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2018 JAN 17 A 9 57

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HANSON BOARD OF APPEALS
Minutes of Public Hearing November 28, 2017

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

Petitioner: Gerald Coulstring – Case#17JL13
0 Liberty Street – 7:00 PM
Special Permit, Site Plan, Variance

Also present: Joe Webby, Webby Engineering for the Petitioner
Patrick Carrara, PMP, review engineer for the BOA
(cont. from 10/24/17)

Webby Engineering presented a new plan showing the building in front with the in/out entrance and exit points.

Per Patrick Carrara this is where a variance is needed as they do not have the 200' of frontage on Liberty Street. Also they still need to provide a list of other variances needed plus waivers need to be noted. The Zoning Enforcement Officer will need to provide in writing if the proposed Business use is allowed in the Residence AA zone; need to confirm how coverage is calculated in split District. The number of traffic trips per day needs to be noted by a Traffic Engineer.

Also need to provide a landscaping plan – what is being planted.

The Board felt that insufficient information was given to form a decision this evening and voted to continue the hearing until December 12, 2017 at 7:45 pm to give Webby Engineering and the Petitioners time to address these concerns.

Motion made to continue the hearing until December 12, 2017 at 7:45 PM: Ryan Tully
Second: Joanne Miniutti
Vote: 3-0

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HANSON, MA
2018 JAN 17 A 9 53

HANSON BOARD OF APPEALS
Minutes Of Public Hearing December 12, 2017

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

Petitioner: Gerald Coulstring – Case#17JL13
0 Liberty Street
(cont. from 11/28/17)

Also present: Patrick Carrara, PMP Associates, review engineer for the BOA
Joe Webby, Webby Engineering, for the Petitioner

After opening the hearing Patrick Carrara stated that the information needed to comment further on this project did not reach PMP's office in time to do a thorough review and suggested that the hearing be continued. Webby Engineering acknowledged the delay.

The Board suggested the meeting be continued to January 9, 2018.

Motion made to continue the hearing until January 9, 2018: Ryan Tully

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing November 14, 2017

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HANSON, MA
2017 DEC 11 A 10:39

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

Petitioner: Dakota Partners – Case#17NV20
Depot Village – 7:00 PM

Also present: Atty. Michael O'Shaughnessy – for Dakota Partners
Atty. Michael Kennefick for Board of Appeals
James O'Brien of Dakota Partners

The Petitioner is requesting a change to the Comprehensive Permit granted to Marston Realty Trust, Inc. to reduce the number of rental units from 70 to 45, reduce the amount of parking and authorize the construction of a single, four story building at Depot Village – Phillips Street.

The Board of Health comments are: they will need an exact bedroom count as well as a count of each type of unit and the number of bedrooms per unit. Soil/perc tests have been done on this lot, but the proposed location of the leach field does not show any perc test location. If the proposed leach field is not located within existing perc tests, new/additional soil evaluations and perc tests will have to be conducted.

Building Commissioner Robert Curran commented that he has seen and reviewed the Petition of Dakota Partners. The Plan does not show the existing tower or the fall zone if this proposed residential building is within the required setback, a variance will be required in accordance with Section VII.D.(e)1; also a building permit will be required prior to the start of construction.

Comments from the Hanson Fire Department attached to minutes.

Atty. O'Shaughnessy spoke on behalf of Dakota Partners and stated that they are seeking modification of the Comprehensive Permit issued to Marston back in 2003. Showing what was approved back in 2003 – five buildings – 70 rental units – buildings two and three stories high – 90 bedrooms approved. Dakota is seeking to modify the permit to reduce it to one building with 47 units nearer the street – four story building. Benefits are they are consolidating it – instead of being all spread out they are making it more compact – more in line with transit oriented housing that is being pushed around the State right now. Also reducing the amount of pervious area to 10.6

The original parking spaces approved were 145, they are asking to reduce it to 70 because of the proximity to the train station = approximately 1.5 spaces per unit. The mix right now is 12- one bedroom units, 31 – two bedroom units, and 4 – three bedroom units.

Maintaining 50' from the street and are proposing enhanced plantings around the site. They have submitted a architectural rendering that has changed slightly – they have added a walkway overhang. Looking for guidance from the Board – know that the Board will have a Review Engineer look at the project, storm water management standards may have changed since 2003. They have to run a Title V to make sure they meet all the standards of the Board of Health. This is the long and short of it as to what they are looking for tonight – they have a building oriented on the site if the Board is comfortable with it and the proposed concept what they would like to do is then do more fully detailed engineering drawings and calculations. All units would count toward the subsidized housing inventory – 100 % affordable. If this project goes forward, Dakota Partners will install a sidewalk from the project to the parking lot at train station.

The Board is requesting an overlay with the proposed changes to the site. Also a suggestion was made by the Board to maybe show two buildings vs one.

Joe Campbell of 150 Woodbine Avenue, the vice chairman of the Hanson Planning Board, would like to be the first to ask questions, some concerns the Planning Board had as well. The Planning Board has concerns about the fire access via Station Street – reachability. Also people here are also concerned about the fall zone of the tower. From the Planning Board's perspective they want to make sure that if there are any changes on the roads as far as Station Street, Phillips Street – all changes are built to Mass Highway spec. The Planning Board also would like Mr. Campbell to put forward a high recommendation for the Town to have representation in regards to the project from start to finish and the Town's interest in it and has recommended Environmental Partners. Planning Board also wants the height restriction addressed as well.

Atty. O'Shaughnessy responded to Mr. Campbell's comments by saying that some of the comments have been raised in the Fire Chief's letter as well and will be addressed as they move forward in the process. Looking at the height of the building now and based on the architectural they have been presented it is probably 47' to the peak so they are 7' higher than the height limitation and would be seeking a waiver from that section of the by-law. Going forward, an updated set of waivers from the by-laws will be presented.

Questions on the fall zone of the cell tower already in place for sometime now were addressed by Ken Marston, current owner, who stated that the tower has the ability to somersault over itself. The tower is actually designed to break in the middle.

Abutter Bill Clay, business owner at 139 Phillips Street, mentioned that the drainage system has not been maintained on the street and showed pictures showing what it looks like in the spring and most of the summer – none of the four catch basins on the street work, per Clay. So any access from Station Street is just going to run down the street because there is no drainage.

Lisa Grabowski, 72 Phillips Street, also stated that the drainage system is a mess.

Business owner at 131 Phillips St., also very concerned about drainage-just not working. Diana Clay , 47 Partridge Way, was wondering if there would be any restrictions on the number of animals that would be allowed.

Abutter Nathaniel Novak, 286 Phillips Street, very concerned about traffic and accidents, seeing that the curb cuts are placed where most of the accidents happen- curb cuts on Phillips Street from the proposed project.

Atty. O'Shaughnessy stated that as part of this process they will have a traffic consultant who will look at this and also the site distances to make sure they comply with current standards. Novak asked if the traffic study was qualitative and quantitative over time, specifically as it relates to not only traffic, speed but also not categorized as an individual taking notes – but a machine that can be verified that the traffic study is done correctly. Novak stated that the last time a traffic study was done they had a guy in a zip car with his seat reclined for 8 hours.

Lisa Grabowski added that since the train went in Phillips Street is now a thruway. No lighting on the street, constant accidents. Traffic is going to be insane.

James O'Brien of Dakota Partners, stated that Dakota has about 2,000 units built in the New England area and are actually experiencing about .9 to 1.1 cars in the complexes that consist of one bedroom, two bedrooms and three bedrooms. Will provide a traffic study and accurate data of their other communities which is what they are trying to base this one to reduce the parking, the asphalt and the density on the site with respect to how much they have to pave. They prefer green space and landscaping.

