing wood products – provided that such activities will not be offensive, injurious, or noxious because of sewerage and reuse, vibration, smoke or gas, fumes, dust or dirt, odors, danger of combustion or unsightliness. His concern is for all of these issues and does the plan take them into consideration. Under Section VI.3.-Conditions of Approval – (f) Storage - all materials, supplies and equipment shall be stored in accord with Fire Prevention Standards of the National Board of Fire Underwriters and shall be screened from view from public ways and abutting properties. Again, Joanis said he doesn't see anything on the Plan that screens anything from view of the public way it abuts or other properties in the area. That is a requirement for storage, reiterated Joanis.

Wry answered to the storage area for the equipment by pointing out an existing tree line which would be somewhat of a buffer to the front of the property for the vehicles. As far as storage materials, Wry stated that materials are 600' off Phillips Street, front pile is off Station Street.

Board member Joanis asked if there was any screening from the road or the abutting properties; Wry answered nothing proposed right now – mulch pile being the buffer to any noise going on. Joanis stated that this is a material that is being stored under Section VI.3.(f) and needs to be screened from the views of public ways and abutting properties-mulch pile 20' high, what kind of screening could there be. Under this section it says "shall be screened from view from public ways and abutting properties." Unless the mulch pile is somewhere where the vegetation is going to act as screening, the plan is not in compliance with the by-law, said Joanis.

Newcomb suggested he could transplant trees from the back of the property to the front.

Joanis stated that the plan before the Board tonight is what Newcomb is asking for approval. Joanis reiterated his concerns – the storage, the definition of the manufacturing with the indications of vibrations, smoke, fumes, dust, dirt, odors, combustion and just from the beginning the question of whether this fits under Commercial Industrial district because of whether or not it is considered “light industry.”

Chairman Overholtzer asked how does the mulch get transported from the grinding area to the mulch pile? Newcomb answered - front-end loaders.

Newcomb stated that this is not a 12-month process – 2 to 3 months out of the year.

Wry showed the Board an aerial view of the site which shows the location of Station Street and the existing buffer of existing vegetation back there. Wry said that as to the majority of the residences on Phillips Street there is a substantial vegetative buffer there, other than the one on the corner – 141 Phillips St. Wry said he could see providing some type of buffer for that property.

Abutter Mark Gianelis of 141 Phillips St., purchased his home three years ago. His property location makes him the one most affected by this proposal. He has no problem with the light industry that is currently operating in the industrial area. Gianelis stated that there are no trees that can be planted that would obstruct his view of this proposed use. He indicated that this is not a good location for this type of business – kids play on the street, ride bicycles on the weekend down the dirt road. There are no gates to deny access to the area, no plans for security – will be wide open to everybody. Kids will try to climb up the log piles, etc.. Gianelis questioned noise level, dust which will come right into his back yard.

Abutter Nathaniel Novak, 286 Phillips St., said that at the corner of the road where this is being proposed cars have repeatedly run off the road, clipped telephone pole and gone into the woods.

The Board asked for hours of operation. Newcomb stated 7:00 am to 6:00 pm in the proposed yard, and also run a 24 hour tree service. Also do plowing in the wintertime- not seasonal – every day except Sundays. Per Newcomb mulch season starts when the snow stops – usually March then dies off around July 4th – then minimal amounts after that with tractor trailers coming in and out everyday.

Abutter James Gianelis asked what happens to the logs when they arrive after July. Newcomb answered that they stockpile them and then grind them up. Newcomb stated that he cannot afford to grind all year long, his fuel bills are \$10,000 per week making mulch. He cannot afford to make mulch if it is not going out the door. One trailer load of dye is \$20,000 per Newcomb.

Robert Hayes, resident of 80 Greengrove Avenue, realizes that Mr. Gianelis is in a tough situation – bought a house on the corner of an industrial park overlooking two steel buildings.

Is there any type of compromise, some sort of buffer that could be worked out, some set of conditions to accommodate him and the proposed plan for the site.

Newcomb stated that this site is not big enough for him; maybe 15 acres but with all the Conservation and buffers only using about 8 acres. He stated that he has a piece of property that he is looking at right now that is being cut out and engineered of where he wants to go – has 103 acres – can buy as much as he needs. In the meantime he needs a place to operate – only a temporary thing- that is why he is not paving the whole thing, putting up fencing, putting up a building 200' x 60' to house all the trucks and do maintenance just to move in two years.

Abutter Gianelis asked Newcomb what happens to the land after you leave-it will be one big mess – an eyesore. Newcomb mentioned Marston wants to put condos back there; but Gianelis asked what if Marston doesn't get his funding- site will be a dust bowl with no trees.

Abutter Novak talked about the dust mitigation and running trucks in and out on gravel, coupled with the fact that grinding will be done three months of the year, and how is Newcomb going to mitigate this. Newcomb mentioned that he could buy a water truck to keep dirt and dust down- looking for one now.

Resident Tim McQuarrie, 437 E. Washington St., stated that the site looks like a dump now, Newcomb would be a better use.

Wry stated that Newcomb has indicated just now based on the fact that the Gianelis residence is so close that he would be willing to provide some screening for them – maybe a row of arborvitaes or a fence on his property. Wry also pointed out that the piece of land that is immediately abutting Gianelis property might be more feasible for some sort of screening as it is owned by Kenneth Marston, same owner who is trying to lease the proposed site to Paul Newcomb.

Board member Joanis stated that based on the representations made regarding the number of vehicles, the amount of fuel used per week during the grinding season, again not sure this meets the definition of light industry, sees nothing that complies with the storage requirement for materials to be screened from abutting properties, so based on those provisions as well as the manufacturing enterprises and concerns of vibration, smoke or gas , fumes, dust or dirt, odors, danger or combustion or unsightliness made the following motion.

Motion made to deny the application for site plan approval: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Robert Overholtzer,
Chairman Zoning Board of Appeals
August 4, 2015

Dear Mr. Overholtzer,

I have the following comments regarding a petition by Newcomb Tree to develop property located off Phillips Street.

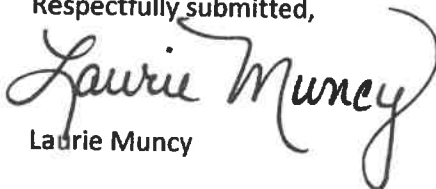
Article 2 Section 2 Review Fees: The Board of Appeals may at their discretion employ professional assistance to review any materials pertinent to the hearing at the cost of the applicant. ***It would be my recommendation that the Board employ the services of a review engineer to assist with the site plan review.***

The following items should be considered prior to the issuance of a determination.

1. The size and height of the proposed fill piles, log piles, wood chip piles and mulch processing area should be shown on the plan.
2. The types of protection that will be in place to prevent the disturbance of these piles from the elements (i.e. wind or rain blowing and transporting materials on to abutting properties and/or roadways).
3. The drainage calculations for any proposed stormwater management should be submitted for review.
4. Proposed traffic counts should be submitted to accurately determine the impact to Phillips Street and the abutting residential properties. Travel routes and hours of operation should be determined by the Zoning Board of Appeals and stated in the determination.

The Site Plan will require the filing of a Notice of Intent with the Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the proposed development on streams, wildlife and similar considerations within the scope of the Conservation Commission.

Respectfully submitted,


Laurie Muncy

Town Planner/Conservation Agent

received
8-4-15 BOA



*Hanson Board of Health
Town Hall
542 Liberty Street
Hanson, MA 02341
(781) 293-3138
www.hanson-ma.gov*

August 4, 2015

To: Zoning Board of Appeals
From: Donna Tramontana, Health Agent 

Re: Proposed use of land on Phillips/Station Street. Plan titled "Site Plan of Land located on Phillips and Station Street" for use by Newcomb Tree Service, dated June 12, 2015, with no revisions.

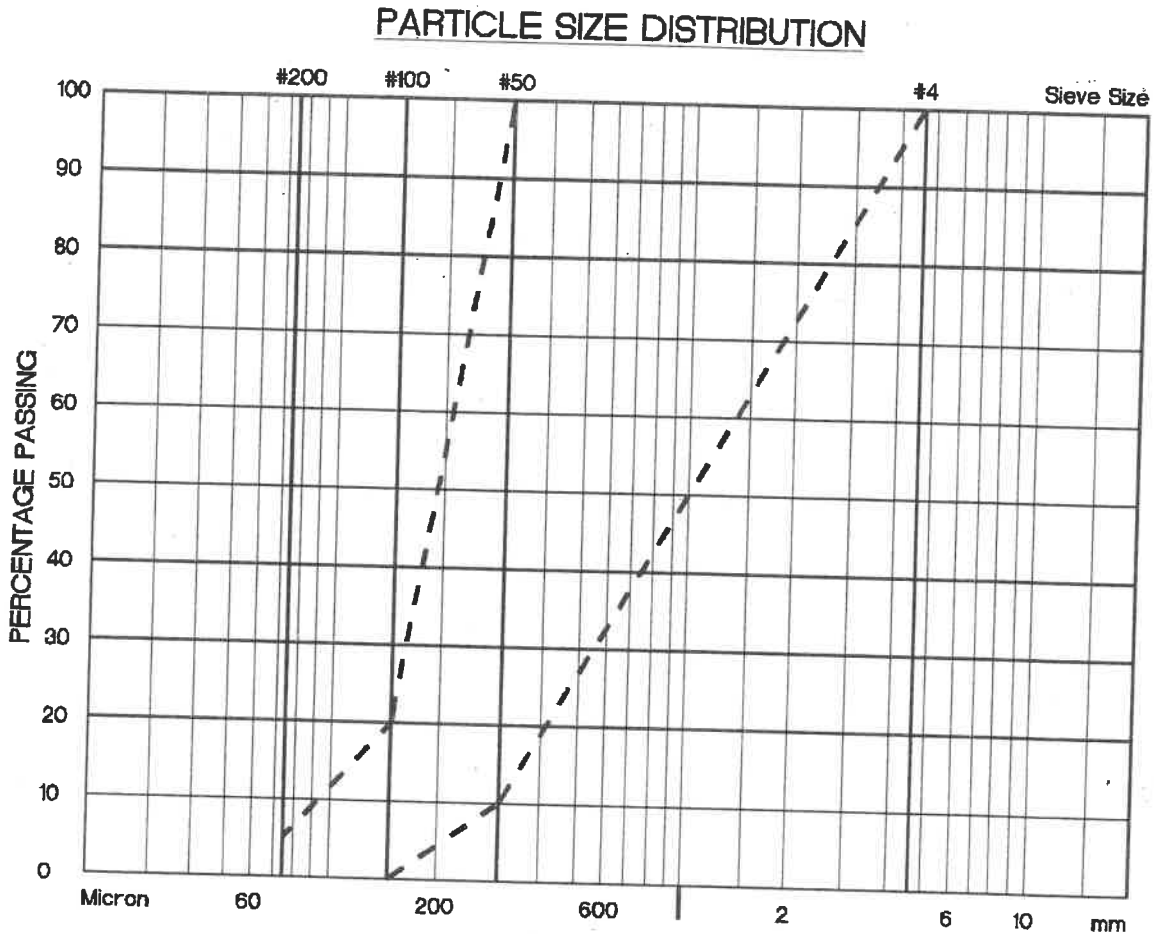
I reviewed the submitted plan and followed up with Brett Rowe, Environmental Engineer at Massachusetts Department of Environmental Protection regarding the use of a tight tank, as proposed, at the above location.

According to 310CMR 15.000 – The State Environmental Code - Title 5
Section 15.260 – Tight Tanks

- (1) Approval of a tight tank may be granted only to eliminate a failed on-site system when no other feasible alternative to upgrade the systemexists....
Tight tanks shall not be approved for new construction.....

The use of a tight tank must be approved by D.E.P. I reviewed the proposal by Land Planning with Mr. Rowe. Given the information provided, he advised the current proposal would not be approved, for reasons stated above. Mr. Rowe can be reached at 508-946-2754 for further comment.

received
8-4-15 BOA



- (4) If required by the Approving Authority, a minimum of one representative sample shall be taken from the in-place fill for a system serving a single family residence and tested for compliance with the grain size distribution specification. One soil test per pit per removal day shall be required for systems with design flows of 2,000 gpd or more.
- (5) Where fill is required to replace unsuitable or impermeable soils, the excavation of the unsuitable material shall extend a minimum of five feet laterally in all directions beyond the outer perimeter of the soil absorption system to the depth of naturally occurring pervious material as required by 310 CMR 15.240 (soil absorption systems) and replaced with fill material meeting the specifications of 310 CMR 15.255(3).
- (6) Prior to placement of the fill, which shall be stockpiled at the edge of the excavation and filled in gradually, the bottom surface of the excavation shall be scarified and relatively dry. Fill shall not be placed during rain or snow storms. If the groundwater elevation is above the elevation of the bottom of the excavation, the excavation shall be dewatered prior to placement of the fill.

15.260: Tight Tanks

- (1) Approval of a tight tank may be granted only to eliminate a failed on-site system when no other feasible alternative ~~to upgrade the system~~ in accordance with 310 CMR 15.201 through 15.293 exists, except as provided in 310 CMR 15.260(8). ~~Tight tanks shall not be approved for new construction or for increased flow to existing systems except as approved by the Approving Authority for:~~
- (a) boat waste pump-out facilities where no other feasible alternative exists; or
 - (b) to serve buildings necessary for the operation of a public water supply where it is not feasible to connect to a sewer or to construct a system in compliance with 310 CMR 15.000.
 - (c) to serve publicly owned and operated seasonal structures where it is not feasible to connect to a sewer or to construct a system in compliance with 310 CMR 15.000.

- (2) The design of a tight tank shall conform to the following criteria:
- (a) The tight tank shall be sized at a minimum of 500% of the system sewage design flow established by 310 CMR 15.203, but in no case less than 2,000 gallons;

15.260: continued

- (b) plans for the tank shall be prepared, stamped and signed by a Massachusetts Registered Professional Engineer or Registered Sanitarian and submitted to the Department by the applicant for approval;
 - (c) audio and visual alarms shall be set to activate at 3/5 tank capacity in a suitably convenient location. Transmission of the alarm signal to a locus manned 24 hours per day may be required;
 - (d) the application for approval shall indicate the method and frequency of removal of the contents;
 - (e) the specific location and method of disposal of the contents shall be indicated and be in accordance with 310 CMR 15.501 through 15.505;
 - (f) the tight tank shall have at least one 24-inch diameter cast iron frame and cover at finished grade constructed so as to eliminate entrance of surface waters. Permanent suction piping may also be required;
 - (g) the tight tank shall be located so as to provide year-round access for pumping;
 - (h) a permit to install the tank shall be obtained from the Approving Authority;
 - (i) an operation and maintenance plan, acceptable to the Approving Authority, shall be implemented which requires monitoring of the system to ensure proper operation and maintenance;
 - (j) the tight tank shall be waterproof and watertight and shall not be located below the water table without extensive testing to prove the integrity of the tank and design against uplift;
 - (k) aeration or other method of odor control may be required; and
 - (l) the tight tank shall be designed in compliance with the requirements for the construction of septic tanks in 310 CMR 15.226(1) through (4).
- (3) The Approving Authority may require the submission of monthly or less frequent reports concerning operation and maintenance of the tank.
- (4) No tight tank shall be utilized until written certification by a Massachusetts Registered Professional Engineer or Registered Sanitarian that the tight tank has been constructed and installed in accordance with the approved plan has been submitted to the Approving Authority.
- (5) When a sewer system becomes available, any person owning a tight tank shall connect to the sewer within 30 days and the tight tank system shall be abandoned in accordance with 310 CMR 15.354.

(6) Prior to the issuance of the Disposal System Construction permit for a tight tank, the facility owner shall record or register in the chain of title for the property served by the tight tank at the Registry of Deeds or the Land Registration Office, as applicable, a copy of the Approving Authority's written approval.