Novak asked if this is Phase 1, how many more are to come?

O'Brien answered that this is the only one proposed at this time. Atty. O'Shaughnessy said that this is the project that is before the Board now and this is the one they are seeking to get an approval on. If this was to go to a second Phase, they would have to come back before the Board of Appeals for approval.

Novak stated that this is going to be a major detriment to the entire neighborhood coupled with the light pollution and all the other mitigating issues associated with doubling the residences on the road.

O'Shaughnessy stated that what they are proposing to construct is less than what has been approved so far-should be less impactful.

Abutter Mark Gianelis, 141 Phillips Street, one question is what is defined as a modification, nothing on this plan is at all what was on the original plan and proposed. Now talking about one building-noise, light pollution will be confined to one location instead of spread out over all that land which is now directly across from his house.

O'Shaughnessy answered that they are changing the approved project- a change to the permit that has been issued. This is considered a substantial modification which triggers a hearing – so the process going forward is almost like a whole new application. The wetlands have been surveyed and flagged, have to be put onto a plan and then go to Conservation Commission.

Lisa Grabowski spoke again and said the original plan was more like Meetinghouse Lane. Phillips Street is an "old house" street. These developers make it look like Quincy. The lights at the train station shines onto the lower part of Phillips Street.

Mary Hall , 69 Phillips Street, asked if the talked about sidewalk was going down Phillips Street or going behind all the houses that are by the train station.

O'Shaughnessy showed Hall where the proposed walkway is on the Plan.

O'Brien stated that the site plans, the design finish and the traffic study completed within three weeks.

Motion made to continue the hearing until December 12, 2017 at 7:00 PM: Ryan Tully

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.



**TOWN OF HANSON
FIRE DEPARTMENT**

Fire Headquarters
505 Liberty Street
Hanson, Massachusetts 02341-1628

Jerome A. Thompson, Jr.
Chief of Department

(781) 293-9571
Fax: (781) 293-7526

November 7, 2017

Mr. Robert Overholtzer, Chairman
Hanson Board of Appeals
542 Liberty St
Hanson, MA 02341

RE: Proposed 40B-Depot Village-Phillips Street

Dear Mr. Chairman,

In regards to the application submitted by Dakota Partners for the construction of 40B housing known as Depot Village located on Phillips Street, we have several areas of concern related to this project. Some of these areas of concern include the following:

1. Construction Features
2. Roof Construction
3. Fire Protection System
4. Water Supply
5. Estimated number of residents
6. Firefighter and worker safety during construction
7. Permitting
8. Building Access
9. Misc.

Listed below are each of our concerns individually with our explanation and/or questions for each.

Construction Features:

We will need a full set of plans showing the type of construction being proposed and any special construction that may have an impact on fire department operations.

Roof Construction:

What type of roof construction will be utilized for the facility (IE: Truss etc.)? Will there be any use of the attic area for storage or mechanicals – HVAC etc.?

Fire Protection Systems:

1. **Sprinkler System:** The sprinkler system shall be installed in accordance with current NFPA codes and all applicable building and fire codes. A full set of system plans and documents shall be submitted as per all applicable codes for review. The submittals shall be stamped by a registered Fire Protection Engineer. The submittal package shall be reviewed by the department and a registered Fire Protection Engineer of the fire

received
11-7-17 009

department's choice. The owner/developer will be responsible for the cost associated with the fire department and FPE plan reviews and all associated inspections of the system.

2. **Fire Alarm System:** The fire alarm system shall be installed in accordance with the current NFPA code and all applicable building and fire codes. A full set of plans and documents shall be submitted as per all applicable codes for review. The submittals shall be stamped by a registered Fire Protection Engineer. The submittal package shall be reviewed by the fire department and a registered Fire Protection Engineer of the fire department's choice. The owner/ developer will be responsible for the cost associated with the fire department and FPE plan reviews and all associated inspections of the system. The system will be required to be a fully addressable system with emergency communication availability. An enunciator panel shall be installed in the main entrance area.
3. **Individual Units:** All individual units will have all required fire protection systems as per the applicable NFPA, Fire and building codes.

Water Supply:

There shall be adequate water supply and hydrants to supply the sprinkler system as well as to perform firefighting operations.

Estimated Resident Population:

What is the estimated number of residents that will be residing at the facility?

Firefighter and Worker Safety During Construction:

The fire department shall receive weekly updates in writing from the owner/developer as to the status of the project, specifics to floor and building stability, operation of any fire protection systems, and any egress/ingress issues that may hamper firefighting operations or cause injury to firefighters.

Portable fire extinguishers shall be within ten(10) feet of all construction operations that have the potential to cause fire or heat.

All exits shall be clearly marked during all phases of construction.

All flammable/combustible liquids and gases shall be properly stored, protected from damage. Their storage area shall be approved by the fire department and be properly secured and marked.

At any time the Fire Chief deems it necessary, a fire watch shall be ordered and posted per the Fire Chief. Any associated cost shall be paid by the owner/ developer.

Permitting:

The owner/developer shall make application for and be issued all required permits from the fire department, per 527 CMR 1 and MGL 148, prior to starting any permitted work.

Building Access:

All areas around building shall provide adequate turning radius for fire apparatus.

The developer will provide and install a Knox Box per fire department specifications. The developer shall provide keys for access to all areas (IE) common areas, mechanical rooms, sprinkler room, attic access etc. The developer and/or facility will provide a means of gaining access to units either by way of a staff member or master key for the Knox Box.

Miscellaneous:

The cost of firefighter training on building systems operations and familiarization, as well as any additional or un-anticipated inspections, plans review etc. required by the fire department, shall be paid by the owner / developer.

Will the building be located within the fall zone of the nearby cell tower?

We request the owner/developer provide us with their response to our requirements, questions and concerns. These answers may produce further questions/concerns and /or requirements. As the project develops this department may request further actions, as required. We look forward to working with owner/developer on this project. If the owner/developer has any questions or concerns, they can contact myself or Fire Prevention Lieutenant Kevin Mossman at 781-293-9571

Sincerely



Jerome A. Thompson Jr.
Chief of Department

Cc: Robert Curran, Building Commissioner
Cc: Lt. Kevin Mossman

HANSON BOARD OF APPEALS
Minutes of Public Hearing November 14, 2017

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HANSON, MA

2017 NOV 28 A 11: 06

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

Petitioner: Malcolm Lavalley – Case#17NV18
204 Maquan Street – 7: 15 PM
Special Permit/Variance

Petitioner is requesting a special permit/variance to allow for the demolition and reconstruction of a two-story, three bedroom home that is preexisting, nonconforming at 204 Maquan Street.

Building Commissioner Robert Curran has no concerns regarding the proposal however a building permit will be required prior to construction.
Board of Health commented that the homeowner has been in communication with the BOH and all requirements have been met.

Per the Petitioner the previous home was destroyed by fire. New build will be the same style.

The Board determined that a variance was not needed as the property is preexisting, nonconforming and requested the Petitioner to withdraw his request for a variance without prejudice. The Petitioner made the request to withdraw the variance without prejudice.
Motion made to accept the withdrawal of the variance without prejudice: Ryan Tully
Second: Joanne Miniutti
Vote: 3-0

Motion made to approve the special permit to demolish and rebuild: Ryan Tully
Second: Joanne Miniutti
Vote: 3-0

Motion made to close the hearing.

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HANSON, MA
HANSON BOARD OF APPEALS
Minutes of Public Hearing November 14, 2017

2017 NOV 28 A 11: 06

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

Petitioner: Anthony Fiore, Agent for Steven Messinger – Case#18NV19
141 High Street – 7:30 PM
Variance

Petitioner is requesting a variance to allow for the construction of a 10' x 16' mudroom that does not meet side setback requirements at the above address. Property is preexisting nonconforming.

Building Commissioner, Robert Curran, commented that a building permit will be required prior to the start of construction.

Board of Health commented that the proposed mudroom does not appear to conflict with the location of the existing septic system; however, if this is to be living space a Title V inspection will have to be conducted.

Plan submitted was prepared by Land Planning, Inc. dated October 17, 2017 and numbered P-3270.

Abutter David Soper, 176 High Street, had no comments on the proposed.
Abutter Alan Bessette, 135 High Street, all set with the project.

Motion made to approve the variance at 141 High Street: William Cushing
Second: Joanne Miniutti
Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing November 14, 2017

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HANSON, MA
2017 NOV 28 A 11: 07

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

Petitioner: Malcolm Lavalley – Case#17NV18
204 Maquan Street – 7: 15 PM
Special Permit/Variance

Petitioner is requesting a special permit/variance to allow for the demolition and reconstruction of a two-story, three bedroom home that is preexisting, nonconforming at 204 Maquan Street.

Building Commissioner Robert Curran has no concerns regarding the proposal however a building permit will be required prior to construction.
Board of Health commented that the homeowner has been in communication with the BOH and all requirements have been met.

Per the Petitioner the previous home was destroyed by fire. New build will be the same style.

The Board determined that a variance was not needed as the property is preexisting, nonconforming and requested the Petitioner to withdraw his request for a variance without prejudice. The Petitioner made the request to withdraw the variance without prejudice.

Motion made to accept the withdrawal of the variance without prejudice: Ryan Tully

Second: Joanne Miniutti

Vote: 3-0

Motion made to approve the special permit to demolish and rebuild: Ryan Tully

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing October 24, 2017

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HANSON, MA

2017 NOV -6 A 9:31

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

Petitioner: Kenneth Marston – Case#17MY06 – 7:00 PM
Depot Village – Comprehensive Permit 40B
Phillips Street – Extension
(cont. from 9/19/17)

Petitioner is requesting an extension of the Comprehensive Permit plan entitled Depot Village-Phillips Street – for one year.

The Petitioner submitted to the BOA via e-mail a request to continue the extension hearing until November 14, 2017.

Motion made to allow the continuance until November 14, 2017 at 7:45PM: Joanne Miniutti
Second: William Cushing
Vote: 3-0

7:30 PM Gerald Coulstring – Case#17JL13
0 Liberty Street
Special Permit, Variance and Site Plan
(cont. from 9/26/17)

Petitioner is requesting the above permits to allow for the construction of Building A – restaurant/retail; Building B- accessory uses with parking requirements, signage and a flagpole at the above address.

Petitioner requested this meeting be continued to November 28, 2017 at 7:00 PM, to allow for new engineered plans.

Motion made to continue the hearing: William Cushing
Second: Joanne Miniutti
Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 26, 2017

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TOWN CLERK
HANSON, MA
2017 OCT -3 A 9 00

Members present:

Robert Overholtzer, Chairman
Joanne Miniutti, Vice-Chair
Ryan Tully, Clerk
William Cushing, Alternate

Petitioner:

Gerald Coulstring – Case#17JL13
0 Liberty Street – 7:00 PM
Special Permit/Variance/Site Plan Approval

Also present:

Jay Talerman, Town Counsel for the Board of Appeals
Patrick Carrara, of PMP Associates, review Engineer for the Board of Appeals
Joseph Webby, Webby Engineering Associates for the Petitioner

This is a continued hearing from August 29, 2017 to allow the review process of the Plans submitted with this proposal.

Joe Webby pointed out in the Plan where the two proposed buildings will be located on the lot. The proposed plan to have a restaurant in the front with a drive-thru and a building in the back with four bars for contractors use. Webby said they received the review letter from PMP and it seems that one of the items engineering wise can be cleaned up. One big issue is whether or not the second building in back will be allowed. Also the two entrances for in and out because there is less than 200'. The only other issue is drainage – surface water from the building to the south goes thru this property and will have to work this out with PMP. The property is in the A-1B zone and will limit the impervious coverage. Will have to cut down the impervious coverage by at least 6%, may have to do some type of pervious pavement. No building plans as yet looking at building designs.

The Petitioner spoke on the entrances (for the restaurant drive thru) – which is what the Building Inspector is recommending. Because they only have 150' and they need 200' they would need the variance.

Patrick Carrara of PMP stated the first item that needs to be dealt with is Building B itself. The Plan presents the building as an accessory use to the restaurant which is not the case, as talk has been about contractors; which now applies that there are two principal buildings and two principal uses on the property which is not allowed in the zone. So this has to be dealt with and per zoning by-laws determine what has to be made if this is something the Board would allow. This is critical as to how the design goes. IF it was an accessory use for the restaurant – storage, office space – this is allowed.

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 12, 2017

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TOWN CLERK
HANSON, MA
2017 SEP 19 A 9 11

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

Petitioner: Robert Crowell, agent for William & Joanne Kehlbeck
Case#17SP16 – 7:00 PM
259 Lakeside Road
Variance/Special Permit

Petitioner is requesting a Variance/Special Permit to allow for the demolition and reconstruction of a one-story single family dwelling on existing footprint at the above address. Property is pre-existing nonconforming and is in the Agriculture/Recreation zone.

Building Commissioner Robert Curran has no concerns with this proposal; however a Building Permit will be required prior to demolition and construction.

Per the Petitioner the Board of Health has approved the septic for three bedrooms.

Robert Crowell of Crowell Engineering presented the plan to the Board. The proposed home will be one level living space with a walk-up attic for storage as the home will not have a basement.

Abutter Tony Russo, 257 Lakeside Road, asked how much higher will the new structure be – answer 9' higher – and also hours of construction – answer 7:30 am to 4:00 pm with construction taking about four months.

The Board determined that a variance was not needed and requested the Petitioner to withdraw without prejudice his request for a variance.

Petitioner asked to withdraw the variance without prejudice.

Motion made to withdraw the variance without prejudice: William Cushing

Second: Joanne Miniutti

Motion made to approve the special permit: William Cushing

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing July 18, 2017

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TOWN CLERK
HANSON, MA
2017 SEP -6 A 9 50

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

Petitioner: Kenneth Marston – Case#17MY06 – 7:00 pm
Extension to 40B Comprehensive Permit
(continued from 5/30/17)

Also present: Jay Talerman, Town Counsel
Representing the Board of Appeals

Petitioner is seeking an extension to the Comprehensive Permit entitled Depot Village – Phillips Street for one year.

Abutters present at last hearing were concerned about the project and its effect on their properties – especially Mark Gianelis, 141 Phillips St., who directly abuts the proposed entrance into this project. His home was built after the initial approval to the proposed project. At the hearing held in May, the abutters asked to have a chance to review the plans for the project including landscaping, thus this continued hearing.

Marston indicated that he would put his plans onto a disc and asked Gianelis for an e-mail address so he could send it along to him.

Gianelis is concerned about the proposed path being shown to the train station and how it would directly impact his property. He said as the people walk back and forth they will practically be in his back yard.

Marston said he would look into installing some kind of fence along this path. Town Counsel suggested that Marston provide a landscaping plan showing the larger trees to be maintained and privacy fence along abutter's property, location of walkway and lighting.