(7) No tight tank shall be constructed in a velocity zone on a coastal beach, barrier beach, or dune, or in a regulatory floodway, unless it replaces a tank in existence on the site as of March 31, 1995, that has been damaged or destroyed, and placement of the tank outside of the velocity zone or regulatory floodway, either horizontally or vertically, is not feasible.

(8) The Approving Authority may allow the use of a tight tank at an existing, seasonal-use residential facility as remedial upgrade of the failed system serving such facility. For the purposes of 310 CMR 15.260(8), a seasonal-use residential facility means a residential facility that is used six months or less during the calendar year. This approval may be renewed upon transfer of the property. The tight tank must comply with the provisions of 310 CMR 15.260. Prior to the issuance of the Certificate of Compliance by the Approving Authority the facility owner shall record or register in the chain of title for the property served by the tight tank at the Registry of Deeds or the Land Registration Office, as applicable, a deed restriction limiting the facility to seasonal residential use and to the approved design flow.

15.262: Greywater Systems

(1) Greywater from residential, commercial and public facilities may be discharged or reused in accordance with the provisions of this section. For purposes of this section, public facilities shall include facilities owned or operated by a local political subdivision of the Commonwealth or an agency of the Commonwealth or federal government.

15.262: continued

(2) Soil Absorption System for Greywater. When the total discharge to an on-site subsurface sewage disposal consists entirely of greywater as defined in 310 CMR 15.002 (Greywater), the following shall apply:

- (a) the minimum soil absorption area for residential systems, as determined by the results of the site evaluation set forth in 310 CMR 15.100 through 15.107 and in accordance with the appropriate long-term acceptance rate criteria specified in 310 CMR 15.242, for design of a soil absorption system for new construction of a facility, or for upgrades to existing systems may be reduced by no more than 50%, provided, however, that for new construction, the owners of residential facilities shall demonstrate that a system in full compliance with 310 CMR 15.000 can be installed on the facility to serve the proposed design flow. Reductions for commercial and public facility systems shall be determined on a case-by-case basis as approved by the Department in accordance with 310 CMR 15.203(6);
- (b) the depth of soil placed as backfill over the system shall be at least nine inches, placed in lifts and sufficiently compacted to prevent depression due to settling which may intercept surface runoff above the system. Backfill must be clean and free of stones greater than two inches in size. Tailings, clay, or similar material is prohibited; and
- (c) in a remedial upgrade of an existing system with no increase in flow, the required separation between the bottom of the soil absorption system and the high groundwater

HANSON BOARD OF APPEALS
Minutes of Public Hearing July 28, 2015

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HANSON, MA



2015 AUG 27 A 9:17

Members Present: Robert Overholtzer, Chairman
Sean Joanis, Vice Chair
Joanne Miniutti, Clerk

Petitioner: Dunham Farms LLC – Case#15JN15 – 7:00 PM
902 Main Street – Comprehensive Permit 40B

Atty. Adam Brodsky of Drohan Tocchio & Morgan, PC, representing Dunham Farm
William Callahan, Developer of the project

Atty. Paul Haverty of Blatman, Bobrowski, Mead & Talerman, LLC, representing the Board of Appeals

This is a continued hearing from 6/28/15.

Unfortunately at the start of the hearing, the microcassette machine used by the Board of Appeals expired. No tape available for this meeting, however a DVD was made of the meeting and will be available.

Motion made to continue the hearing to September 1, 2015 at 7:00 PM: Sean Joanis
Second: Joanne Miniutti
Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing- August 18, 2015

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HANSON, MA
2015 AUG 27 A 9 18

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Joseph Padula – Case#15AU19- 7:00 PM
1221 Main Street – Special Permit/Variance

The Petitioner is requesting a special permit/variance to allow for the demolition and rebuilding of a single-family, two-story home at the above address. Property is pre-existing nonconforming and is in the Flexible Overlay zone.

Padula will be building a New England Style farmhouse– two story – 26' x 34' with a 6' porch in front. With the new plan he meets all the setbacks.

Padula made the request to withdraw the variance without prejudice.

Motion made to accept the withdrawal of the variance without prejudice: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to approve the special permit as requested to demolish and rebuild: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

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

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 4, 2015

Board Members: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Robert White – Case#15AU18
1282 Main Street – Special Permit
7:15 PM


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HANSON, MA
2015 AUG 13 4 10:23

Petitioner is requesting a special permit to allow for the operation of a doggy daycare to be known as Stay & Play Doggy Day Care with related signage at the above address.

Per the Petitioner and the landlord, this hearing needs to be postponed until electricity can be installed in unit.

Motion made to cancel the hearing until further notice: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing August 4, 2015

JK
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HANSON, MA
2015 AUG 13 A 9:58

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Paul Newcomb – Case#15MR04
Newcomb Tree Service
0 Phillips Street – Special Permit/Site Plan

Also present for the Petitioner: Steve Wry, Land Planning, Inc.

This is a continued hearing from July 21, 2015 as Petitioner was on vacation. The Petitioner is requesting Site Plan approval and a Special Permit to allow for the operation of Newcomb's Tree Service LLC- trucking, wood recycling yard and mulch sales with related signage at the above location. Property is in the Commercial Industrial Zone.

Updated comments (copies attached) submitted by the Board of Health basically indicates that the use of a tight tank on this site would not be approved per D.E.P. Conservation Agent indicated that the Site Plan will require a filing of a Notice of Intent with the Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L., and the effects of the proposed development on streams, wildlife and similar considerations within the scope of the Conservation Commission. Planning Board suggest that drainage calculations be submitted for any proposed stormwater management and a proposed traffic count to determine the impact to Phillips Street and the abutting residential properties.

Steve Wry, Land Planning, indicated that they know they have to file a NOI with Conservation, have it prepared just waiting to submit and know that Conservation will have issues like drainage, etc. As far as traffic counts, Wry indicated that Newcomb has about 40 pieces of equipment. The majority of the business is shipped off site – some retail. Most retail is delivered by Newcomb, some landscapers do pick up mulch. Per Newcomb, does not do a lot of residential.

Wry continued regarding the drainage calculations and stormwater management, Newcomb just wants to move to this site on a temporary basis – lease for a year or two. Per Wry, the previous development (Depot Village) was approved but is waiting to see if it will be financially feasible. Per Wry there site is kind of an open field that is overgrown. This site is bigger and more comparable to his needs. Gravel is being proposed for along the wood chip piles, log piles and also parking area for the vehicles. Grass swales are proposed along the perimeter of the stockpile areas. Protection in place to prevent disturbance from these piles, erosion controls along the downhill side of the piles, mulch processing area and other side of the grass swale.

Trying to leave as much vegetation as possible in the open areas. Regarding the piles, the log piles are limited to a height of 30' by fire code and wood chip piles have no height restriction per Newcomb.

Wry went on to address the BOH comments and stated that he was aware that a tight tank would be allowed. Newcomb has heard from a contractor that this has been allowed in the past especially where he plans on being there temporarily; there is an area to put in a septic system though. Per Wry, there is no proposed storage of petroleum.

Board member Joanis referred to the section of the by-law, Section VI.E.- Commercial Industrial District is intended for use by research laboratories, office buildings and light industries which are compatible with a low-density, rural residential community. Joanis feels that Newcomb will have 40 pieces of equipment on site – this is not light industry. While Joanis said that the definition of commercial industrial district if the only industry that is allowed is a light industry when he looks to the definitions of what is light industry in the by-laws he doesn't see one – so that leaves it to him as a Board member to determine what a light industry is- and 40 pieces of equipment daily, coming and going a couple of times a day – does not see this as a light industry. Joanis also concerned under Section E.1.(c)-manufacturing enterprises - of which you will be manufacturing wood products – provided that such activities will not be offensive, injurious, or noxious because of sewerage and reuse, vibration, smoke or gas, fumes, dust or dirt, odors, danger of combustion or unsightliness. His concern is for all of these issues and does the plan take them into consideration. Under Section VI.3.-Conditions of Approval – (f) Storage - all materials, supplies and equipment shall be stored in accord with Fire Prevention Standards of the National Board of Fire Underwriters and shall be screened from view from public ways and abutting properties. Again, Joanis said he doesn't see anything on the Plan that screens anything from view of the public way it abuts or other properties in the area. That is a requirement for storage, reiterated Joanis.

Wry answered to the storage area for the equipment by pointing out an existing tree line which would be somewhat of a buffer to the front of the property for the vehicles. As far as storage materials, Wry stated that materials are 600' off Phillips Street, front pile is off Station Street.

Board member Joanis asked if there was any screening from the road or the abutting properties; Wry answered nothing proposed right now – mulch pile being the buffer to any noise going on. Joanis stated that this is a material that is being stored under Section VI.3.(f) and needs to be screened from the views of public ways and abutting properties-mulch pile 20' high, what kind of screening could there be. Under this section it says "shall be screened from view from public ways and abutting properties." Unless the mulch pile is somewhere where the vegetation is going to act as screening, the plan is not in compliance with the by-law, said Joanis.

Newcomb suggested he could transplant trees from the back of the property to the front.

Joanis stated that the plan before the Board tonight is what Newcomb is asking for approval. Joanis reiterated his concerns – the storage, the definition of the manufacturing with the indications of vibrations, smoke, fumes, dust, dirt, odors, combustion and just from the beginning the question of whether this fits under Commercial Industrial district because of whether or not it is considered "light industry."

Chairman Overholtzer asked how does the mulch get transported from the grinding area to the mulch pile? Newcomb answered - front-end loaders.

Newcomb stated that this is not a 12-month process – 2 to 3 months out of the year.

Wry showed the Board an aerial view of the site which shows the location of Station Street and the existing buffer of existing vegetation back there. Wry said that as to the majority of the residences on Phillips Street there is a substantial vegetative buffer there, other than the one on the corner – 141 Phillips St. Wry said he could see providing some type of buffer for that property.

Abutter Mark Gianelis of 141 Phillips St., purchased his home three years ago. His property location makes him the one most affected by this proposal. He has no problem with the light industry that is currently operating in the industrial area. Gianelis stated that there are no trees that can be planted that would obstruct his view of this proposed use. He indicated that this is not a good location for this type of business – kids play on the street, ride bicycles on the weekend down the dirt road. There are no gates to deny access to the area, no plans for security – will be wide open to everybody. Kids will try to climb up the log piles, etc.. Gianelis questioned noise level, dust which will come right into his back yard.

Abutter Nathaniel Novak, 286 Phillips St., said that at the corner of the road where this is being proposed cars have repeatedly run off the road, clipped telephone pole and gone into the woods.

The Board asked for hours of operation. Newcomb stated 7:00 am to 6:00 pm in the proposed yard, and also run a 24 hour tree service. Also do plowing in the wintertime- not seasonal – every day except Sundays. Per Newcomb mulch season starts when the snow stops – usually March then dies off around July 4th – then minimal amounts after that with tractor trailers coming in and out everyday.

Abutter James Gianelis asked what happens to the logs when they arrive after July. Newcomb answered that they stockpile them and then grind them up. Newcomb stated that he cannot afford to grind all year long, his fuel bills are \$10,000 per week making mulch. He cannot afford to make mulch if it is not going out the door. One trailer load of dye is \$20,000 per Newcomb.

Robert Hayes, resident of 80 Greengrove Avenue, realizes that Mr. Gianelis is in a tough situation – bought a house on the corner of an industrial park overlooking two steel buildings.

Is there any type of compromise, some sort of buffer that could be worked out, some set of conditions to accommodate him and the proposed plan for the site.

Newcomb stated that this site is not big enough for him; maybe 15 acres but with all the Conservation and buffers only using about 8 acres. He stated that he has a piece of property that he is looking at right now that is being cut out and engineered of where he wants to go – has 103 acres – can buy as much as he needs. In the meantime he needs a place to operate – only a temporary thing- that is why he is not paving the whole thing, putting up fencing, putting up a building 200' x 60' to house all the trucks and do maintenance just to move in two years.

Abutter Gianelis asked Newcomb what happens to the land after you leave-it will be one big mess – an eyesore. Newcomb mentioned Marston wants to put condos back there; but Gianelis asked what if Marston doesn't get his funding- site will be a dust bowl with no trees.

Abutter Novak talked about the dust mitigation and running trucks in and out on gravel, coupled with the fact that grinding will be done three months of the year, and how is Newcomb going to mitigate this. Newcomb mentioned that he could buy a water truck to keep dirt and dust down- looking for one now.

Resident Tim McQuarrie, 437 E. Washington St., stated that the site looks like a dump now, Newcomb would be a better use.

Wry stated that Newcomb has indicated just now based on the fact that the Gianelis residence is so close that he would be willing to provide some screening for them – maybe a row of arborvitaes or a fence on his property. Wry also pointed out that the piece of land that is immediately abutting Gianelis property might be more feasible for some sort of screening as it is owned by Kenneth Marston, same owner who is trying to lease the proposed site to Paul Newcomb.

Board member Joanis stated that based on the representations made regarding the number of vehicles, the amount of fuel used per week during the grinding season, again not sure this meets the definition of light industry, sees nothing that complies with the storage requirement for materials to be screened from abutting properties, so based on those provisions as well as the manufacturing enterprises and concerns of vibration, smoke or gas , fumes, dust or dirt, odors, danger or combustion or unsightliness made the following motion.

Motion made to deny the application for site plan approval: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Robert Overholtzer,
Chairman Zoning Board of Appeals
August 4, 2015

Dear Mr. Overholtzer,

I have the following comments regarding a petition by Newcomb Tree to develop property located off Phillips Street.

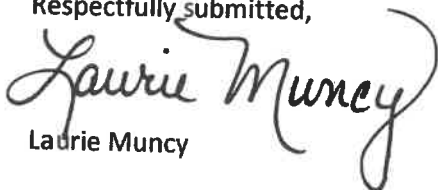
Article 2 Section 2 Review Fees: The Board of Appeals may at their discretion employ professional assistance to review any materials pertinent to the hearing at the cost of the applicant. *It would be my recommendation that the Board employ the services of a review engineer to assist with the site plan review.*

The following items should be considered prior to the issuance of a determination.

1. The size and height of the proposed fill piles, log piles, wood chip piles and mulch processing area should be shown on the plan.
2. The types of protection that will be in place to prevent the disturbance of these piles from the elements (i.e. wind or rain blowing and transporting materials on to abutting properties and/or roadways).
3. The drainage calculations for any proposed stormwater management should be submitted for review.
4. Proposed traffic counts should be submitted to accurately determine the impact to Phillips Street and the abutting residential properties. Travel routes and hours of operation should be determined by the Zoning Board of Appeals and stated in the determination.

The Site Plan will require the filing of a Notice of Intent with the Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the proposed development on streams, wildlife and similar considerations within the scope of the Conservation Commission.

Respectfully submitted,


Laurie Muncy

Town Planner/Conservation Agent

received
8-4-15 BOA



*Hanson Board of Health
Town Hall
542 Liberty Street
Hanson, MA 02341
(781) 293-3138
www.hanson-ma.gov*

August 4, 2015

To: Zoning Board of Appeals
From: Donna Tramontana, Health Agent

Re: Proposed use of land on Phillips/Station Street. Plan titled "Site Plan of Land located on Phillips and Station Street" for use by Newcomb Tree Service, dated June 12, 2015, with no revisions.

I reviewed the submitted plan and followed up with Brett Rowe, Environmental Engineer at Massachusetts Department of Environmental Protection regarding the use of a tight tank, as proposed, at the above location.

According to 310CMR 15.000 – The State Environmental Code - Title 5

Section 15.260 – Tight Tanks

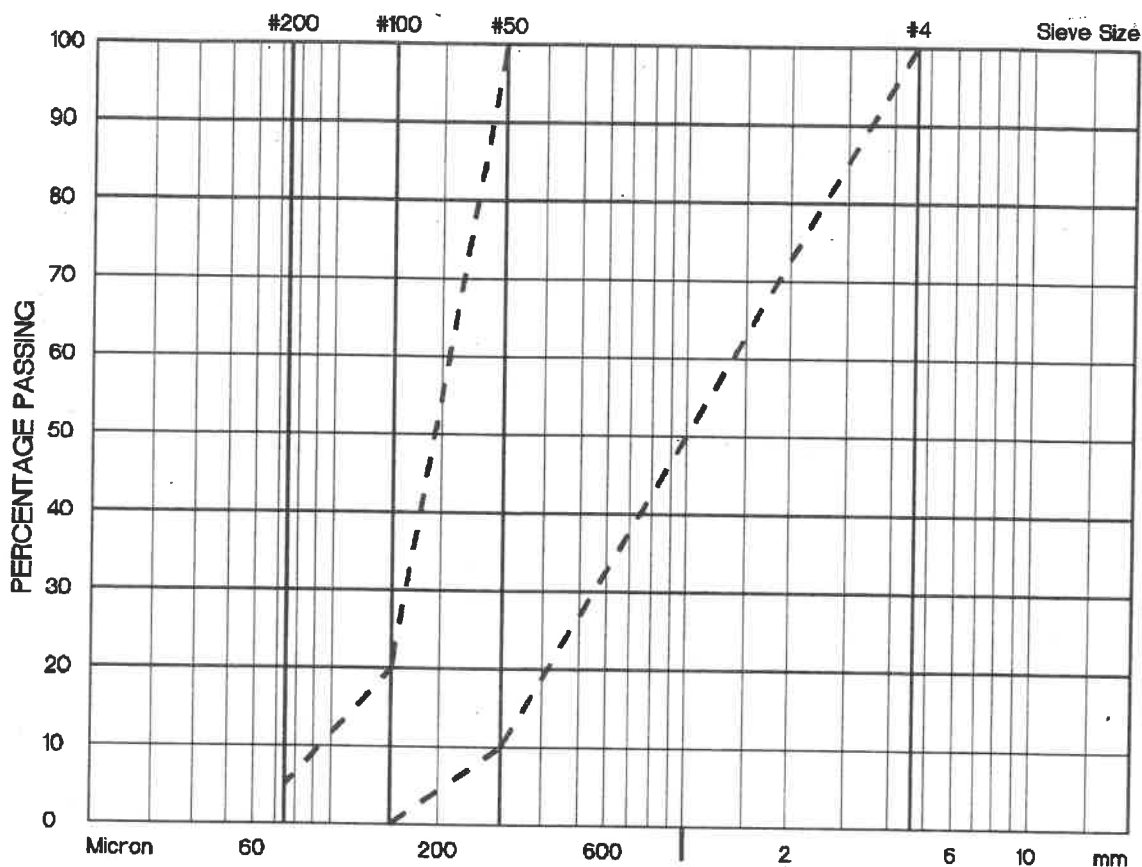
(1) Approval of a tight tank may be granted only to eliminate a failed on-site system when no other feasible alternative to upgrade the systemexists....

Tight tanks shall not be approved for new construction.....

The use of a tight tank must be approved by D.E.P. I reviewed the proposal by Land Planning with Mr. Rowe. Given the information provided, he advised the current proposal would not be approved, for reasons stated above. Mr. Rowe can be reached at 508-946-2754 for further comment.

received
8-4-15 BOA

PARTICLE SIZE DISTRIBUTION



(4) If required by the Approving Authority, a minimum of one representative sample shall be taken from the in-place fill for a system serving a single family residence and tested for compliance with the grain size distribution specification. One soil test per pit per removal day shall be required for systems with design flows of 2,000 gpd or more.

(5) Where fill is required to replace unsuitable or impermeable soils, the excavation of the unsuitable material shall extend a minimum of five feet laterally in all directions beyond the outer perimeter of the soil absorption system to the depth of naturally occurring pervious material as required by 310 CMR 15.240 (soil absorption systems) and replaced with fill material meeting the specifications of 310 CMR 15.255(3).

(6) Prior to placement of the fill, which shall be stockpiled at the edge of the excavation and filled in gradually, the bottom surface of the excavation shall be scarified and relatively dry. Fill shall not be placed during rain or snow storms. If the groundwater elevation is above the elevation of the bottom of the excavation, the excavation shall be dewatered prior to placement of the fill.

15.260: Tight Tanks

(1) Approval of a tight tank may be granted only to eliminate a failed on-site system when no other feasible alternative to upgrade the system in accordance with 310 CMR 15.201 through 15.293 exists, except as provided in 310 CMR 15.260(8). Tight tanks shall not be approved for new construction or for increased flow to existing systems except as approved by the Approving Authority for:

- (a) boat waste pump-out facilities where no other feasible alternative exists; or
- (b) to serve buildings necessary for the operation of a public water supply where it is not feasible to connect to a sewer or to construct a system in compliance with 310 CMR 15.000.
- (c) to serve publicly owned and operated seasonal structures where it is not feasible to connect to a sewer or to construct a system in compliance with 310 CMR 15.000.

(2) The design of a tight tank shall conform to the following criteria:

- (a) The tight tank shall be sized at a minimum of 500% of the system sewage design flow established by 310 CMR 15.203, but in no case less than 2,000 gallons;

15.260: continued

- (b) plans for the tank shall be prepared, stamped and signed by a Massachusetts Registered Professional Engineer or Registered Sanitarian and submitted to the Department by the applicant for approval;
- (c) audio and visual alarms shall be set to activate at 3/5 tank capacity in a suitably convenient location. Transmission of the alarm signal to a locus manned 24 hours per day may be required;
- (d) the application for approval shall indicate the method and frequency of removal of the contents;
- (e) the specific location and method of disposal of the contents shall be indicated and be in accordance with 310 CMR 15.501 through 15.505;
- (f) the tight tank shall have at least one 24-inch diameter cast iron frame and cover at finished grade constructed so as to eliminate entrance of surface waters. Permanent suction piping may also be required;
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- (h) a permit to install the tank shall be obtained from the Approving Authority;
- (i) an operation and maintenance plan, acceptable to the Approving Authority, shall be implemented which requires monitoring of the system to ensure proper operation and maintenance;
- (j) the tight tank shall be waterproof and watertight and shall not be located below the water table without extensive testing to prove the integrity of the tank and design against uplift;
- (k) aeration or other method of odor control may be required; and
- (l) the tight tank shall be designed in compliance with the requirements for the construction of septic tanks in 310 CMR 15.226(1) through (4).

(3) The Approving Authority may require the submission of monthly or less frequent reports concerning operation and maintenance of the tank.

(4) No tight tank shall be utilized until written certification by a Massachusetts Registered Professional Engineer or Registered Sanitarian that the tight tank has been constructed and installed in accordance with the approved plan has been submitted to the Approving Authority.

(5) When a sewer system becomes available, any person owning a tight tank shall connect to the sewer within 30 days and the tight tank system shall be abandoned in accordance with 310 CMR 15.354.

(6) Prior to the issuance of the Disposal System Construction permit for a tight tank, the facility owner shall record or register in the chain of title for the property served by the tight tank at the Registry of Deeds or the Land Registration Office, as applicable, a copy of the Approving Authority's written approval.

(7) No tight tank shall be constructed in a velocity zone on a coastal beach, barrier beach, or dune, or in a regulatory floodway, unless it replaces a tank in existence on the site as of March 31, 1995, that has been damaged or destroyed, and placement of the tank outside of the velocity zone or regulatory floodway, either horizontally or vertically, is not feasible.

(8) The Approving Authority may allow the use of a tight tank at an existing, seasonal-use residential facility as remedial upgrade of the failed system serving such facility. For the purposes of 310 CMR 15.260(8), a seasonal-use residential facility means a residential facility that is used six months or less during the calendar year. This approval may be renewed upon transfer of the property. The tight tank must comply with the provisions of 310 CMR 15.260. Prior to the issuance of the Certificate of Compliance by the Approving Authority the facility owner shall record or register in the chain of title for the property served by the tight tank at the Registry of Deeds or the Land Registration Office, as applicable, a deed restriction limiting the facility to seasonal residential use and to the approved design flow.

15.262: Greywater Systems


- (1) Greywater from residential, commercial and public facilities may be discharged or reused in accordance with the provisions of this section. For purposes of this section, public facilities shall include facilities owned or operated by a local political subdivision of the Commonwealth or an agency of the Commonwealth or federal government.

15.262: continued

- (2) Soil Absorption System for Greywater. When the total discharge to an on-site subsurface sewage disposal consists entirely of greywater as defined in 310 CMR 15.002 (Greywater), the following shall apply:
- (a) the minimum soil absorption area for residential systems, as determined by the results of the site evaluation set forth in 310 CMR 15.100 through 15.107 and in accordance with the appropriate long-term acceptance rate criteria specified in 310 CMR 15.242, for design of a soil absorption system for new construction of a facility, or for upgrades to existing systems may be reduced by no more than 50%, provided, however, that for new construction, the owners of residential facilities shall demonstrate that a system in full compliance with 310 CMR 15.000 can be installed on the facility to serve the proposed design flow. Reductions for commercial and public facility systems shall be determined on a case-by-case basis as approved by the Department in accordance with 310 CMR 15.203(6);
 - (b) the depth of soil placed as backfill over the system shall be at least nine inches, placed in lifts and sufficiently compacted to prevent depression due to settling which may intercept surface runoff above the system. Backfill must be clean and free of stones greater than two inches in size. Tailings, clay, or similar material is prohibited; and
 - (c) in a remedial upgrade of an existing system with no increase in flow, the required separation between the bottom of the soil absorption system and the high groundwater

TOWN OF HANSON
Minutes of Public Hearing June 30, 2015

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TOWN CLERK
HANSON, MA
2015 JUL 23 A 9 05



Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Dunham Farm LLC – Case#15JN15
902 Main Street – 7:00 PM
Comprehensive Permit 40B

Representing Dunham Farm: Drohan Tocchio & Morgan, P.C.
Atty. Scott Golding

Also present: Developer Steven Callahan and Robbie Lindo, Manager of the Jack Conway office in Abington.

Dunham Farm is asking to change the comprehensive permit to eliminate any requirement that units be restricted to person fifty-five (55) years of age or older at the above location. Property is located in the Residence B zone.

Golding stated that their position is that because of the age restriction and the change in the market since the time the project was started in 2003 that for the project to proceed and go forward and become a viable economic project for the developer that a release of the age restriction is necessary to the comprehensive permit. The current status of the development is that the overall development is a 52 unit development currently 28 have been constructed, 12 of those 28 are affordable units so there are 24 units remaining to be built – four townhouses – six units each. The 28 units were built prior to 2007 – market since that time has significantly changed.

Golding continued saying that the main issue facing Dunham Farms now is the prices for the age restricted units - market not viable at this point for the developer. Recent sale and one unit currently on the market range for prices in the sale was \$214,000. To get this project started the developer needs to be looking at something in the mid \$200,000 ranges. Golding stated that Real Estate agent Robbie Lindo's professional opinion is that a release of the age restriction would increase the price significantly based on the broader market and more potential buyers to mid-\$200,000 if not higher. Golding ended his presentation saying they are seeking the removal of the age restriction as it is impeding the project at this point. Also, he stated, that it would be beneficial to the current owners – units on the market now for almost two years – to rid themselves of the age restriction. In March of this year the Condo Association has voted to remove the age restriction, per Golding, in their own condo documents – over 75% of the condo membership has already affirmatively voted to get rid of the age restriction.

Board member Overholtzer commented that if the project was finished it would make it more valuable, instead on potential buyers coming in and seeing empty foundations.

Developer said the market is too small for the over 55- not viable at the present time. Developer actively marketing the project, there was an auction to take place on June 25th, but developer pushed it off to see what happens this night. Developer also stated that he has debt on the project that he has been satisfying – not in default – but bank can no longer give an extension. The auction is not an absolute auction – number has to satisfy the bank.

Board member Joanis indicated to the developer that he came to the town with a proposal for a 55+ project which obviously he had researched and found there was a market for the project, and as a developer he took a risk – if you had made a lot of money you would not say anything about this age restriction; but you took a risk with the economy and the economy didn't work out the way you thought and now you're at this hearing saying here is what I have to do to make money – you took that risk in developing the property and if this 55 age is lifted then anyone in any other community with an age restriction can simply walk into this Board and say "my restriction isn't a substantial restriction because you lifted the one on Main Street." Joanis continued by saying this sets a poor precedent for the town that if you take a risk as a developer and sell it to the town as a 55 and over restricted community and it does not work out for you then there is precedent in the town that you can just come to the Board and say it did not work out for me, lift my restrictions so I can make money.

Atty. Golding stated that this is a 40B project as well – so it is affordable housing that provides a public benefit – this isn't a general developer that came in – this was done under a 40B, for a 40B there is a maximum amount of profit for a developer but they also have a floor for a developer that is called an uneconomic project – if it falls below that floor under Mass. Housing regulations an applicant or a project proponent can come in front of the Board and say based on this restriction which is in a Comprehensive permit we believe the project is now uneconomic. Golding stated that the Board has already determined that this is a substantial change and now we are having this hearing.

Joanis stated that he feels the purpose of the 40B regulation for this project has been satisfied and may have been satisfied too early because people have been allowed to take 40B units without the proper ratio to the detriment of the current owners – only one more affordable unit to be built.

Golding stated that 40B is obviously to promote affordable housing but not just to satisfy the affordable units. The intent behind it is to allow the developers some waivers from local zoning and permitting as well as the developers having an incentive to go forward with these projects. So the regulations allow for a maximum profit – you cannot make too much – but you also cannot make too little – which makes it uneconomic- which this project is right now.

The developer said that at the time of development the Hanson Housing Authority was the monitoring agent for the 40B and claimed they had affordable units ready for occupancy. So

the developer felt that it was better to have someone living there and went ahead and pushed the affordable units. The developer stated that the only way for this project is for it to be built out and he is trying to find the best way to get there – whether it's him with the restriction lifted or another developer.

Floor open to abutters: Mike Dolan Unit #38, elected to first advisory committee for the 28 units built for 2 years, then president of the association for 4 years – said it was regrettable that the decision to remove the age restriction – it became an expense – had to increase their revenue somehow to offset increasing expenses. Could not get the buildings built by leaving them age 55 restrictive, it was strictly an economic decision as far as the association was concerned about the viability of the Dunham Farms association to open this up to the general public – remove the age restriction. Dolan stated that another one or two buildings need to get built so that financially the association can pay their expenses. As a Board they were able to reduce a lot of expenditures and expenses by locking in long term contracts for lawn care, snowplowing, etc. – came thru this winter with a \$1,500 cost to the association – all that had to be paid because of locking in a contract. He doesn't believe that anyone is happy about reducing the age limit – feels it is a necessity to be able to financially survive. Input was sought from all unit owners and no other way was found to increase the revenues. Condo fees were increased this year by 3%. Changing the age restriction is the only way to go forward, brought it to the membership and the owners and it passed, per Dolan.

Alan Rostoff Unit #42 – added that not only do they need to keep up with the operating budget, but are on the low side as far as reserves. Eventually will need money for roofs, siding, etc., probably the best way to do that is to remove the age restriction.

Suzanne Bregoli Unit #41 – second one to move in, has lived there since 2006. She understands the limitations of the budget – one of the big reasons is because all the 40B's are sold – we cannot charge them anymore – restricted by law. Understands the developer's perspective, however that is not the Town's problem that is the unit owner's problem. Bregoli addressed the first association meeting stating that there was a quorum and the vote did not pass, nine weeks later the board took a second vote which passed, and in her mind this was because of a lot of pushing and shoving of people, i.e. – if we don't do this – this is what will happen – not conducive to a proper thought. Bregoli handed out packets to the Board concerning similar issues at other condo projects in Hanson and elsewhere that the Town Boards did not let happen, also signatures from abutters opposed to changing the age restriction. She is asking the Board to consider everyone's points of view here, hear what they bought into – and mentioned that this property was up for auction last Thursday – was postponed – she went and talked to the Auctioneer – not anywhere in any of the documents is there any mention of this being an over 55 community. She feels this was deliberate and disrespectful to the Board since no decision had been made. She feels that if you are going to sell a property, be up front about it – need to know what you are buying.