Abutter Nathaniel Novak, 286 Phillips St., spoke about vehicles coming thru the main access point, going off the road, hitting the telephone pole and cartwheeling off into the woods. Also mentioned that since the advent of Waves they are seeing a lot more semi's coming down the road – easy cut thru from Rt. 14 to Rt. 27.

Marston indicated he would be installing lighting along the walkway from "T" station. Marston also stated that the fire department mandated one of the access roads.

Gianelis asked if there could be a traffic study done. Last one was when the original plans were submitted in '02-'03. Town Counsel suggested the hearing be continued and have a new traffic study done and a new landscape plan ready for submittal at that time plus lighting.

Motion made to continue the hearing until September 19, 2017 at 7:00 pm.

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing July 25, 2017

RECEIVED
TOWN CLERK
HANSON, MA
2017 AUG -8 A 11:31

Board Members present: Joanne Miniutti, Vice-Chair
Ryan Tully, Clerk
William Cushing, Alternate

Petitioner: John W. Delano, agent for Budda Realty Trust-Case#17JL14
20 Spring Lane aka 20 Spring Street- 7:30 PM
Variance/Special Permit

Also present: Eric Hatch, Trustee of Budda Realty Trust

Petitioner is requesting a Variance/Special Permit to allow for the construction of a 3 bedroom front to back split ranch that does not have adequate frontage on Monponsett Street at the above address. Property is in Residence A and Business zone.

Plan submitted was prepared by John W. Delano and Associates, Inc., Professional Land Surveyors and Engineers, 27 Jefferson Street, Taunton, Ma., dated June 23, 2017.

Building Commissioner Robert Curran commented that his office has no concerns regarding this proposal however since there was previously a home at this location a variance will be required. A Building Permit will be required prior to the start of construction.

Board of Health commented that they will need to have a septic plan/design works application submitted for this property.

Delano met with the Building Commissioner prior to submittal of an application and was told that a variance was needed due to not having 150' of frontage on all streets bordering the lot. As it stands there is only 80.15' of frontage on Monponsett Street. In addition the Building Commissioner wanted a determination of adequate access on Spring Lane.

Delano has shown on the Plan submitted that Spring Lane has 180' of paved frontage on Spring Lane. The pavement also currently serves as access to Dave's Automotive. It is paved the full 40' width of the layout of Spring Lane. They are requesting a variance for the 80.15' frontage on Monponsett Street and determine that Spring Lane has adequate access for the proposed dwelling.

Delano stated that Spring Lane is paved for its full width of a 40' layout for 180' in from Monponsett Street. The 180' of paved roadway currently serves as the access into Dave's Automotive. Part of the property has parking that has been used by Dave's Auto and Eric has agreed that he will be eliminating the cars that are now parked on that property. So the access would be over Spring Lane down to the proposed driveway shown on the Plan. The Plan shows the existing trees acting as a buffer for the abutters on Cushman Street and also the buffer that

is protecting the isolated land subject to flooding which is a depression that occasionally has some water in it.

Abutter Michael Travis of 93 Cushman Street was concerned about Spring Lane continuing as a parking lot for Hatch's business plus has three of four storage containers. How can this be a street to his house? Can the fire and police get in there?

The Board asked Hatch what he plans on doing with all the vehicles and containers?

Hatch stated that the storage containers will be leaving.

Motion to approve the variance and special permit for 70' on Monponsett Street with conditions that no parking will be allowed on Spring Lane for business purposes or otherwise; and also no business will be attached to the residence and no vehicle storage or parking allowed at the residence site: William Cushing

Second: Ryan Tully

Vote: 3-0

Motion made to close the hearing: Vote 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing June 27, 2017

RECEIVED
TOWN CLERK
HANSON, MA
2017 JUL 13 A 11:15
JK

Board Members present: Robert Overholtzer, Chairman
Joanne Miniutti, Vice-Chair
Ryan Tully, Clerk
William Cushing, Alternate

Petitioner: Columbia Gas – Case#17JN09
Off Whitman Street – Special Permit/Site Plan/Variance

Also present: Joshua Bowes, Merrill Engineering - Representing Columbia
Gas David Rodgers, Locke Lord Edwards for Columbia Gas of
Ma.,, Sheila Collins and Nick Sicone

The Petitioner is requesting all of the above to allow for the construction of an above-ground regulator station to be located on the property off Whitman Street. Property is in the Agriculture/Recreation zone.

Rodgers stated that a more detailed petition was submitted on the project and the reasons why we believe that it meets the criteria of the zoning by-law for the granting of the special permit and variance.

Joshua Bowes continued with the presentation and said that the project goal is to existing regulator station that is located underground at the corner of Brook St. Some criteria to meet that goal was they needed to find a location suitable for a new regulator station building that was within a half-mile of the existing station. Looked at a number of different options, but this site seemed to meet the criteria. The existing site is located on the corner of Winter Street and Whitman Street. This site is about 9 acres in total with a large area of wetlands – map shows the upland area, the buildable area of the property. It is surrounded by Town owned property on all 3 sides. Columbia Gas would like to construct an above-ground regulator station building. The Brook Street site is underground and is in a state of disrepair, there are corrosion issues and maintenance issues with it being underground. This new regulator station is designed to meet a lot of their new design criteria and one way of doing that is to build inside a building – control the environment and give better access to all the components that have to be maintained. Proposed is a 24' x 36' building, to be served driveway that comes in off of Whitman Street – two curb cuts – apron off Whitman Will be a gravel driveway – two paved aprons within the right of way – also parking The used part of the site will be surrounded by a 7' chain link fence and there is also a substantial landscaping plan proposed for the front of the site – purpose is to screen building from the roadway. They had a landscape architect prepare the landscape

him also try to represent what the view would look like driving along Whitman Street. The proposed plantings represent a five year growth cycle. The plants are pretty tall.

No septic is required.

They will be a minimum of human activity as most will be remotely monitored. Part of this project is to offer the remainder of the site to the Town in the way of Conservation restrictions or thru a Deed in fee if the Town so desires. Columbia Gas did just recently file a Notice of Intent with the Conservation Committee for the project and did offer a neighborhood meeting two weeks ago in Merrill Associates office in Pembroke.

The fencing will be black galvanized with green slats.

Abutter Mathew Howard of 663 Winter Street, asked how far from where Whitman meets Winter is this proposed. Also any sounds that come from this building.

Nick Sicone said that there is a gas heater behind the building with a maximum decibel level of 59 which is like a home air conditioner. No generator on site now, but would be an improvement in the future.

Abutters Paul Raiche of 616 Winter Street and Gary Johnston of 683 Winter Street were also in attendance.

Board asked about the building itself, and Sicone mentioned that the building on the plan is not the exact as this is more of a structural drawing. The building will have a gable roof and will be 24' x 36', and one story.

The Board Chairman wants Columbia Gas to show an elevation drawing showing what is there, what's supposed to be there (the heater etc.) what it will look like to people walking by. Per Sicone, the plan shows an 8' elevation and they are actually going to have 10'. The building will be a manufactured one with a gable roof with space metal like a beige green color.

Motion made to approve the construction of an above-ground regulator station to be located on the property off Whitman Street, Map 106 Lot 11 Hanson Assessors Map and to approve the site plan, variance and special permit with the following conditions; the Petitioner must submit exterior elevations and also a drawing showing the building structure and color: William

Cushing

Second: Joanne Miniutti

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing of June 27, 2017

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HANSON, MA
2017 JUL 11 A 8 56

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

Petitioner: Eric Johnson – Case#17JN12
377 Cross Street- 8:00 pm
Variance/Special Permit

Petitioner is requesting a variance/special permit to allow for the construction of a 30' x 6' front porch at the above address. Property is in Residential A zone.

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

The front setback will be 44' instead of 50', hence the variance.

The Petitioner made the motion to withdraw without prejudice the request for a special permit.
Motion to approve the withdrawal of the special permit without prejudice: Ryan Tully
Second: Joanne Miniutti
Vote: 3-0

Motion made to approve the variance for a front porch with new front setback at 44': Ryan Tully
Second: Joanne Miniutti
Vote: 3-0

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing June 27, 2017

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JUL -6 A 9 19

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Members: Robert Overholtzer, Chairman
Joanne Miniutti, Vice-Chair
Ryan Tully, Clerk
William Cushing, Alternate

Petitioner: John Fortes – Case#17JN11
55 Leon Court – 7:45 PM
Special Permit/Variance

Petitioner is requesting a special permit/variance to allow for the construction of a 22' x 30' garage with a bedroom and bath over at the above address. Property is located in Residential A zone and is preexisting nonconforming.

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

Lot size is under 5,000 sq.ft.

The Board determined that a variance was not necessary and therefore the Petitioner requested to withdraw the variance without prejudice.

Motion made to allow the Petitioner to withdraw the variance without prejudice; William Cushing

Second: Joanne Miniutti

Vote: 3-0

Motion to approve the special permit for a 22' x 30' garage with living space above for 55 Leon Court: William Cushing

Second: Joanne Miniutti

Vote: 3-0

Motion to close the hearing. Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing June 27, 2017

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HANSON, MA
2017 JUL -5 A 9 16

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

Petitioner: Nancy Bekheit – Case#17JN10
1357 Main Street – 7:00 PM
Special Permit/Site Plan

The Petitioner is requesting a special permit and site plan approval to allow for the addition to Mo's Restaurant for the sale of ice cream – take out only – with new awnings and signage at the above address. Property is located in Business and Flexible Overlay zone.

Building Commissioner Robert Curran commented that the Petitioner consider the installation of Bollards for protection of the patrons from motor vehicles and planters to provide some screening from the parking area. Also outside lighting to be mounted on the building.

Hours will be 8:00 am to 11:00 pm seven days a week. Also will be selling fresh fruit, frozen yogurt and fresh juices.

Also installing a removable fence and some picnic tables outside with umbrellas. They will be installing a window for ordering of ice cream and related products.

The Board suggested adding one concrete post with sleeve per picnic table for the protection of customers.

Motion to approve the special permit and site plan at 1357 Main Street with the condition that one concrete post with sleeve on top per picnic table be installed and planter placement per Building Commissioner's recommendation: William Cushing

Second: Joanne Miniutti

Vote: 3-0

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

HANSON BOARD OF APPEALS
Minutes of Public Hearing May 9, 2017

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HANSON BOARD
2017 MAY 16 A 10:14

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

Petitioner: Cheryl Wyndham – Case#17MY07
852 Whitman Street – 7:15 PM
Variance/Special Permit

Petitioner is requesting a variance/special permit to allow for the installation of an eight foot fence along sideline area for privacy at the above address. Property is located in Residence AA zone.

Building Commissioner Robert Curran has no concerns regarding the proposal.

The fence will be installed along the side nearest the garage. Fence will sit 40' back from the street. Fence will be 96' in length. Fence material will be flatwood board with 5"x 5" posts.

Abutters present had no concerns .

Motion made to withdraw the request for a special permit without prejudice.. Petitioner made the request to withdraw the request for a special permit without prejudice.

Motion made to allow the withdrawal of the special permit without prejudice: William Cushing
Second: Joanne Miniutti

Vote: 3-0

Motion made to approve the variance for the installation of an 8' fence along right sideline area of property approximately 96' in length: William Cushing

Second: Joanne Miniutti

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing May 9, 2017

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2017 MAY 16 A 10:14

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

Petitioner: Stephanie Eyler – Case#17MY05 – 7:00 PM
1375 Main Street – Unit 4
Special Permit

Petitioner is seeking a special permit to allow for the operation of a residential and commercial cleaning business at the above address. After opening the hearing, Chairman Overholtzer read into the minutes an e-mail from the Petitioner asking to reschedule to the next available hearing date as she was called away to a family emergency.

Hearing has been continued to May 30, 2017 at 7:45 PM.

HANSON BOARD OF APPEALS
Minutes of Public Hearing April 4, 2017

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HANSON, MA
2017 MAY -3 A 11:35
JH

Petitioner: Matthew Shaulis – Case#16OC20
1615/1625 Main Street – 7:00 PM
Section 13 Appeal/Special Permit
Continued from March 21, 2017

Members present: Robert Overholtzer, Chairman
Ryan Tully, Clerk
William Cushing, Alternate

Also Present: Atty. Robert Galvin – for Shaulis
Atty. Kate Federoff – for BOA
Robert Curran, Building Commissioner

This hearing was continued from March 21, 2017. Atty. Galvin stated that following the last meeting with the BOA, Atty, Galvin held a meeting with Bldg. Comm. Bob Curran, David Donahue and Steve Baldner and Matt Shaulis. The purpose was to see if terms could be agreed upon between all parties. Galvin prepared a Draft Conditions of the Special Permit, circulated the document to Mr. Donahue who gave it to Mr. Baldner and Bob Curran – then copied on to Jay Talerman and Kate Federoff and BOA. The neighbors agree on what is on the Draft but may want a few other things.

To address all of the draft comments including suggestions from BOA, Galvin added a couple of additional items today: one being that they were not going to put any white pines on the top of the berm. Continuing on with the draft agreement Galvin stated that the berm was going to be reconstructed to a 4ft. elevation so will be chopping off a good 4 to 5ft. from the top –level it-and then plant a row of trees that will either come from the farm or be some other type of evergreen tree that will be planted on the top and essential will screen the area that has commercial type identity going on. The next thing talked about was the wood processing area and tried to come to some consensus as to whether there could be some wood processing with limitations on the days of the week – either two days (Matt was concerned if two days between 9:00 am and 5:00 pm and he was sick or unable to do it then he would be impacted) so we asked and had agreement on three days but limited to no more than six hours on those three days and has to be consecutive hours so once he starts he has a six hour window to do it. The abutters stated that they might have something coming up on their property during the week, so days of the week have been specified that it be Wednesday thru Friday only – no other days. If the neighbors have something coming up Matt could substitute another day if the neighbors requested he not work on one of those three days. The possibility exists that Matt's treatments would not allow him to do it Wednesday thru Friday so a process has been put in with Mr. Curran's approval that it could be shifted to another three days.

Next is the subject of chainsaw. Abutter Steve Baldner previously stated that he does not, nor does Mr. Donohue, want the chainsaw to be used. Atty. Galvin explained that the only time Matt uses the chainsaw is when he is doing the wood processing. So the agreement is to limit the chainsaw use to only the commercial firewood business and those times he can use the wood processor.

Next subject talked about with abutters, continued Atty. Galvin, was the storage of log lengths which is some cases and particularly on the westerly side of the property pretty close to the berm, and the debate was about how far away from the residential property line that would be and ultimately an agreement was reached that it would be 100 ft. from that residential property – Donohue and Baldner residences. It is called a “no log storage buffer.” Commencing upon the issuance of a special permit, continued Atty. Galvin, Matt will move those logs over to the proposed log storage area. Also mentioned that there was a concern that Blackwood Tree Service was bringing in other log lengths that had nothing to do with Matt’s processing and keeping them there- so included in the conditions it states “in no circumstances shall Shaulis accept for processing or on-site storage log lengths of wood not used for firewood (wood other than hardwood.)”