Gladys Collins Unit #35 – bought into a 55+ community because this is how she wanted to live – not with younger people – has lived at Dunham Farm for eight years and is opposed to lowering the age. She feels her life will be topsy-turvy with an age change.

Patricia Louis – Unit #46 – said she was on the board for 2 years, and said that the second vote came about because the management company that is employed by the condo owners requested it. He came to the Board and asked the board to take another vote- not the board's decision, but they did agree with him. He (management co,) made it perfectly clear that the reason he felt he needed this was because the property is unsustainable the way it is; this is RMC Management company employed by the condo owners. She was the third person in the complex, respects everybody but does not see how they can survive financially without lowering the age. She has seen her unit go from what she paid for it down to the low \$200,000's and condo fees go up but affordable fees stay the same. If something isn't done, the condo fees for the market rates are going to become unsustainable with 12 affordable and 16 market rates.

Nancy Jorve – Unit #44 – currently renting unit out (this is the daughter of the owner) who has moved into an in-law apartment. This unit has been on the market but cannot sell without a loss. In her opinion the only way to go is the lower the age restriction.

William Grady – 943 Main Street – moved in about a year after project started – why was it built as a 55+ to begin with?

Chairman Overholtzer responded that this is the way the proposal came into the Board.

It was presented that as a 55+ there would be less impact on the town. The 40B made it possible to go into the present location.

Developer Callahan stated that the project is unsustainable – cannot market them, the restrictions are too tight – the market is too small – it has to be opened to the open market. He doesn't feel that condos are conducive to kids, so doesn't agree with that argument. Per Callahan, this is the only way out. Per Callahan, the auction is not an absolute auction- he is looking to get enough to get the bank out.

Robbie Lindo, Realtor, gave data from a local project further down on Rt. 27 – 28 of the units are either under agreement or sold. Lindo said that he has sold a number of condos and usually the buyers are a couple without kids – if they do have a child, down the road they call to sell the condo because they are not expecting another child and need a home. Very seldom do they stay in the condo with two children.

The question was asked if this property sells down the road would the new builder have to come before this Board for any change to the current design of the project? If the builder/owner wanted to change from what was originally approved he would have to come back before the BOA.

Suzanne Bregoli stated that the septic system could not function if the age restriction is lifted.

Motion made to continue the hearing until June 28, 2015 at 7:00 pm: Sean Joanis
Second: Joanne Miniutti Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Informal Hearing June 2, 2015

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HANSON, MA
2015 AUG 13 A 9:58
JK

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Dunham Farm – Case#15JN15- 7:00 PM
902 Main Street – Comprehensive Permit 40B

Atty. Adam Brodsky of Drohan Tocchio & Morgan, PC representing Dunham Farm
William Callahan, Developer of the above

The above law firm is requesting to change the age restriction from 55 and over at the above property. Their determination is that this is an insubstantial change and the Board needs to determine if it is in fact a substantial change which will require a public hearing.

Brodsky explained that this is a 52 unit condo project approved by Comprehensive Permit in 2003 and designed as a 55 + age restricted project. Per Brodsky the permit is not conditioned on the project being a 55+ project but was presented to the Board as such. The condominium trust as well as the developer wants the restriction lifted and in fact the condo trust voted to eliminate the restriction pursuant to their trust by-law. There is a process in the permit as well as the Comprehensive Permit regulations to address the project changes – it is condition #22 in the Comprehensive Permit. Brodsky went on to say that what the process is the Board holds a meeting and you make a determination as to whether the proposed changes are insubstantial – in which case you could do this in a formal meeting with a letter that says yes we determine that the change is insubstantial or if the determination is a substantial change then the Board is required within 30 days thereafter to have a public hearing to consider the substantial change and then a formal decision rendered within forty days after that.

Whether something is a substantial or insubstantial change is defined by the 40B regulations. A substantial change would be a change in building height, change in the number of units, change in the building type, but not the lifting of an age restriction. So their position is that under our procedure in the Comprehensive Permit and pursuant to the regulations this change is by definition an insubstantial change which the Board can approve this evening. However, if the Board deems this to be a substantial change that requires a public hearing this determination needs to be made tonight and then schedule a public hearing within thirty days. Reasons why the age should be lifted -the project is not fully built out, hasn't been fully built out for sometime; the economics of the project simply do not work as a 55+ project - no demand for the units. Per Brodsky the developer and the unit owners are in align here to get the project built out and this seems like the reasonable way to move forward to assure that.

Chairman Overholtzer asked if the Board saw this as an insubstantial change, would the Board get some kind of agreement that everything would be built per schedule.

Per Brodsky the extension is only good for 18 months – this project needs to be built under the present comprehensive permit.

Steve Callahan, developer of the project, stated that he still has the bank involved and needs to satisfy them. At this point the project has been delayed so long they cannot extend it again – so either go to another bank – a time frame would be difficult, they are marketing the project. Want it built out – not in default, not foreclosing – but cannot get the bank to extend. Units for sale have not moved, or have sold for undermarket which does not help comps. He feels with the restriction lifted, it will open the market up.

Brodsky stated that these are two bedroom condos, will not attract families and create a burden on the school system.

Callahan stated that plans would not change – four more buildings, all infrastructure is in.

Joanis questioned in the letter 760CMR 56.05(11) – looking at C5, reads the following matters generally will be substantial changes – from one form of housing tenure to another. Is this a change from one form of housing tenure- a 55+ owner occupied, to another form of housing tenure being non-55 housing tenure.

Brodsky answered that they understood that provision to relate from owner occupied to rentals. If the State changes the conditions placed upon who can buy that doesn't change how you own the interest in that real estate.

Joanis stated it changes how you own that real estate because currently right now if he owned one of those units and he wants to sell it, he can only sell it to 55+ people. Brodsky said this would not change how he own title to the property, you would simply be the property owner owning that title. It restricts who you may be able to resell it to, but your form of ownership does not change as opposed to renting it.

Brodsky stated that this is not a novel exercise – this is happening elsewhere in Massachusetts. There simply is not a market for 55+ units.

Owner Gladys Collins - opposes lowering the age, she has lived here for eight years. She bought there with the intent of living in a 55+ community, and even if these are only two bedrooms there is ample space in the units to provide for children. So what is Callahan going to do when a lot of little children are running around.

Owner Suzanne Bregoli – second person to move in – understands what Callahan is saying, however, there were two votes – the first vote was not to rescind the over 55+; that vote was revoked nine weeks later; suspiciously to her she doesn't why; the vote was a quorum, it was a

legal vote and they decided to have another vote. She has the paper work to support this. She gave the Board two letters sent out from the management company and the vote each time and the date. The Comprehensive Permit states that this is an over 55 community – this is what she bought. It has been eight years since that project has been touched – doesn't know what has gone on – heard Callahan didn't have the money to complete it; however that does not give him the opportunity to change her living conditions – which is the only reason she bought the unit – over 55. Dunham Farm is a very nice community and wants to keep it the way it is. Bregoli went on to say that the property is going up for auction on the 25th of July, pushed back from the 11th and never advertised as a 55+ . She feels this was done deliberately because if they didn't vote that way there would have been another vote. She feels like she has been duped a couple of times – she felt the first vote should have counted –if you want to come back in a year and do a revote – that vote meant something with a quorum. It was a legal vote.

Brodsky stated just to be clear there was another vote taken on May 15th perfectly appropriate to do so under the condominium trust by-laws and it passed by a 75% majority.

Bregoli said this was the second vote – the first vote was “no.” Brodsky is not disputing this, but a second vote was done. Bregoli said there was never another vote taken on the over 55+, they presented to the Board a motion in 2008 to lower the age - the Board rescinded it before it ever what to a meeting.

Owner Linda Mortel commented on the two votes – one vote in April which didn't pass, and then they turned around a few weeks later and did it again.

Brodsky spoke on the conditions of the Comprehensive Permit itself – none of the conditions require a 55+ age restriction, it was presented however as a 55+.

Barbara Lydon, speaking on behalf of her mother who owns a unit in Dunham Farm that is currently being rented as her mother had to move in with her for health reasons. Tried to sell the unit – no buyers, now renting it out. She does support eliminating the age restriction because from the viewpoint of a financial hardship, people cannot sell their units, cannot take home equity loans on their units because the complex is not complete. Condo fees for the market rate units are extremely high, as they are subsidizing the condo fees of the affordable units. Some people are paying \$525 in condo fees and others paying \$200 in condo fees.

Callahan said there are currently 12 affordable units occupied, one more to be built.

Joanis asked the question as to why wasn't the 40B units occupied at a rate per the completion of the project. Callahan stated that was how it started, but the Hanson Housing Authority as the monitoring agent for the project had a list of buyers.

The Board of Appeals made the determination that this issue is substantial enough that it warrants a public hearing with notice to all the abutters and everyone in that community to have their opportunity at a public hearing to address this situation. The situation seems like it

got to this point not only because of financial reasons, but also because the occupancy ratio has been skewed so that some are footing the bill for others outside the ratio. This was done by the Hanson Housing Authority.

Vote to hold a public hearing: 3-0

Public hearing to be held on June 30th, 2015 at 7:00 pm

HANSON BOARD OF APPEALS
Minutes of Public Hearing May 12, 2015

JK

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2015 AUG 12 A 11: 24

Board members: Robert Overholtzer, Chairman
 Sean Joanis, Vice-Chair
 Joanne Miniutti, Clerk

Petitioner: Paul Newcomb – Case#15MR04
 Newcomb Tree Service
 O Phillips Street – Special Permit/Site Plan

Steven Wry, Land Planning, Inc., Project Engineer for the above delivered the attached letter today asking for a continuance of the hearing as they are in the process of preparing the required site plan.

The Board continued the hearing until June 23, 2015 at 7:00 PM.



LAND PLANNING, INC.

Civil Engineers • Land Surveyors • Environmental Consultants
1115 Main Street, Hanson, Massachusetts 02341

May 12, 2015

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

**Re: Public Hearing Continuance
Newcomb's Tree Service
Phillips & Station Street, Hanson**

Dear Board Members:

We have just completed necessary field work and are now in the process of beginning work on preparing the required site plan. Since the site plans are not ready for submittal at this time we are requesting continuance of the public hearing to your next hearing date.

We thank you for consideration of this extension request. If you should have any questions regarding this matter, please feel free to contact me at your convenience.

Sincerely,
LAND PLANNING, INC.

Steven W. Wry,
Project Engineer

P3041 BOA-EXT2.doc

received
5-12-15 BOA

1115 Main Street
Hanson, MA 02341
Tel: 781-294-4144
Fax: 781-293-4111

214 Worcester Street
Grafton, MA 01536
Tel: 508-839-9526
Fax: 508-839-9528

167 Hartford Avenue
Bellingham, MA 02019
Tel: 508-966-4130
Fax: 508-966-5054

P.O. Box 644
Holden, MA 01520
Tel: 508-829-3006
Fax: 508-839-9528

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AUG 1 11:51
HANSON BOARD OF APPEALS
Minutes of Public Hearing July 21, 2013

Members Present: Robert Overholtzer, Chairman
Sean Joanis, Vice-chair
Joanne Miniutti, Clerk

Petitioner: Robert Crowell – Case#15JY17
183 Lakeside Road – Special Permit/Variance

Robert Crowell is acting as agent for Henry Holmes.

Petitioner is requesting the above to allow for the demolition and reconstruction of a single family home on the same footprint at the above address. Property is preexisting, nonconforming and is in the Agricultural/Recreation district.

Building Commissioner commented that his office has no objection to the project however a building permit will be required prior to the start of any demolition or construction.

Crowell stated that this will be a two-story home (1-1/2 stories now). Parking will be in the front of the property.

Abutter at 173 Lakeside Road, Stephen Graham, has no problems with this project.
Abutter at 165 Lakeside Road, Thomas Canney, has no issues.

The Board asked Crowell to request a withdrawal of the variance without prejudice as they felt this project comes under a special permit.

Crowell made the request to withdraw the variance without prejudice.

Motion made to accept the withdrawal of the variance without prejudice: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to approve the special permit as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing July 21, 2015

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Paul Newcomb
Newcomb Tree – Case#15MR04
0 Phillips Street – Special Permit/Site Plan

Paul Newcomb requested a continuance of this hearing as he will be on vacation and will not be able to attend.

Motion to continue the hearing to August 4, 2015 at 7:00 PM: Sean Joanis
Second: Joanne Miniutti
Vote: 3-0

Motion to close the hearing.



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2015 JUL 27 A 10:04

HANSON BOARD OF APPEALS
Minutes of Public Hearing July 21, 2015

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Robert White – Case E15JY16
149 Robinson Street – Special Permit

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2015 JUL 27 A 10:03

Petitioner is seeking a special permit to allow for an in-home occupation to be known as B&B Professional Dog Training to take place in attached garage at the above location. Property is located in Residence B zone.

Building Commissioner commented that a sign permit will be required thru the Building Office.

Comments from Mr. & Mrs. Spera, neighbors of the Petitioner, were that they hope the Board see fits to grant the special permit as requested.

Petitioner will be doing in-home dog training – one dog at a time – appointment only - no boarding. White has been training dogs for 23 years in Bridgewater. White has a 15' x 45' kennel – no invisible fence.

White is the only employee. Hours and days will be Monday & Tuesday 8:00 am to 8:00 pm; Wednesday 8:00 am to 5:00 pm; Thursday 8:00 am to noon; and Saturday 8:00 to noon.

White stated that his garage is insulated and heated, plus window air conditioner. No outside training will take place other than for a walk in driveway area.

White said that he will have a sign on the garage door, but no sign in yard.

Motion made to approve the Special Permit as requested: Sean Joanis


Second: Joanne Miniutti

Vote: 3-0

Motion to close the hearing.

Hanson Board of Appeals
Minutes of Public Hearing June 23, 2015

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2015 JUL -8 A 10:07



Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Stephen Smith – Case#15JN13
1000 Main St. – Unit 104 – 7:45 PM
Special Permit

Petitioner is requesting a Special Permit to operate a machine shop to be known as MAX MACHINE INC. with related signage at the above location. Property is located in Business and Flexible Overlay zones.

Building Commissioner Robert Curran had no concerns regarding this proposal.

Per the Petitioner, Lt. Smith from the Hanson Fire Department inspected the premises. Smith explained this is a contract machine shop – makes machine components. He contracts work for medical devices and also some work for the Department of Defense.

Number of employees is 1 full time and two part time. Hours will be 9:00 am to 6:00 pm Monday thru Saturday.

No flammables used in his shop.

Steel deliveries are via vendors he obtains supplies from – come in right to unit overhead doors. Most deliveries are done via UPS.
Sign on door per zoning by-laws.

Motion made to approve the Special Permit with related signage: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing June 23, 2015

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2015 JUL -8 A 10:06

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Gary Barr – Case#15JN14
26 Beechwood Road – 8:00 PM
Special Permit

Representing the Petitioner at this hearing was Joseph Stark dba Jasco. The Petitioner is seeking a Special Permit to allow for the construction of a 24' x 36' in-law apartment at the above address. Property is in Residence A zone.

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

Stark presented the plan showing the proposal to the Board. Common entrance will be behind the chimney on the main house and ties into the in-law apartment.

All setbacks are met.

Petitioner was informed that a Covenant will be attached to the Decision which will need to be recorded at the Registry of Deeds along with the Decision.

An additional driveway is being added to accommodate the additional parking.

Occupants of the in-law apartment will be the parents of the homeowner, Gary Barr.

Motion made to approve the Special Permit for an in-law apartment at 26 Beechwood Road:
Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing June 23, 2015

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HANSON, MA
2015 JUN 30 P 12:53

Board Members: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Carolyn Parker, representing Cumberland Farms
Case#15JN12 – 7:30 PM
2 Main Street- Special Permit-Site Plan

Petitioner is requesting a special permit and site plan approval to allow for the installation of smart pay toppers with an alternator placard which will allow the prices on the pump to alternate between the smart pay price and the non-member price at the above address. Property is located in the Business zone.