Pick up and /or deliveries of cut firewood and log lengths was discussed next at the meeting with the abutters. Then neighbors did not want the deliveries to be done on the weekends, per Galvin, so they agreed to limit it to weekdays and Saturdays – no Sundays or holidays. Also added a clause that says Shaulis may only store cut firewood in the three areas shown as “split firewood piles” as shown on the Site Plan. No pile of split firewood shall exceed ten (10’) in height. Split buckedwood shall not exceed four (4’) feet in height. Log storage height will be eight (8’), per Atty. Galvin.

Shaulis will be allowed to sell firewood from the property by allowing persons to come on the property and pick up cut firewood and Shaulis can make deliveries during the week and on weekends and holidays. Abutter Baldner asked if people pick up a full load does Matt use the backhoe to dump the wood into the truck. Shaulis answered yes and Balder remarked and “that doesn’t make any noise?” Baldner stated that was a lot of wood being dumped altogether at one time.

Delivery of firewood wood and log lengths for processing by Shaulis on the stipulated dates and time shall be permissible only during weekdays after 9 am and before 5 pm.

Shaulis may only store cut firewood in the three areas shown as “split firewood piles” as shown on the Site Plan. No pile of split firewood shall exceed ten feet (10’) in height.

Shaulis shall update his site plan to reflect these conditions – presented updated site plan at this hearing revised April 5, 2017.

The building commissioner shall have the right to enforce these conditions.

Nothing shall be construed as affecting the other businesses uses which have their own permits or Shaulis' right to farm the trees from the remainder of the site.

Shaulis will not store any more than 300 cords of cut firewood on site in the approved cut firewood storage areas.

Atty. Galvin stated that a conversation with Mr. Baldner, Mr. Donohue and Bob Curran was about how far back the log storage should be from Franklin Street. They are asking for a 25' setback from Franklin Street-100' from the closest residential property line – Bob Curran would accept 45', so they brought this to the attention of the Board and would like the Board to make the determination on this issue. The Board accepted this proposal.

Board member Ryan Tully asked Bob Curran, Building Commissioner, if he felt these conditions were enforceable and Curran responded absolutely. Curran feels this will work its way out thru his office; the abutters will be calling him, not going directly to Shaulis. If the abutters inform Shaulis that they are having a family cookout on a Friday, Matt gets to choose another day in the week in exchange for not working on that Friday, per Atty. Galvin.

As far as deliveries, said Shaulis, the first scoop you put into the truck does make noise when it hits the metal. Then after that when you put the wood in the noise subsides – 15 minutes at a time to load and then gone delivering for about an hour on the weekends. People do come by and by half cords of wood so they don't have to pay for delivery, per Shaulis.

Abutter Steven Baldner said he would like to answer some of the things that were said. The biggest factor, per Baldner, is amounts of wood. You are talking about cutting down the tops of piles – like cutting off the top of a pyramid- and you basically have the same amount of wood in a given area. What brought the residents of the condos here is the first place, continued Baldner, was the significant increase in wood over the years which will still be there under the way that this is being proposed. You take off the top of the pyramid and just put it beside you are talking the same amount of wood. Now we haven't even discussed the number of logs-you have feet wise and they are talking about coming out to the street 25'. This is an eyesore, Baldner continued. This is what brings the property values down in his opinion. You come around that corner, continued Baldner, and said Bob you are familiar with the area – and you said back in 2013 and I thought that the Board suggested they would do – and this would reduce the amount of wood significantly far less then even 300 cords. Chairman Overholtzer commented that he did not think that the logs were there. Baldner responded that this is his point. Now you are talking about putting logs 25' from Franklin St. – Overholtzer stated he suggested 45' – Baldner said that the abutters preference is not to have any woodcutting on the property at all – we are willing to compromise if the size of the operation is decreased significantly. He hopes the Board after all the pictures and information that they looked at can reach an agreement based on your suggestions of the pre-2013 amounts. And again, they were very small piles of wood. This operation did significantly increase – everyone knows that – that is what got the abutters here. The abutters would like to see, per Baldner, especially the pile right near the car wash (now Baystate Sealcoating) if you are going to reduce the amounts why

not push it back behind the property where it cannot be seen and be an eyesore and that would help, Baldner believes, in the property values being reduced. That makes sense – if you are going to reduce the amounts half of what he has now, it should not be out on the street as visible as it is. It should not be the big of a problem to Matt because he is not selling that wood that has been there for two years already. Its aged, its dark and has not moved, believes Baldner. Now the other thing is, continued Baldner, as far as the six months to move those logs from however many feet, that can be done in two days – where does the six months come from because it was done with the logs that were behind. The piles of wood that he now has shouldn't even be necessary if it goes down to the reduction that the abutters are proposing. The pictures are the only information – go on Google – and go from date to date to date – and you can see as clear as a bell –you don't have to go by pictures – there are no logs, no cut wood there is nothing there in 2010. Atty. Galvin asked Baldner if we are going backwards. Baldner stated that they should be talking about amounts of wood. Chairman Overholtzer stated to Baldner you are going back and forth – first you said 2012 and then 2013. Baldner said if you look at those dates you will see a difference. The 2013 is when the buildup started, per Baldner. Prior to that there was nothing there.

Atty. Galvin said that he and the abutters and Matt met on the 31st of March. Galvin stated that Baldner is arguing the original case again.

Board member Cushing commented that all interested parties met with the Building Inspector, Atty. Galvin, Matt - and you guys came to a compromise. I think what you are getting at, Mr. Baldner, is that things two, three months ago- appreciate what you are saying – but we also have to move forward. Baldner responded that the biggest thing that affects him and the other abutters is the amount of wood and noise. They would rather not have any of it there. Overholtzer said you were at the meetings when these things came about. Overholtzer asked Baldner to finish what he wants to say. Baldner brought up the dimensions of the wood – 32' x 64' x 10' – then there is a 60' x 100' – then there is a 34' x 130' – equals 96,000 cubic feet – which is 700 and some odd cords and that is what they have been looking at for God knows how long. Another thing Baldner wants to address is here we are talking about the conditions that were set now you mention going down to 300 cords – so the site is pretty messy and has been because it has been dealt with for 4 year without basic supervision and even done without approval – so Matt has got away with a lot of unfair things to the neighborhood and to not have it reduced and cleaned up –he shouldn't even be able to cut wood until he sells what he already has – and you're talking about working two/three days a week – this is what I would like to talk to the lawyer about that we never were able to get into because they started talking about planting trees and that's working backwards in his book. They were talking about planting trees and moving wood in six months and all that but not talking about the excess buildup we already have and should not have more off. Bob Curran said they asked for 300 or less. Atty. Galvin said they did. Atty. Galvin stated that what they are doing is drawing a box around the wood piles and claiming that Matt is going to fillup every last minutae of these boxes with firewood and he guesses conceivably you could fit 766 cubic yards if you stacked it tight all the way thru. Galvin is talking about a pile that is a fraction of this and have agreed to limit it to 300.

Member Ryan Tully stated that he feels that if Bob Curran feels the conditions are enforceable and you worked on this together, I don't have a problem. Bob Curran said that the only issue that is not resolved is the distance from the street – right now its 25' – and he has suggested to move it to 45'.