The Building Commissioner commented that his office has no concerns regarding the proposal however a sign permit will be required.

The smart pay program allows members to get .10 cents off a gallon of gas. Cumberland proposes to install the new LED pump toppers with the smart pay alternator which will allow the pump toppers to alternate between the Smart Pay member price and the non-member price. Currently at this location is what is called a scroller price sign which is not LED. They do not make a scroller for a pump topper so right now the prices are changed from inside the building for the main sign but still have to shut down the lanes to change on the pumps.

Parker stated that they will put the LED lights that will alternate at 8 seconds.

Motion made to approve the special permit and Site plan as represented by Cumberland Farms with 8 seconds per minute between displays: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing June 23, 2015

2015 JUN 25 A 11:02

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HANSON, MA

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Newcomb Tree Service – Case#15MR04
Station Street – 7:00 PM
Site Plan & Special Permit (cont. from 5/12/15)

Representing the Petitioner, who was not in attendance, was Gary Rice, Land Planning Inc. A new plan was prepared and received in the Board of Appeals office on June 22, 2015. After opening the hearing, Mr. Rice gave his presentation showing the locations of the various uses intended for this lot by Newcomb Tree Service. Rice mentioned that there are wetlands on the lot, also a drainage line that cuts across to another wetland area that serves the Town's drainage off Phillips Street. There will be two accesses to the yard – off Phillips Street will be a vehicle and equipment parking area; and off Station Street there will be a gravel drive access that will go back into the whole yard itself.

The area for the vehicle and equipment parking – guys come in the am, get in trucks, head out for the day and come back in the pm. Per Rice, no fuel storage will be on site, no repair work done on site, no loading of fuel on site – all this will be done at another area.

In the yard a temporary trailer would be placed (typical construction trailer) with Board of Health approval for either a septic system or a tight tank. Per Rice, the whole purpose of this yard is a temporary situation for a couple of years and then Newcomb would go on to purchase someplace where all his equipment and business would be on one site.

Only a few employees on site during the day, per Rice, no retail sales of mulch chips to customers, only to landscapers. The plan shows a mulch processing area, a wood chip or another mulch pile, and a grinding area and other related uses. Firewood would also be on site, back section is for the big logs - 30' – that will be cut down and stored on site. Also there will be a log processor on site.

On Station St. continued Rice, the scrub trees will be gone and all you will see is a mulch pile in that area. All of this has to be approved by Conservation Commission as they are working within the buffer zone. The cell tower will stay the same - no effect whatsoever.

Abutter Mark Gianelis of 141 Phillips Street spoke about several concerns: the street is a very narrow street to begin with – no lighting- risk for walkers going to T station. Heavy equipment

going back and forth would be dangerous; dirt road is going to create a lot of dust all day with equipment going back and forth and will go into his backyard all day; mulch pile will be seen from his backyard; risk of fires with mulch as already took place at Newcomb's previous location; also had a truck fire with fuel going in to the ground; and this site is in the Aquifer Protection District. Gianelis does not feel that this is the right location for this type of business.

As Newcomb was not present, no determination of hours or days of the week needed to operate at this location could be discussed.

Rice made mention that there will be a 6" well installed per the Fire Department for fire protection.

Abutter Nathaniel Novak, 286 Phillips Street, walks this street everyday – in the am and in the pm, and has almost been clipped by Newcomb's trucks walking home at 6:30 or 7:00 at night. Does not feel this site is good for this business, it is not well lit, the corner where they are proposing to put access to their equipment to and from – there are tire tracks that come off the road from the corner all the time- it is a hazard to put an access road to a commercial lot right there. Are they all going to come off Station Street or access thru a different route?

All trucks will have access to Station Street stated Gary Rice.

Motion made to continue the hearing until July 21, 2015 at 7:00 pm: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing June 23, 2015

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HANSON, MA
2015 JUN 25 A 11:02

Members present: Robert Overholtzer, Chairman
Sean Joanis, Vice-Chair
Joanne Miniutti, Clerk

Petitioner: Erik Perkins – Case#15JN11
793 East Washington Street – 7:15 PM
Variance/Special Permit

Perkins is requesting a Variance and/or a Special Permit to allow for the construction of a workshop/office on an existing footprint that does not meet setback requirements at the above address. Property is pre-existing, nonconforming and is in Residence A zone.

Building Commissioner, Robert Curran had no concerns regarding this proposal but a building permit will be required.

Abutters at 807 East Washington are in favor of this proposal.

Perkins is tearing down $\frac{3}{4}$'s of the existing greenhouse which is in bad shape and build a post and beam building that will fit on the footprint but extend on one side shy of one foot. Perkins has a printing company in Norwood and some of his work could be done from this building. There will be no employees.

The Board determined that Perkins did not need a variance. Perkins asked to withdraw his request for a variance without prejudice. . Motion made to approve the withdrawal of the variance without prejudice: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion was made to approve the special permit as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing May 12, 2015

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2015 JUN -2 P 12:35

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

Petitioner: Richard McKay – Case#15MY10
91 Beckett Street – Special Permit/Variance

The Petitioner is seeking a special permit/variance to allow for the construction of an 8' x 38' second story addition to a preexisting nonconforming property that does not meet current setback requirements at the above property.

The Building Commissioner had no concerns regarding the proposal but a building permit will be required prior to the start of construction.

Plan submitted was prepared by Greater Boston Surveying and Engineering of Weymouth, Ma., on March 19, 2008.

The second story will project 8' out front so a porch can be added underneath it. The second story will contain 2 bedrooms and a bathroom.

The Board determined that a variance was not needed and asked the Petitioner to withdraw the variance without prejudice.

The Petitioner requested to withdraw the variance without prejudice.

Motion was made to allow the Petitioner to withdraw the variance without prejudice: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion was made to approve the Special Permit for an 8' x 38' second story addition: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing May 12 , 2015

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HANSON, MA
2015 JUN -2 P 12:36

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

Petitioner: Glen Priolo- Case#15AP06 – 7:15 PM
Special Permit/Site Plan Approval
775R West Washington St.

For the Petitioner: Prime Engineering – Bob Rego
For the Board of Appeals – James Engineering – Gary James

This hearing was continued from April 7, 2015 to allow both parties to address the issues presented at the first hearing.

Gary James stated that this is the third review done on this project and all issues have been addressed.

Priolo also presented the new landscape plan requested by the review engineer. Good tree buffer behind the current houses now there. The emergency access driveway will be gated and will have a Knox Box for the Fire Department. The road in is a 20' travel way with a one inch berm on each side.

The duplexes will have three to four parking spaces per unit. As far as the triplexes, there will be eight parking spaces, but overflow could go into the designated visitor parking area.

Per Bob Rego all concerns expressed by the abutters have been addressed. Revised plans have been submitted – landscaping plans for the individual units were submitted as well. Some of the duplexes will have decks, other just patios.

Abutters present were happy with new landscaping plans and project as a whole.

Rego stated that plans have been submitted to the Conservation Committee.

Per Priolo, the access road will be used for the construction of the project to eliminate dust and dirt onto the roadway.

A waiver from Section VI.H.5.t.3 has been approved to allow the off-street parking to be located in the front of the buildings.

Motion to approve the site plan and the special permit pending the change in elevation to include the berm on the northern side of the property, add four spaces between units five and eight and with the condition that the access to the property be through the current paved driveway during construction to minimize the affect on the abutters: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion to close the hearing.

HANSON BOARD OF APPEALS
Public Hearing April 28, 2015

RECEIVED
TOWN OF HANSON
Town Clerk
2015 MAY -7 A 10:47
SS

Board members present: Robert Overholtzer
Sean Joanis, Member
Joanne Miniutti, Member

Petitioner: Joseph Marangiello – Case#15AP09
1011-1057 Main Street – Phase I and II
Special Permit and Site Plan Approval
7:45 PM

Presenting the proposal for the Petitioner is James Kelliher of Axiom Architects, Hanover, Ma.

The Petitioner is requesting a Special Permit and Site Plan Approval to allow for the renovations and construction on Phase 1A – thirteen apartments; Phase 1B – nine apartments with related parking and signage at 1011-1057 Main Street. Property is located in the C/I and Flexible Overlay zones.

Comments from the Building Commissioner are attached.

Plans for the project were prepared by Axiom Architects, 2048 Washington Street, Suite 12, Hanover, Ma., dated December 19, 2014.

Per Kelliher, a total of 34 residential units will fit into this project. Parking lot across the street will have one way in – one way out- 65 spaces. Handicap parking will be at the complex on Main Street – total of 8 spaces – four will be handicap accessible. Down at the other end of the building there are another 37 parking spaces.

Proposed Parking Space Requirements shown on chart in proposal indicate that in Phase 1A – residential – 13 units need 26 parking spaces. Business, mercantile and factory area where Top Shop and others are now located needs 44 spaces – total number of parking spaces for Phase 1 – 70. With Phase II – bump up to 42 spaces for the units, have a total of 86 spaces required out of the 110. Two units in the project will have two bedrooms.

Per Kelliher, sprinkler system will be replaced section by section working in conjunction with the Fire Department and the Building Commissioner. Also structural engineer has been through and done a report and fire suppression engineers have been through as well.

The exterior renovations will be done per Phases of development of the project.

Abutter present would like to see more outside lighting and a crosswalk to the parking lot.

There will be an identification sign for the apartment complex over the front entrance.

Motion made to approve Phase I and Phase II as set forth in the Plans for the 21 apartments with relating lighting in parking area across the street with some designation of the entrance and exit of that parking lot, a crosswalk and a handicap parking space as approved by the Building Commissioner: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.



Town of Hanson Building Department

542 LIBERTY STREET • HANSON, MASSACHUSETTS 02341
TEL. 781.293.5503 • FAX 781.294.0279

April 2, 2015

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

Re: 1011-1057 Main Street
Hearing Date: April 28, 2015

Dear Honorable Board of Appeals,

I have seen and reviewed the petition of Joseph Marangiello for a Special Permit under Town of Hanson Zoning By-Laws, Section VI.H.2.(t); Uses Permitted (a) and VIII.D. and Site Plan Approval under Town of Hanson Zoning By-Law Section VII.F. to allow for the renovations and construction of thirteen (13) apartments – Phase I – with related parking and signage.


The property is located on Hanson Assessors Map 42, Lot 11 and it is located in a Commercial Industrial and Flexible Overlay Zone.

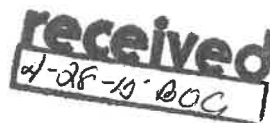
- Lighting at the parking area is not shown
- It appears that the Handicap Parking does not meet the "Van Accessible" requirements of 527 CMR at least one space must be Van Accessible with an 8 foot unloading area. (See attached)
- This work will trigger other requirements for accessibility; I will discuss this with the designer during the Permitting process.

It is my opinion that this project will give a kick start to the much needed improvement of this area, I have no objections to this proposal.

A Building Permit will be required prior to the start of any demolition or construction.

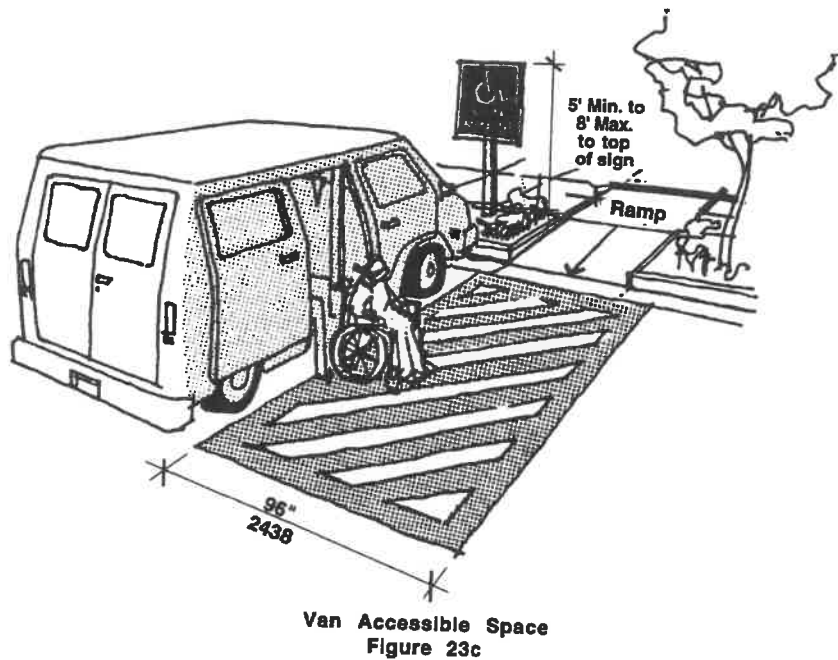
Sincerely,


Robert P. Curran
Building Commissioner
Zoning Enforcement Officer



521 CMR: ARCHITECTURAL ACCESS BOARD

23.00: PARKING AND PASSENGER LOADING ZONES



- b. Each space shall have a sign designating it "Van Accessible" as required by 521 CMR 23.6, **Signage**.
- c. All such spaces may be grouped on one level of a parking structure.
- d. Eight foot minimum (8' = 2438mm) wide space.
- e. Provide an access aisle of eight feet (8' = 2438mm).

Exception: Van accessible spaces do not have to be separately provided if all required accessible parking spaces are 11 feet wide (11' = 3353mm) with a five foot (5' = 1524mm) access aisle.

23.5 **SIDEWALKS**

Where sidewalks are provided at accessible parking spaces, a curb cut shall be installed at the access aisle of each accessible space or pair of spaces.

Exception: Where walkways and sidewalks are provided at temporary accessible parking spaces, there shall be a firm, stable path of travel, not less than 36 inches wide, from the temporary accessible parking spaces to said walkway or sidewalk. There shall be no abrupt changes in level greater than ½ inch. If there is a change of level greater than ½ inch, then vertical access shall be provided either via temporary curb ramps or via a temporary ramp.

23.6 **SIGNAGE**

Accessible parking spaces shall be identified by signs indicating that they are reserved.

- 23.6.1 A sign shall be located at the head of each space and no more than ten feet (10' = 3048mm) away, and at accessible passenger loading zones and may also include wording identifying its use.

HANSON BOARD OF APPEALS
Minutes of Public Hearing April 28, 2015

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HANSON, MA
2015 MAY -6 A 9 23

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

Petitioner: Newcomb Tree Service Case#15MR04
Station Street – 7:15PM

A letter received on April 27, 2015, from Steven Wry, Project Engineer of Land Planning, Inc., representing Newcomb Tree Service, was read into the minutes. Wry requested the Board to allow a continuance of the hearing until May 12, 2015 based on the fact that there is field work that needs to be completed so plans can be prepared.

Motion was made to continue the hearing until May 12, 2015 at 7:45 PM: Sean Joanis
Second: Joanne Miniutti
Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing April 28, 2015

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HANSON, MA
2015 MAY -6 A 9 23

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

Petitioner: Joseph Marangiello – Case#15AP08
1101 Rear Main Street – 7:30 PM
Site Plan Approval /Special Permit

The Petitioner is requesting site plan approval and a special permit to allow for the construction of a 23,000 sq.ft. steel building to be used as storage and rental space with related signage and parking at the above address. Property is located in the Commercial Industrial and Flexible Overlay zones.

Abutter Norman Hill owner of 1115 Main Street, sent a letter expressing their concerns. (see attached)
Building Department had no comment but will require a building permit prior to the start of construction.

Petitioner stated that he just wants to replace the building that was removed a few years ago with a smaller building. There will be plenty of parking. Already has clients ready to occupy the rental spaces. This will be Phase 1 of planned development by the Petitioner.

Any potential clients will have to come in to the BOA for approval before opening a business, per the Chairman of the Board.

Abutter William Grady, 943 Main Street, questioned the types of businesses that would occupy the building. Marangiello said a woodworking shop and a metal fabrication business for now. Hours will be from 7:00 am to 4:30 pm, Monday thru Friday.

Signage allowed will be per Town of Hanson Zoning by-law – one address sign in front and individual signs on leased spaces.

Motion made to approve the application as requested for Phase 1 of 1101 R Main Street:

Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

April 23, 2015

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

Subject: Letter of concern and possible opposition
Reference: Proposed metal storage building by Joseph Marangiello at 1101 Main Street, Hanson
Attention : Robert Overholtzer, Chairman

Dear Robert and Board Members:

We most concerned about how this proposed metal building will look. My wife and I own the building next door at 1115 Main Street, Hanson. We have invested a great deal of money into our building and our site and we are very proud of the way it looks. We want to be sure that the building proposed by Mr. Marangiello will also be attractive.

I have called Mr. Marangiello and asked him for a picture, plan or architectural rendering of what the proposed building will look like. He told me he does not have any such pictures or renderings, but he said he would try to send me one. I offered him my email address but he does not use email. He said he would try to have the building company fax me something. I have not received anything yet.

We do not believe that metal buildings are very attractive. In fact, most of them are quite ugly. As a result, we do not believe a metal building would be appropriate for this site. We think that it could greatly reduce our property value and have a detrimental on our real estate and other real estate in this neighborhood

This neighborhood has made tremendous strides in the past twenty years. Many of the buildings have been fixed up and there have been some excellent investments into this neighborhood, such as the Dunkin Donuts site and the commuter rail site. We believe that this part of Hanson will continue to improve in appearance, and that other people will invest in real estate in this part of Town, so long as it continues to have an attractive appearance.

In the Town that my wife and I lived for more than forty years, there is a metal building near the center of town. Since the day it was built over forty years ago, it has been, and it will continue to be, an ugly, grotesque, unsightly eyesore. Our Town made a terrible mistake allowing that metal building to be built.

Many people use the commuter station which is directly across the street from this proposed metal building, and many thousands of other people using the commuter train see this part of Hanson daily. Please ensure that this proposed building will be attractive. We want all viewers of our neighborhood to have an appealing view of Hanson.

received
4-27-15 MOC

Please insist that MR. Manangiollo provide you with accurate and attractive architectural renderings of his proposed building before you vote on his application. Also, please notify us when you receive those drawings and photographs so that we may view them. If the building proposed is not attractive we will oppose this application.

Unfortunately, we could not attend this hearing, as we have a conflict. Please read our letter into the record.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norman G. Hill".

Norman G. Hill

HANSON BOARD OF APPEALS
Minutes of Public Hearing April 28, 2015

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HANSON, MA



2015 MAY -4 A 10:15

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

Petitioner: Christopher Ouellette- Case#15AP07
1011 Main St. – Unit 3
Special Permit

Petitioner is requesting a special permit to allow for the operation of a small engine repair shop to be known as Done Right Repair Service with related signage at 1011 Main Street – Unit 3. Property is located in the Flexible Overlay and C/I zones.

Comments from the Building Department and the Fire Department are attached.

Petitioner explained that he will be operating a small engine repair shop – power equipment, lawn mowers, snow blowers, etc. Per the Petitioner, no cutting or welding will be done on the premises.

Hours of operation will be from 8:00 am to 7:00 PM, six days a week. There will be only one employee.

Petitioner stated that he has no more than 5 gallons of gas at a time on site.

Sign will be placed out in front according to sign bylaws.

Fire extinguishers are in place.

Parking available is three spaces – drop off and pick up only.

Motion made to approve the special permit as presented: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Interoffice Memo

Date: 4/1/15
To: Robert Overholtzer, Chair ZBA
From: Lt. Gary Smith
RE: 1011 Main Street, Unit 3

Concerning the application of Christopher Ouellette for a special permit to operate a small engine repair shop business, to be known as "Done Right Repair Service" at the above address, we request the following information:

1. List/quantities of any flammable/combustible liquids/gases/solids
 2. List/quantities of any hazardous materials, if any
 3. Unit will need a review by building's sprinkler company/FPE for proper sprinkler coverage
 4. Unit currently has no fire alarm notifications devices or pull stations. Unit will need a review by building's fire alarm company/FPE for proper coverage and number of fire alarm devices
 5. Will there be any cutting or welding operations?
 6. We will need a key for the Knox Box and installation of fire extinguishers.
 7. Proper marking of unit on interior/exterior entrances
 8. Unit to be in compliance with all other applicable Fire Codes
 9. Inspection prior to opening
 10. We are already in receipt of a Business Response Sheet.
- Feel free to contact me with any questions you may have.

Regards,



received
4-6-15 BOG



Town of Hanson Building Department

542 LIBERTY STREET • HANSON, MASSACHUSETTS 02341
TEL. 781.293.5503 • FAX 781.294.0279

April 2, 2015

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

Re: 1011 Main Street
Hearing Date: April 28, 2015


Dear Honorable Board of Appeals,

I have seen and reviewed the petition of Christopher Ouellette for a Special Permit under Town of Hanson Zoning By-laws, Section VI.H.2.b. and VIII.D. to allow for the operation of a small engine repair shop to be known as "Done Right Repair Service" with related signage.

The property is located on Hanson Assessors Map 42, Lot 11 and it is located in a Commercial Industrial and Flexible Overlay Zone.

I have no objection to this proposal provided this office does an inspection prior to the official opening.

Sincerely,


Robert P. Curran
Building Commissioner
Zoning Enforcement Officer



HANSON BOARD OF APPEALS
Minutes of Public Hearing April 7, 2015

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HANSON, MA
2015 APR 21 P 1:48
JK

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

Petitioner: Priolo Realty Inc. – Case#15AP06
775R Main Street
Special Permit/Site Plan

Also present:

Review Engineer for the Board of Appeals: James Engineering - Gary James
Engineer for Priolo Realty: Prime Engineering – Bob Rego

Petitioner is requesting a special permit and site plan approval to allow for the construction of twelve two-story residential buildings – four triplexes and eight duplexes containing two bedrooms each unit with associated site improvements at the above address. Property is located in the Flexible Overlay zone.

Comments for the following Boards were read into the minutes and are attached: Fire Department, Building Inspector, Planning Board .
Letter from an abutter also attached.

The proposal will encumber 12 structures – driveway off W. Washington Street (eastern portion of the property) over the frontage of the property and extends down into a cul de sac area; existing right of way would be used as an emergency access. The street has been designed to meet with the Planning Board's Subdivision Regulations in terms of width, grade, etc.

Parking provided on site – the duplexes will have garages with three parking spaces. Triplex units will have two spaces each.

The subdivision will be served by common on-site septic systems- each unit will have their own tank. Eight inch water main will loop thru the subdivision – each structure will be served by its own water line.

Drainage has been designed according to the Planning Board's Rules and Regulations so that there will be a series of catch basins in the roadway.

Landscaping – proposing a street tree every 75' along the road; signage will have decorative evergreens and flowering plants at the front portion of the entry; screening using cypress along the corner of the site. Lighting – each side of the driveway will have a lantern type fixture.

Elevations will be forthcoming.

April 5, 2015

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

RE: Special Permit Hearing and Site Plan Review
Priolo Realty LLC
775 Rear West Washington Street

Chairman Overholtzer and Board Members,

We are the owners of 845 West Washington Street – direct abutters to the proposed project for 775 Rear West Washington Street. While we are generally accepting of a residential development we have major concerns on a few issues relative not only to the project itself, but to the abutters' notification and available information for review on the project. We understand development, I and my wife are professionals that deal with real estate economics (she from the accounting side) and myself involved with design and construction throughout New England. So we are looking at this project as both property owners and industry peers. Some of our questions and concerns might have been reduced with better availability or more required information.

Our first question is why this lot with less than required frontage considers the 15 foot rear yard setback applicable to the property line running parallel to West Washington at the rear of our property? Wouldn't it be considered a front yard setback, regardless of structure positioning? Or the average of the front set back of the buildings on West Washington within 300 feet? Was a zoning analysis provided beyond the basics of setbacks and coverage parking and open space? Our concern with this is the location of the TriPlex only 18' from our rear property line. If this structure is built as proposed, it would be on a grade brought up from 60' to 65' and could top off at another 40'. Our direct view out our windows to the east would be the rear of this structure with only the remaining growth on our property as screening.

As part of the submission documents I viewed, I did not see a landscape plan. Under the Rules and Regulations – Hanson Board of Appeals – Page 9 - General Plan Information -the list of Information on the Lot includes Landscaping, Screening and Signs which I did not witness. I believe in order for the board to review and assess the appropriateness of this application a detailed Landscaped Plan and Point to Point Site Lighting Plan need to be provided. See also, VI, page 30 1 & 2 of the Zoning By Law (Landscape Plan) and Section VI page 29 paragraph G (lighting.) Our concern here is screening the rear of the proposed structures and the new proposed access road from West Washington Street with adequate landscaping. You cannot assume the area of disturbance will only be the lines shown on a plan. Over excavation for drainage, foundations and septic system will strip out trees, ground cover and exposed stone in the area double the square footage of any proposed final improvement item.

received
4-6-15 BOA

know our homes existed! How can the impact of new roads and structures be determined without knowing where the existing ones are!?

We feel this application to be incomplete with the current standards for site plan review for special permitting. Some landscaping and architectural information would go a long way to help us know that this project is being executed appropriately and to a level of aesthetic quality. IF during the process the board has waived any of the required documents, it should be made known to the abutters of those waivers and why they were not required of the applicant. We firmly believe that landscape plans, solar study, traffic impact, and schematic architectural drawings need to be required special permit documents.

For future site plan reviews, I suggest that applicants meet with abutters either as a group or as informal one on one meetings to let the abutters know their intentions. It would save applicants time to hear concerns prior to committing resources in site engineering and design. It would help ease the tensions and frustrations of abutters worried about losing property value, scenery, and safety. In larger urban areas neighborhoods have come together to form committees to become positive collaborators on projects with developers. This can also happen here in Hanson with some open honest communication ahead of town approvals. Developers can show they will be good neighbors and promote pride in citizenship. This approach ultimately streamlines the process for all parties concerned.

The Board of Appeals and the Zoning By Law for the Town of Hanson are intended to "protect and conserve the value of property within the Town; to preserve and increase the beauty and amenities of the Town; to conserve, insofar as possible, natural conditions and historic sites; and to secure safety from fire, congestion or confusion, by encouraging the most appropriate uses of the land within the Town." We appeal to the board to hear our concerns with the proposed project. We feel these items are valid but are not so prohibitive as to prevent the development as a whole. With some concessions we feel this could be a great addition to the area. Showing responsible stewardship of this development and quality of product vs. cramming in every unit possible to maximize return on investment would be encouraged with this and all projects. A selling point could be how the development was sympathetic to the surrounding community. In the end not everyone can be 100% happy but if we strive to work together this could be a winning situation for the property owners, West Washington Street and Hanson. We will watch this process closely and comment as we feel the need to protect our home and way of life.

Respectfully Submitted,

Rodney and Laurie Topolewski

845 West Washington Street

JAMES ENGINEERING, INC.

1272 MAIN STREET, HANSON, MA. 02341-1523

4/7/2015

Zoning Board of Appeals
Town of Hanson
16 Liberty Street
Hanson, MA 02341

RE: 775 West Washington Street, Site Plan Review

To The members of the Board;

As requested I have conducted my review of the plans and drainage calculations for the proposed Residential Development at 775 West Washington Street for compliance with the Current Town of Hanson Zoning by Laws and for conformance with general engineering design standards. The data reviewed includes the following;

- Plans entitled "Proposed Residential Development, 775 West Washington Street" prepared March 10, 2015, revised April 01, 2015, prepared by Prime Engineering Inc. For Priolo Development, LLC. Which include 9 sheets entitled;
 - CS-1 Cover Sheet
 - SP1.1 Existing Conditions Plan
 - SP1.2 Site Layout
 - SP1.3 Grading and Drainage
 - SP1.4 Landscaping & Lighting
 - PP1.4 Roadway Plan & Profile
 - D1.1 Details
 - D1.2 Details
 - D1.3 Details
- Report entitled "Drainage Analysis for the Proposed Residential Condominium Project, 775 Rear West Washington Street, Hanson, Massachusetts".

Project Description

The site is located on the south side of West Washington Street just west of the intersection with Holmes Street. The site is located in the Flexible Overlay District which is 800' from the center of West Washington Street. The underlying Zones are Residence AA and Commercial-Industrial. The lines between these two zones is located 600' from the center of West Washington Street. The site is also located in Zone II of the Water Resource Protection District.

The site is currently being used as an industrial site by a tree removal company. An aerial image of the site has been provided on the cover sheet. As can be seen, there are two buildings currently on the site and nearly the rest of the site has been stripped and is being actively used as material storage and processing in conjunction with the tree removal operations. The site is located behind 4 residential dwellings located on West Washington Street. Access to the site from West Washington Street is through an easement located on the easterly property line. Frontage for the site is west of the dwellings but has not been involved in the ongoing operations and this portion of the site is still wooded. Test pits conducted on site for the design of the proposed subsurface sewage disposal system indicate that groundwater is as high as 15" below the surface to a low of 38". Accordingly, the entire development area for the site will need to be elevated in order to maintain separation above groundwater.

sidewalk is also proposed however, there are no construction details for this feature to indicate proposed width, location and construction design. ;

- Provide a cross section and construction detail for the proposed sidewalk.
- Provide a cross section for the emergency access drive.
- Tie down the roadway centerline with the property line at the entrance.

Grading & Drainage

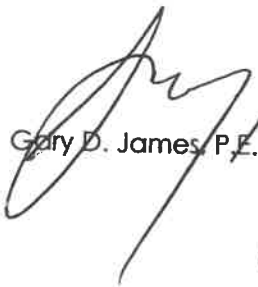
As previously noted, the entire site development area will have to be raised by fill in order to bring the development high enough above groundwater to comply with the Board of Health Regulations and the Storm water management Standards. Based upon the roadway plan & profile, the access roadway will need 4-5' of fill except at the ends to meet finish grade. Additionally, all of the basement floors are proposed to be set at or above existing grade, with only 2 buildings actually being set below existing grade. Section VI.G.5.a. Notes that the site plan development should minimize cuts and fills and removal of trees 6" caliper and greater. In my opinion this is not an issue on this site based upon the current nature of the site and the prior use. However, a quantity of fill required should be developed to give the Board a sense of the truck traffic that will be required to bring the site to grade and the potential impact on the abutting roadways and traffic flow. Because the site is being filled, two culverts are being provided to convey runoff from the residential lots in front of the site back towards the wetlands and insure that the fill does not result in any ponding on the abutters parcels.

In accordance with Section VII.G.3.d. of the by-laws, the drainage shall be designed in accordance with the Planning Board Subdivision Rules and Regulations which are quoted in the following comments. Specifically within these regulations, it is noted that the design shall conform to the guidelines as described in the Storm Water management Standards of Massachusetts as published by DEP, therefore, compliance with these regulations will also be reviewed and commented upon. Based upon these requirements and the design plans and calculations I offer the following comments;

- Provide fill quantities for the site
- The culvert at Station 2+35± on the drawings at the inlet, it is indicated as an 18" culvert; at the outlet it is listed as a 12" culvert, and in the calculations it is noted as an 18" culvert. In addition for the calculations, indicate the design flow for the 50 year storm and the length scales differently than the design.
- The culvert through the cu-de-sac on the drawings is a double 18" culvert. In the calculations it is noted as an 18" culvert. In addition for the calculations, indicate the design flow for the 50 year storm and the length scales differently than the design.
- The quantity of land in HSG A for single family lots increases by 20,000 square feet in the proposed conditions over the existing conditions. This must be corrected so that they are equal especially since this use is outside of the proposed development.
- Based upon the soils mapping, the area within the HSG A soils group is over estimated which could result in under sizing the culverts.
- In accordance with section 7.4.32.2.b) the minimum slope of pipe is 0.50%. The site is designed with a minimum slope of 0.40%. The system as designed does meet the minimum design velocity of 3.0 ft/second however this waiver is required.
- In accordance with 7.4.32.6.j) of the regulations All facilities shall be designed to blend into the landscape. In this case because of the prior use, this is
- In accordance with Section 7.4.32.6.l) "A specific Planting scheme of wetland vegetation is required" for the CSW
- In accordance with Section 7.4.32.6.o) an operation and maintenance plan is required for the drainage system. The CSW is not noted in the O & M plan. In

Overall, I believe that the biggest obstacle facing this proposal is overcoming the issues created by the current user which include the removal of the vegetation and the fill requirements in order to establish height above ground water. I trust that these comments will help to address these issues to the satisfaction of the Board. If you have any further question or comments regarding the above, please do not hesitate to contact me.