Baldner went on about if you go to the flex zone which is where they live in the same backyard so to speak, and you have that wood right there and we have people coming and saying they though Hanson was kind of woodsy kind of residential – but he thinks this is overbearing, he thinks the whole thing is too much. He asked Bob Curran does he not think that is an eyesore – Curran responded that is why Matt is here. Curran continued that is Matt is going to be allowed to process log lengths it can't get much smaller. Curran told Baldner the Board has to make a decision. Overholtzer asked Baldner if he was finished with the points he was making and Baldner responded "only if you understand them." Baldner told Overholtzer that he did make a comment, he believes, and a suggestion the last time that they were to go back to the pre 2013 amounts – that's why he suggested look before you make a decision look at Google. Atty. Galvin stated that they did give the Board pictures. Baldner asked Overholtzer did he understand what he meant and you saw that there were no tons of wood and log lengths. Overholtzer said that was 2012. Baldner asked is that what we are going back to? Bob said we are going back to the 2013 amounts, stated Baldner. Overholtzer said that was before the houses were there – commercial zone. Atty. Galvin said that was Shaulis processing firewood in 1986 and 1987- commercial woodprocessing and the tree farm was there.

Atty. Galvin said he thought that the Board could come to a settlement on this proposal.

Atty. Federoff stated that in terms of making a decision and what kind of motion needs to be made – three step process has to take place: make a motion as to whether or not you find this is preexisting nonconforming use and then if this use has been extended , if that use has been abandoned - if it hasn't been abandoned and it has been extended than whether or not you can grant the special permit with conditions that will not be substantially detrimental to the neighborhood.

Motion made for 1615/1625 Main Street - Matthew Shaulis – property is preexisting, has been extended and will have conditions so it will not be substantial or detrimental to the neighbors, the conditions set forth are Drafted Conditions that have been modified with some in pencil at this meeting and will approve the Special Permit subject to conditions set forth and approved by the residents/abutters, Building Inspector, Matthew Shaulis and his Attorney Robert Galvin with revisions and additional notes -45' setback, 6' on center for trees and the height limitation on the buckedwood pile of 4' shown on Site Plan revised date of April 5, 2017: William Cushing
Second: Ryan Tully

Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 28, 2017

JA
2017 MAR 30 A 9:24

PETITIONER: Albert Wood, Jr. – Case#17FB04
261 Franklin St. – 7:00 PM
Special Permit

Members present: Robert Overholtzer, Chairman
Ryan Tully, Clerk
William Cushing, Alternate

Petitioner is requesting a special permit to allow for a kennel license for up to four dogs at the above address. Property is located in the Flexible Overlay zone.

Building Commissioner/Zoning Enforcement Officer Robert Curran had no concerns with the proposal; however if there are any new structures built to house the dogs a Building Permit may be required.

Per the Petitioner there will be no boarding, breeding or sale of dogs.

Motion made to approve the special permit for a kennel for up to four dogs: Ryan Tully
Second: William Cushing
Vote: 3-0

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 28, 2017

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Petitioner: Matt Shaulis – Case#16OC20
1615/1625 Main Street – 7:15 PM
Section 13 Appeal – Special Permit

Members present: Robert Overholtzer, Chairman
Ryan Tully, Clerk
William Cushing, Alternate

Also present: Atty. Robert Galvin for the Petitioner
Atty. Kate Federoff for the Board of Appeals
Robert Curran, Building Commissioner/Zoning Enforcement
Officer for the Town of Hanson

This is a continued hearing from 2/7/2017. Petitioner Matt Shaulis was not in attendance due to medical issues.

Chairman Overholtzer informed Atty. Federoff that at the last meeting he had with Jay Talerman, Jay agreed with the Building commissioner that they should have appealed from the June 1st order. Federoff responded that the timeliness of the appeals is definitely an issue, some factual questions that the Board has to make findings on in order to determine whether or not it was timely. The understanding is that there was a contention that there was no receipt of the notice by Mr. Curran. Mr. Curran has expressed his opinion that it is the same address so although it may have been misaddressed to an improper party that Shaulis should have received notice. The notice was addressed to Matt's father who died a few years ago. Federoff suggested the Board make a finding on that issue of the appeal and then move on to the next component which is the application for the special permit.

Motion made that the notice from the Building Commissioner was given in a timely manner, the Board agreed that it was addressed to the right party at that point in time and that the order is valid. Evidence to this effect is in minutes of prior meetings held on 10/18/16, 11/29/16, 12/13/16, 1/10/17, 1/24/17 and 2/7/17 : William Cushing

Second: Ryan Tully

Vote: 3-0

The Board then moved on the special permit part of the application.

Building Commissioner Robert Curran stated that his opinion of the special permit is that this property although claiming some kind of grandfathering right, by evidence presented to the Board that the processing had gone undone for more than a 24

months period over this and the fact that they subdivided the land and built four condos with every right of the owners of the condos to have peace and quiet. That voided any grandfathered status of the lot. He went on to say that he has claimed in the past that the selling of firewood that gets delivered and is already cut and split is not a problem for him – he thinks that's the way this Board should go and repeated again that there is no grandfather status – has gone at least 24 months without processing large quantities of firewood and that the continuation of firewood sales provided the wood is cut, split and delivered to the site with a limit on how much can be stored.

Atty. Gavin asked what specific 24 month period of time is Curran talking about. Curran responded that it is his opinion based on evidence presented with pictures that the site was completely clean. Gavin asked again what 24 month period. Curran responded just any since the condos were built for use and whether or not just the fact that they subdivided land off the original site that may have been a grandfathered processing operation – subdividing that off changed the character of the land; he feels that the abutters have every right to peace and quiet.

Gavin responded that this is a complete misapplication of the law. This use continued all the way along. Mr. Shaulis's dad divided off two lots when the flexible overlay district came into place so that those lots could be sold so he could generate some money to hang onto the property. He never stopped doing the commercial use of the rest of the property. No one has even contended that the other commercial uses were affected, so why would this one be impacted. Doesn't seem logical per Galvin.

Curran stated that looking at this lot today – and look at what it was like five years ago – there is no comparison – he has expanded the nonconforming use.

Abutter David Donohue presented imagery from Google showing what the property looked like when he moved in 2011 and what it looks like now.

Atty. Federoff spoke about the findings the Board has to make in order to make a decision either way; so first thing in these nonconforming uses the Board needs to decide what was the preexisting nonconforming use - that is the baseline- what's allowed because it is grandfathered. Was it a farm for trees, was it processing, was it major processing-minor processing? You have to define what the parameters are to see if it is a substantial change from what it was. If the Board finds based on the evidence that there was an abandonment for two years then that use is no longer grandfathered and protected. Anything that was preexisting would have to stay.

Atty. Galvin stated that you are allowed to expand provided the use is not more substantially more detrimental to the neighborhood than the preexisting use.

The issue is what does the Board feel is more substantial than the baseline.

Mr. Shaulis, per Galvin, proposed to reduce the height of the piles, limit the locations on the site where the log piles were going to be kept with height limitations on the piles themselves.

Abutters wanted limitations on hours of wood processing, on the use of the chainsaw and log splitter, limit height of wood piles and length of wood. Restrict hours and days of week and no weekends.

Atty. Galvin, the abutters and Building Commissioner Robert Curran agreed to set up a meeting date prior to the next hearing to try to work out conditions that would be agreeable to both parties.

The meeting was continued to April 4, 2017 at 7:00 pm.

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 7, 2017

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2017 FEB 15 P 12:37

Petitioner: Matt Shaulis -Case#160C20
16125/1625 Main St. – 8:00 PM
Section 13 Appeal

Members presiding: Robert Overholtzer, Chairman
Ryan Tully, Clerk
William Cushing, Alternate

Chairman opened the hearing for the above and read an e-mail received from Mr. Shaulis' attorney, Robert W. Galvin, requesting a continuance to our next scheduled hearing. The Board allowed the request to continue the hearing until February 28, 2017 at 7:15 PM.