Sincerely:


Gary D. James, P.E.





TOWN OF HANSON
OFFICE OF THE PLANNING BOARD
542 LIBERTY STREET
HANSON, MASSACHUSETTS 02341

April 7, 2015

Chairman Robert Overholtzer
Chairman, Zoning Board of Appeals
Town of Hanson, MA

Dear Mr. Overholtzer,

I have reviewed the plan entitled Proposed Residential Development, prepared by Prime Engineering, dated March 10, 2015 and submitted on behalf of the applicant Priolo Realty Development, LLC and have the following comments.

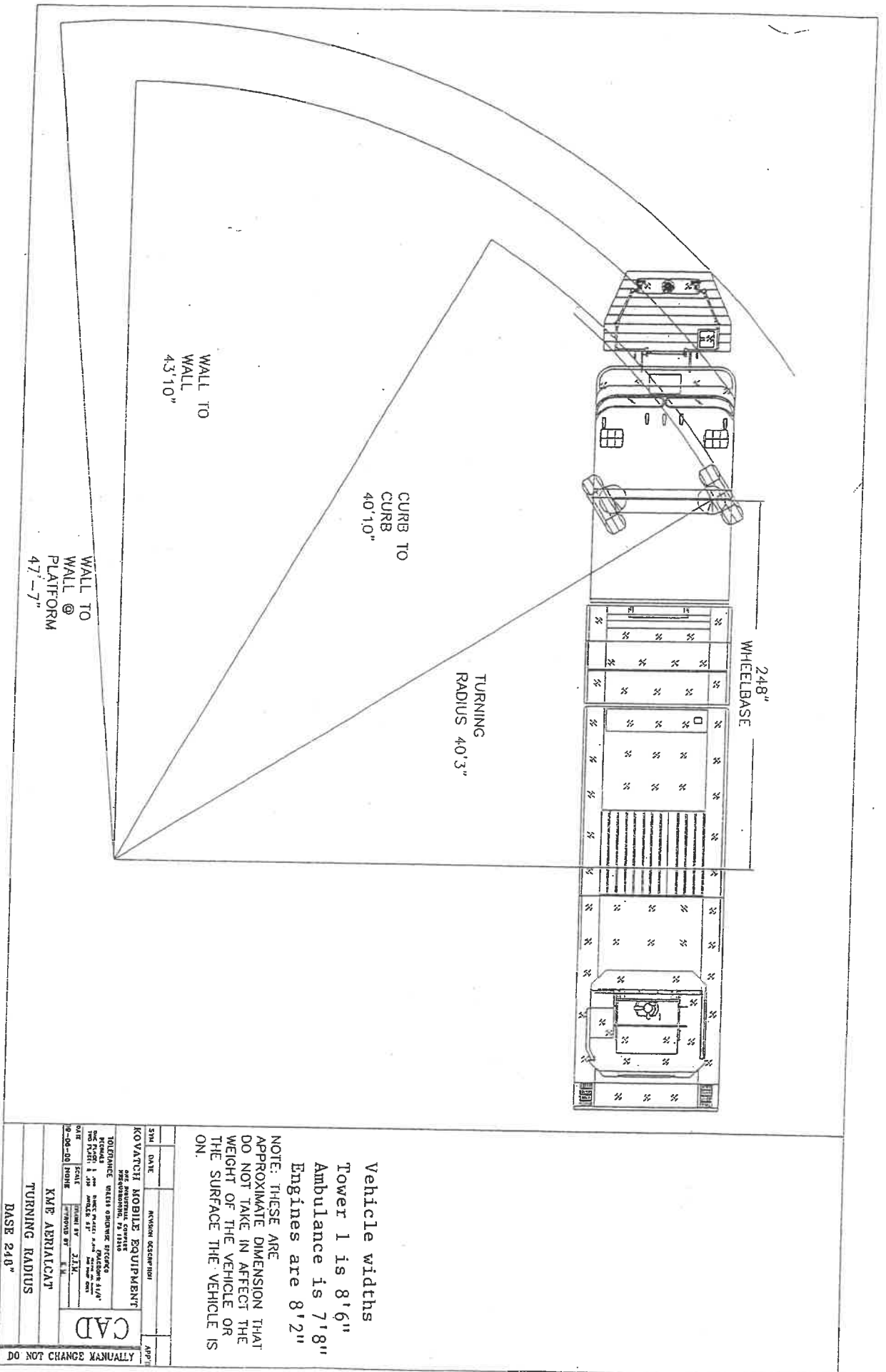
The applicant has requested a Special Permit under the Town of Hanson Zoning By-laws, Section VI.H.2.t and Section VIII.D. and Site Plan Approval under the Town of Hanson Zoning By-laws, Section VII.F.1 & 2 to allow for the construction of twelve (12) two-story residential buildings – four (4) triplexes and eight (8) duplexes containing two (2) bedrooms each unit – with associated site improvements at 775 Rear West Washington Street, Map 66 Lot 5A-1. This property is located in the Flexible Overlay Zone.

This plan does not show a subdivision of the property, therefore an application before the Planning Board is not required. The Zoning Board of Appeals has been designated as the special permit granting authority for this type of use within the Flexible Zoning By-law/Special District. It is my opinion that the only permits required for this plan would be issued by the Zoning Board of Appeals as provided under Sections VI, VII, and VIII of the Town of Hanson Zoning By-laws. The applicant will be required to file an application with the Conservation Commission for any work proposed within jurisdiction of the Wetland Protection Act.

Sincerely,

Laurie Muncy
Town Planner/Conservation Agent

received
4-7-15 BOC



Vehicle widths

Tower 1 is 8'6"

Ambulance is 7'8"

Engines are 8'2"

NOTE: THESE ARE APPROXIMATE DIMENSIONS THAT DO NOT TAKE IN AFFECT THE WEIGHT OF THE VEHICLE OR THE SURFACE THE VEHICLE IS ON.

SYN	DATE	REVISION DESCRIPTION	APP
KOVATCH MOBILE EQUIPMENT			
ONE PROGRESS COMPANY			
PROGRESS, PA 15145			
TOLERANCE: 0.005 INCHES			
MATERIAL: 1/2" ALUMINUM			
FINISH: 1/2" ALUMINUM			
DATE: 10-06-08			
DRAWN BY: J.M.			
CHECKED BY: J.M.			
KME AERIALCAT			
TURNING RADIUS			
BASE 240"			
DO NOT CHANGE MANUALLY			

HANSON BOARD OF APPEALS
Minutes of Public Hearing March 24, 2015

RECEIVED
TOWN CLERK
HANSON, MA
2015 APR -1 A 9 06

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

Petitioner: Kristen Thayer – Case#15MA05
1000 Main Street – Unit 108
Special Permit

The Petitioner is requesting a special permit to operate THE ATTIC FANATIC a custom art studio offering paint classes with related signage at the above address. Property is located in Business and Flexible Overlay zone.

Fire Department commented that a Knox Box will be required, a fire extinguisher to be installed, and an inspection by the Fire Department. Building Commissioner had no concerns other than a building permit would be needed if any modifications to the building take place.

Per the Petitioner, all paints are water based – non hazardous. She indicated that she will be hosting painting workshops – most painting done on furniture. Classes run from 3 to 15 individuals at a time. There is additional parking available for night classes.

Hours will be 7:00 am to 11:00 pm Monday thru Friday. There will be 1 full-time and 2 part-time employees.

The Petitioner stated that at some time in the future she may expand into Unit 107.

Signage will be per landlord on outside sign approved by the Board of Appeals. Petitioner will also have a 16" x 20" sign on the glass door to her unit; and a 3'x3' sign outside her unit.

Motion was made to approve the special permit as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing March 24, 2015

RECEIVED
TOWN CLERK
HANSON, MA
2015 MAR 31 P 1:40

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

Petitioner: Paul Newcomb- Case#15MR04
7:00 PM
0 Station Street – Site Plan/Special Permit

The Petitioner is requesting site plan approval and a special permit to allow for the operation of Newcomb's Tree Service, LLC – trucking, wood recycling yard and mulch sales with related signage at the above address. Property is located in the Commercial Industrial zone.

As the previous plan submitted did not contain the necessary information to proceed with this hearing, the Board requested Newcomb to ask for a continuance.

Newcomb explained that Land Planning Inc. was preparing the plans but not complete as of this evening.

The following Boards had comments about the proposed (see attached):
Board of Health; Planning Board; Building Commissioner and the Fire Department.

Motion made to continue the hearing until April 28, 2015 at 7:15 PM: Sean Joanis
Second: Joanne Miniutti
Vote: 3-0

Motion made to close the hearing.

Interoffice Memo

Date: 03/12/15

To: Robert Overholtzer, Chair ZBA

From: Lt. Gary Smith

RE: Newcomb's Tree Service LLC – 0 Phillips St.

In regards to the application of Newcomb's Tree Service LLC to allow the operation of a trucking, wood recycling and mulch sales at 0 Phillips St. The business operation and set up will have to be in full compliance with all applicable sections of Chapter 31, Forest Products, of the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00 and NFPA 1 as well as all other applicable sections of the fire code.

Newcomb's shall provide a plan, for review by the Fire Department and State Fire Marshal's Office of Code Compliance, outlining the yard set up, log storage areas showing the configuration and separation of the log piles, mulch pile location(s), fire department access roads, type and location of the yard water supply for firefighting operations, procedures for monitoring of the yard and mulch piles as per the requirements of Chapter 31 – Forest Products. The plan shall also include the location of any flammable or combustible liquid fuel tanks and an updated facility emergency plan for incidents involving fuel spills or fire.

Newcomb's shall supply a plan of any proposed buildings to be built on the property and their intended usage, IE: Office area, storage areas, garage and/or maintenance areas, for evaluation of required fire protections systems.

Newcomb's shall also supply a list of any planned storage of any hazardous materials, flammable or combustible liquids/gases/solids.

We recommend that no permits or usage of the property for storage of logs and/or mulch be allowed until the requested information has been reviewed and approved by the Hanson Fire Department and State Fire Marshal's Office of Code Compliance.

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

Regards,



received



Town of Hanson Building Department

542 LIBERTY STREET • HANSON, MASSACHUSETTS 02341
TEL. 781.293.5503 • FAX 781.294.0279

February 24, 2015

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

Re: 0 Phillips Street
Hearing Date: March 24, 2015

Dear Honorable Board of Appeals,

I have seen and reviewed the petition of Paul Newcomb requesting Site Plan Approval under the Town of Hanson Zoning By-laws Section VI.E.1 and Section VII.F. and a Special Permit under the Town of Hanson Zoning By-laws, Section VI.E.2. to allow for the operation of Newcomb's Tree Services, LLC. The business would consist of wood recycling yard and mulch sales – with related signage.

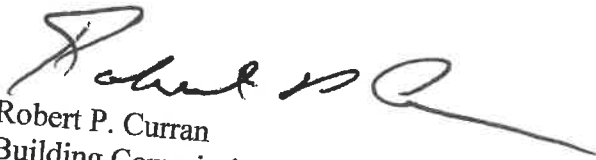
The property is located on Hanson Assessors Map 50, Lot 24D and it is located in a Commercial/Industrial District.

The plan as submitted does not comply with section VII F of the Zoning Bylaws regarding Site Plan Approval. The plan does not contain enough information for this office to make a recommendation.

This business requires a large amount of space for storage of trees, mulch, processing equipment, and vehicles. Building location, drainage, parking areas, lighting, septic system details, water source, buffers and landscape details are critical to make this site function as it should.

Please consider continuing this hearing until such time that a proper Site Plan has been submitted.

Sincerely,


Robert P. Curran
Building Commissioner
Zoning Enforcement Officer

received
3-23-15 BOA



*Hanson Board of Health
Town Hall
542 Liberty Street
Hanson, MA 02341
(781) 293-3138
www.hanson-ma.gov*

February 27, 2015

Zoning Board of Appeals Board Members,

The Board of Health received a notice for the Board of Appeals regarding Newcomb's Tree Service LLC proposed location at 0 Phillip Street, Map 50, Lot 24D Hanson Assessors Map.

The plan that was provided to this office is incomplete. We would need information on the trailer that is proposed in site. Does the trailer contain a bathroom? If so where will the septic system be located?

If you have any further questions, please contact my office.

Regards,

Donna M. Tramontana
Health Agent

received
3-3-15 BOA

Robert Overholtzer,

Chairman Zoning Board of Appeals

Dear Mr. Overholtzer,

As you are aware, the Town of Hanson Zoning Board of Appeals will hold a hearing on March 24, 2015 to review the application of Paul Newcomb for Site Plan Approval under the Town of Hanson Zoning By-laws, Section VI.E.1 and Section VII.F and a Special Permit under the Town of Hanson Zoning By-laws Section VI.E.2 to allow for the operation of Newcomb's Tree Service LLC – trucking wood recycling yard and mulch sales – with related signage at 0 Phillips Street, Map 50 Lot 24D. Property is located within the Commercial/Industrial zoning district.

The provisions of the Rules and Regulations of the Zoning Board of Appeals and the Zoning By-laws within the Town of Hanson are designed to assure that all development activities regulated by these sections will be carried out so as to provide for and maintain:

1. Protection of neighboring properties against harmful effects of uses on the development site;
2. Convenient and safe access for fire-fighting and all emergency rescue vehicles within the development site and in relation to adjacent streets;
3. Convenience and safety of vehicular and pedestrian movement within the development site and in relation to adjacent streets, properties or improvements;
4. Satisfactory methods for drainage of surface water to and from the development site;
5. Satisfactory methods for storage, handling and disposal of sewage, refuse and other wastes resulting from the normal operations of the establishment on the development site;
6. Convenience and safety of off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment on the development site; and
7. Harmonious relationship to the terrain and to existing buildings in the vicinity of the development site.

Zoning Board of Appeals Rules and Regulations, revised 2012

Article 2 Section 2 Review Fees: The Board of Appeals may at their discretion employ professional assistance to review any materials pertinent to the hearing at the cost of the applicant. *It would be my recommendation that the Board employ the services of a review engineer to assist with the site plan review.*

Article 2 Section 4 – Plan of Land to Accompany Petition: Each application and petition to the Board shall be accompanied by seven (7) copies of plans that have been prepared by a professional architect, landscape architect, registered land surveyor or registered professional engineer. Plan size shall be a minimum of 8 ½ inch by 11 inch and a maximum of 24 inches by 36 inches. All plans shall contain items listed on the Engineers checklist located at the back of the Zoning Board of Appeals Rules and

Regulations Booklet. *It would be my recommendation that the Board require the applicant to submit a plan drafted by an engineer that meets these requirements.*

Article 2 Section 7 outlines the following general plan requirements. *It would be my recommendation that the applicant be required to submit a plan that meets the following requirements:*

General Plan Information:

- Stamped by a Registered Engineer (proof of unexpired registration shall be submitted with plans).
- Indicate all property boundaries.
- Use, ownership, driveways, street details, septic system and well within 200 feet of locus.
- Zoning district, use of property, locus, direction indicator, scale, name of owner of record.

General Information on Lot:

- | | |
|----------------------|---------------------------------|
| • Service Areas | Maximum total gross coverage |
| • Screening | Maximum total building coverage |
| • Signs | 90% upland requirement |
| • Sewage | Lot size in Square Feet |
| • Landscaping | Actual grades or contours |
| • Setbacks & Buffers | Finished grades or contours |
| • Frontage | Drainage calculations |

General Information on Building:

- | | |
|------------------------------|---|
| • Location of all structures | Dimensions of buildings existing and proposed |
| • Building Height | Building size in square feet |
| • Lighting | Floor area of building |
| • Loading area | |

General Information on Road/Driveways:

- | | |
|--|----------------------------|
| • Driveway dimensions – length and width | Radius |
| • Driveway openings | Driveway paving |
| • Drainage calculations | Catch basins and gas traps |

General Information on Parking:

- | | |
|---------------------------------------|--|
| • Parking lot paving | Parking lot drainage, catch basins and gas traps |
| • Parking spaces lined and tire stops | Parking lot lighting |
| • Handicapped spaces | Parking calculations |

Wetlands/Aquifer Well Protection Zone Information

- Indicate all wetland areas

- Indicate if located in Aquifer Well Protection District
- Indicate on plan if located within 500 feet of Aquifer Well District
- Indicate by note if located within 1,000 feet of Aquifer Well District
- Drainage run-off calculations on wetlands

The site plan should also contain the following information:

1. A locus map at an appropriate scale which shall show all streets, bodies of water, and other significant features within the parcel and within two hundred (200) feet of the parcel;
2. The location and name of all streets, any and all driveways and curb-cuts within three-hundred (300) feet of the site, streets shall include layout and pavement width;
3. On-Site and abutting lot lines; abutters map and lot numbers;
4. All contiguous property owned by the applicant shall be included;
5. Zoning district boundary lines of the locus and all land within two hundred (200) feet of the parcel, including any overlay districts and other area designations not specifically mentioned (i.e. Flood plain, Wetland and Water Resource Protection);
6. Other features including: slope, geological features, stone walls, easements, fencing, cemeteries, buildings (including registered historic background, if any), and any potentially impacted septic systems, and other hydrological features;
7. Existing and proposed topography contour lines at two (2) foot intervals on the parcel to be developed;
8. The date and north arrow shall be shown;
9. Information of the location, size, type and number of existing and proposed landscape features. A landscaping plan should be provided;
10. Information on the location, size and capacity of existing and proposed on-site and abutting utilities (water, septic, drainage, electrical, cable, etc).
11. A Zoning Chart with all applicable dimensional requirements;
12. Percent of building lot coverage and percentage of paved (impervious) area used for parking, loading, access within the property and percent open space of this site.
13. An overall site layout sheet showing the entire development at an appropriate scale.
14. The applicant shall submit information on existing and proposed on-site wells, water supply systems, storm water drainage systems, utilities, sites for enclosed refuse and recycling containers and location of septic systems and estimated amounts of water consumption, all measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, and flooding. An erosion control plan showing method(s) and location(s) to be used shall also be submitted.
15. Every effort should be made to retain and protect existing soils, vegetation and natural features.

I would like to add the following comments in addition to the aforementioned plan requirements:

1. Controls on the location and type of access to the site;

2. Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, septic, drainage, and other public facilities which are likely to be affected by the proposed development;
3. Requirements for donation and/or dedication of land for right(s)-of-way to provide for future roadway and/or intersection widening or improvements should they be deemed necessary by the Zoning Board of Appeals;
4. Requirements for securing the performance of all proposed work, including proposed off-street improvements; and
5. Conditions to minimize off-site impacts on traffic and environmental quality during construction.

The Site Plan will require the filing of a Notice of Intent with the Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the proposed development on streams, wildlife and similar considerations within the scope of the Conservation Commission.

I would further recommend that the following departments be supplied with a copy of the site plan.

1. Highway Surveyor as to the design of the street system, location of easements, monuments, street lights, and drainage systems.
2. Fire Department as to location of hydrants, installation of the alarm system (if proposed), street names and emergency access.
3. Police Department as to street safety, both vehicular and pedestrian, street names and access for emergency vehicles.
4. Planning Board as to overall layout of streets, lots and drainage systems in terms of adherence to principles of good planning.
5. Building Commissioner as to suitability of lots for building purposes and adherence to principals of good planning.
6. Assessor's Office as to whether the property is under special assessments or if back taxes are owed.
7. Water Commission as to their Rules and Regulations.

In closing, I would also strongly suggest that the entire filing be submitted to Town Counsel for review as to how this development project will or will not impact the proposed 40B project already permitted for this site.

Respectfully submitted,

Laurie Muncy

Town Planner/Conservation Agent

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 3, 2015

RECEIVED
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HANSON, MA
2015 FEB 18 A 9 16

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

Petitioner: Donald Ellis – 7:30 PM
Case#15FB03
56 Milford Street – Special Permit/Variance

The Petitioner is requesting a special permit/variance to allow for the demolition and reconstruction of a preexisting nonconforming home that does not meet current setback requirements at 56 Milford Street, Map 2 Lot 8B Hanson Assessors Map. Property is in the Residence A zone.

Building Commissioner/Zoning Enforcement Officer Robert Curran commented that he has no concerns with the proposal but a building permit will be required.

Currently the property is boarded up and beyond repair. The proposed house will be built on the same footprint – single story ranch. Setbacks are met on the side and rear, the frontage remains the same.

There is an existing driveway easement to obtain access to house out in the rear. This is a deeded easement.

The Petitioner made the request to withdraw the variance without prejudice.

Motion made to allow the Petitioner to withdraw without prejudice his request for a variance:

Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to approve the Special Permit as requested: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 3, 2015

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HANSON, MA.
2015 FEB 18 A 9 16

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

Petitioner: Thomas Hastings Co. LLC-Case#15FB02
0 Whitman Street – Variance
7:15 PM

Representing the Petitioner: Stephen J. McLaughlin, P.C.
James O'Brien

Petitioner is requesting a variance to allow for a common driveway over a portion of the access to a hammerhead lot at 0 Whitman Street Map 109 Lot 4 Hanson Assessors Map. Property is located in the Agricultural Recreation zone and Residence AA districts.

The Town Planner/Conservation Agent commented that at a regularly scheduled public meeting of January 13, 2015, the Hanson Conservation Commission voted to support, in principal, the concept of reducing the impact to the natural resources, subject to approval by the Commission through the proper course of action.

The Building Commissioner/Zoning Enforcement Officer had no concerns or issues with the issuing of the Variance. Plan submitted with the Petition was prepared by McKenzie Engineering Group, Inc. , dated May 3, 2012 and last revision made December 24, 2014, Project #: 212-121.

Petitioner is seeking a variance from Section VII.B.4.(b) which specifically relates to hammerhead or pork chop lots which states: " each hammerhead lot must be serviced by its own separate driveway located in the access portion of the lot." As shown on the Plan both lots have frontage on Whitman Street – Lot 1 has 262.94' of frontage; and Lot 2 has 40.02' of frontage and would be categorized as a hammerhead or pork chop lot.

They are here to minimize the impact upon the conservation area and wetland area which is in front portion of both lots by creating one common driveway. The part that is common is located on Lot 1 and is directly adjacent to the property line of Lot 1 and Lot 2. Because of the wetland condition they would like to minimize the impact. McLaughlin spoke on the hardship issue and cited the case of Lamb vs the City of Taunton, an Appeals Court case, and the Court said that the presence of wetlands is a soil condition and is a valid basis for the existence of a hardship in the findings for a variance. As part of the development plan, they would be creating and recording a Declaration of Easement that spells out exactly what the rights and obligations of the two lot owners will be. This will provide for common maintenance expenses to be shared, repairs, etc., it spells out what can and cannot be done.

Board member Joanis spoke on the hardship being the soil conditions and the wetlands themselves, the soil conditions are not requiring one driveway , this can still be developed with two driveways – so what is the condition that is causing the variance.

Response was in looking at the wording of 40A Section 10, it does say financial or otherwise, so there is substantial additional expense related to building a second driveway through the wetlands. That is one aspect of it. The other is they feel it makes more sense to do one street opening as opposed to two – very close to one another.

Board member Joanis stated that when buying the specific porkchop lot or sectioning off a porkchop lot there was notice before hand thru the by-laws that you would need a driveway for that lot. Joanis continued, going in you knew the financial hardship of putting in a driveway for the porkchop lot over the wetlands, so now you are trying to abate that by using the fact of the wetlands themselves as the hardship. Joanis stated that without the variance, you still have two lots, two driveways and can do whatever you planned. Joanis continued that the variance is to minimize the conditions to the wetlands, have one driveway instead on two, and will save some money.

Abutter, George Badgio, 770 Whitman Street, feels that they are looking to save some money because they are stressing on wetlands- should look into the two families that will be buying and become part of the town, sharing half a driveway, who will maintain it, who will plow it , etc., He can see nothing but trouble all the way. Mr. Badgio has lived here for 50 years. In his opinion, common driveways cause nothing but trouble.

Board Member Joanis asked the Petitioner if he was aware of any other variances in town being granted where a porkchop lot has been granted a variance that it did not need its own driveway? Petitioner answered: I am not, but this is probably unique because of the amount of wetlands that it crosses. The Petitioner stated that granting the variance does not have any detrimental effect on the two lots in question or the district in general.

Motion made to approve the variance of Thomas J. Hastings Co. LLC as requested: Sean Joanis

Second: Joanne Miniutti

Vote: Aye-Robert Overholtzer

Aye- Sean Joanis

Nay – Joanne Miniutti

Variance denied.

Motion made to close the hearing.

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HANSON BOARD OF APPEALS
Minutes of Public Hearing February 3, 2015

2015 FEB 18 A 9 16

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

Petitioner: Renae Keddy – Case#14DC28
48 Indian Path – 7:00 PM
Variance/Special Permit
(cont. from 1/6/15)

The Petitioner was 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.

Hearing was continued to allow Keddy to obtain surveyed plans showing the relief they need.

On February 2, 2015 Renae Keddy sent an e-mail to the BOA to cancel the hearing and they have decided to purchase a larger home.

The Board voted to cancel this hearing without prejudice per e-mail.

HANSON BOARD OF APPEALS
Minutes of Public Hearing January 6, 2015

JK
**RECEIVED
TOWN CLERK
HANSON, MA**

2015 JAN 12 P 1:54

Members present:

Robert Overholtzer, Chairman
Sean Joanis, Member
Joanne Miniutti, Alternate

Petitioner:

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

The Board opened the hearing and read into the minutes a letter from Renae Keddy asking to reschedule the hearing until February 3, 2015 as the continuance will grant the needed time to acquire all of the information and paperwork needed to proceed with the proposal.

The proposal to 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.

Motion made to continue the hearing until February 3, 2015 at 7:00 PM: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

JR

HANSON BOARD OF APPEALS
Minutes of Public Hearing January 6, 2015

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HANSON, MA

2015 JAN 12 P 1:54

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

Petitioner: Donald Shute – Case#15JA01
21 Progress Way – 7:30 PM
Variance

Attorney Paul McAuliffe for Donald Shute

Petitioner is requesting a variance from setback requirements specifically to allow a minimum sideyard setback of 13.7' where the requirement is 20' in the flexible Overlay Zone and Commercial Industrial zone at the above address.

Building Commissioner Robert Curran has no concerns with the petition stating that a building permit has already been issued.

Shute maintains that somehow the stakes got moved (whose fault unknown) which resulted in the need for this hearing. Shute stated that this is an 18 lot subdivision and granted special permits to develop 2/3 houses on individual lots under the flexible overlay by-law. At that time two variances were requested -1 was for the distance between the houses and 2 was for parking in the rear.

Two houses are separated by an exclusive easement line—each house has the exclusive use of their part of the lot. This particular case happens to be the biggest lot in the subdivision- 5.8 acres. There is no setback from the exclusive easement line but the houses must be 40' apart. Referring to the plan, Shute stated the lot line was staked and he cannot explain this mistake. This mistake was discovered when seeking the occupancy permit and had produced the as-built foundation plans. By that time the house was totally finished.

As soon as the foundation is up then an as-built should be done, but this did not happen in this case. The mistake would have been caught at the beginning instead of at the end.

Abutter from 15 Progress Way wanted the property line clearly marked and has discussed this with Mr. Shute.

Motion made to grant the Variance as requested by the Petitioner: Sean Joanis

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing January 6, 2015

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TOWN CLERK
HANSON, MA
2015 JAN 12 A 8:54

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

Petitioner: Donald Ellis – Case#14AP06
Woodbine Ave. – 7:00 pm
Special Permit/Variance
(cont. from 12/9/14)

Attorney Brian Cook present for Donald Ellis

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 pre-existing nonconforming lot that is grandfathered on Woodbine Avenue. Property is located in Residence A zone.

Comments sent via e-mail from Town Counsel Jay Talerma (see attached) reiterated his opinion from the start that the lot is not entitled to any grandfathered rights and as such is unbuildable.

Atty. Cook stated that they appreciate the amount of time spent on this by the Board. He indicated that the amount of paperwork turned in for review by Town Counsel and the Board at the last hearing was sent from the Attorney General's office. Cook stated that it is still his contention, which they know Town Counsel disagrees with, that the 1957 by-law made the lot that Mr. Ellis refers to as having rights that have never been repealed, but in order to end the process and not go any further in terms of expending time and energy Cook submitted a document withdrawing Mr. Ellis's application before a vote was taken. (see attached)

Motion made to accept the Petitioner's withdrawal without prejudice: David Nagle
Second: Sean Joanis
Vote: 3-0

Virginia Costley

From: Jay [jay@bbmatlaw.com]
Sent: Thursday, January 01, 2015 3:11 PM
To: brook.law@gmail.com
Cc: Ronald San Angelo; Laurie Muncy; Virginia Costley; Meredith Marini; Sloan, Beth; Curran, Robert
Subject:

Brian: Thank you for providing the files regarding the history (since 1955) of the zoning amendments of the Town of Hanson. As you will recall, the purpose of your exercise was to prove your assertion that the 1955 version of the bylaws relating to grandfathered lots was never altered or repealed. A persuasive demonstration in this regard may potentially support an argument that the current bylaws, which preclude development of the subject property, are not effective.

In your memo (dated 12/9) accompanying the documents that you procured, you contend that none of the historical Town Meeting articles, minutes and Atty General approvals with respect to thereto reveal any repeal of the 1955 zoning bylaw. However, this contention is simply untrue. Having reviewed the documents, it is clear that in 1967, the 1955 Bylaws were expressly repealed and replaced in their entirety. Then in 1988, all provisions regarding pre-existing non-conformities were again expressly deleted and replaced. In 1999, said provisions were again re-written.

Thank you again for your due diligence in this matter. However, with the material that you have provided, my prior opinion remains intact – the lot is not, in my opinion, entitled to any grandfathered rights and, as such, is unbuildable.

Jay

Jason R. Talerman, Esq.
Blatman, Bobrowski & Mead, LLC
730 Main Street, Suite 2B
Millis, MA 02054

jay@bbmatlaw.com

508-376-8400 (office)
508-446-2002 (cell)
508-376-8440 (fax)

***This email may contain information protected by
attorney-client or executive session privilege***

Brian R. Cook
ATTORNEY at LAW
738 Main Street
Hingham, Massachusetts 02043-3327
(office) (781) 740-7201
(fax) (781) 740-7207
Brcook.law@gmail.com

To: Hanson Board of Appeals

From: Brian R. Cook

Date: January 6, 2014

Re: Don Ellis/Elko/Woodbine Avenue

The applicant Don Ellis of Elko Construction would like to thank the Board of Appeals and its secretary and staff for its time and the consideration of its plans to develop two lots on Woodbine Avenue in Hanson, Massachusetts. As presented in multiple meetings before this Board it is the applicant's position that the protections of the 1955 Town Meeting create "grandfathered" status to allow for the development of these lots. This position is not shared by the legal counsel for the town and as such the applicant would have to engage in protracted litigation to prove his point. As such to avoid requiring the town to expend any more time and energy on this matter at this time the applicant would respectfully withdraw his application from consideration by the Board of Appeals.

The applicant and his counsel thank the Board for its patience and guidance on this matter.

received
1-6-14 BOA