Motion made to accept the continuance until 2/28/17: William Cushing

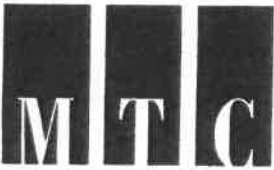
Second: Ryan Tully

Vote: 3-0

Virginia Costley

From: Jay Talerman [jay@mtclawyers.com]
Sent: Tuesday, February 07, 2017 4:20 PM
To: Virginia Costley
Subject: FW: Hanson - Request for Continuance

See below



Jason R. Talerman, Esq.
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✿ Think before you print.

From: Robert W. Galvin, Esq. [mailto:rwgalvin@comcast.net]
Sent: Tuesday, February 7, 2017 4:15 PM
To: Jay Talerman <jay@mtclawyers.com>
Subject: Re: Hanson - Request for Continuance

Dear Jay:

Please accept this letter as my request for a continuance of tonight's meeting with the ZBA in Hanson on Shaulis.

I have been called to attend a FEMA Flood Meeting in Marshfield where I am Town Counsel at 7PM. FEMA officials here to meet with elected officials in Marshfield, Scituate and Duxbury and I have been asked to attend as counsel for

I will consent to an extension of time also through the next meeting date. Please let me know if there are any issues.

I will send my client. I apologize for any inconvenience.

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2017 FEB 15 A 11:11

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 7, 2017

Petitioner: Gary Lundgren – Case#17FB03
Alden Way - Lot 7 – 7:30 PM
Variance/Special Permit

Members presiding: Robert Overholtzer, Chairman
Ryan Tully, Clerk
William Cushing, Alternate

Also present: Gary Rice, Land Planning Inc.
Attorney George Burke, for Mr. Lundgren
Robert Curran, Building Commissioner

Petitioner is requesting a special permit/variance to allow for the construction of a single family home at the above address. Property is pre-existing, nonconforming and is in Residence AA zone.

Gary Rice of Land Planning, Inc., presented the proposal for the project. Plan submitted was prepared by Land Planning, Inc., 1115 Main Street, Hanson, Ma., dated December 12, 2016 and numbered P-3182.

Question asked by Board Chairman Overholtzer for Town Planner Laurie Muncy who was not at this hearing was who owns the land directly in front of the property.

Rice responded that the plan shows the existing lot is 23,885 sq.ft. and also shows the proposed house, garage and deck and the driveway accessing off Alden Way. Alden way is still a private way and you can access a private way also with a residence, per Rice.

Abutter Stephen Regan of Alden Way, questioned how this could be done. Regan questioned the ownership of the land in front on Lundgren's parcel – is it owned by Lundgren or Mark Tedeschi, the original developer of Alden Way. Rice responded the land is owned by whoever owns the road currently – Regan responded Mark Tedeschi. Rice stated that even though this shows a sliver of land this is all part of the layout. Per Rice this lot is preexisting – 1940 or before. The lot also has a right of way along the southerly side of the lot to access Liberty Street. So at one time they could have had a house built on this land with access right out to the street, per Rice. Along came Alden Way and provided them with a nice safe roadway, meeting the Town's standards to be able to front on and access road. Variance is needed as the front is shot 60'.

Per Building Commissioner Robert Curran there is a frontage issue – this did not exist on a way at the time the Town adopted zoning, so this does not have that protection. This is the first time in over 20 years that Curran has seen a road go by a single ownership lot prior to zoning and in his opinion this does require a variance. Regardless of whether the town accepts the road, Curran continued, it is still frontage on the street and is adequate access – is absolutely fine for access. Curran continued that if this lot existed just the way it is on a road since prior to the adoption of zoning it would be grandfathered in and a permit would be issued already.

Abutter Regan stated that this lot does not meet grandfather status because the lot was not on a way or a street on a recorded subdivision plan before the town adopted the subdivision.

The question was asked when was the land purchased – Atty. Burke answered 1987 - owned for 30 years by Lundgren and has been taxed as a buildable lot.

The lot is considered in a single ownership, said Curran.

Abutters present were concerned about wetland issues, drainage issues and lot size.

Gary Rice answered the question on the area and having enough room to build a house, he looked at a couple of other lots on the plans he had with him and pointed out that even though the lots meet the requirements of the zoning – 40,000 sq.ft.- some lots have mostly drainage easements having only 29,000 sq.ft. of buildable area – another lot only has 23,000 sq.ft. of buildable area.

Mr. Curran stated that just so everyone here will know what the law says if you have a lot that is 5,000 sq.ft of land and 50' of frontage on a street whether it is a way or a street, private way or otherwise or even if it is a paper street you have the right to build on it if it was owned in single ownership since prior to the adoption of zoning, so this case here – the street didn't exist on a map so that is why he needs a variance to build on it. If this was a paper street at the time zoning was adopted then he would have a permit already. A grandfathered lot is 50' of frontage and 5,000 sq.ft., continued Curran. This lot surely was owned in single ownership since prior to the adoption of zoning however Alden Way did not exist. This is the first time Curran has heard of a street being put in years later after zoning was adopted and happens to provide frontage on a way. Regardless of whether it is a private street or a public street it still has access to it, but Curran stated that he is not entitled to a building permit unless he gets a variance from the BOA because of frontage and lot area.

Motion made to approve the variance and special permit for relief from 40,000 sq.ft. to 23,885 sq.ft and frontage from 175 ft. to 115' to allow for the construction of a single family home at 0 Alden Way: William Cushing

Second: Ryan Tully

Vote: 3-0

Motion made to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 7, 2017

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Petitioner: Sean Cahill – Case#17FB02
8 Indian Path – 7:15 PM
Special Permit/Variance – In-law apartment

Members presiding: Robert Overholtzer, Chairman
Ryan Tully, Clerk
William Cushing, Alternate

Also present: Michael Howland, Agent for Mr. Cahill

Petitioner is requesting a Special Permit/Variance to allow for the construction of a 25' x 25' attached in-law apartment to the existing structure and a covered farmer's porch 48' x 3' x 7.0' at the above address. Property is in the Residence A zone.

Plan submitted for the proposed project was prepared by Jason E. Beal, Associate A.I.A., 253 Clapp Road, Scituate, Ma., dated December 6, 2016. Michael Howland, Agent for Mr. Cahill presented the proposal.

The Building Commissioner, Robert Curran, commented that he had no concerns regarding the proposal; however a Building Permit will be required prior to start of construction.

Board of Health commented that the property is a 4 bedroom deed restricted property. After discussion with the builder, Mr. Howland, it was determined that an existing bedroom will be converted into a walk-in closet. This is acceptable in keeping with the Deed Restriction. However, upon completion of the project the Board would require a walk through to confirm bedroom count.

Howland explained that a variance of 11' is needed for the addition of the farmer's porch to the front of the home. Also a variance under Section VI.g.(b)- additional entrance shall be located on the side or in the rear of the dwelling – to allow for a front door due to site restraints and the way the existing house is accessed.

The in-law apartment will be occupied by Mr. Cahill's father-in-law.

Motion made to approve the special permit and variance for the in-law at 8 Indian Path: Ryan Tully

Second: William Cushing

Vote: 3-0

Motion to close the hearing.

HANSON BOARD OF APPEALS
Minutes of Public Hearing February 7, 2017

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Petitioner: Arthur Pittore, Agent for Ron Blood – Case#17FB01
46 Brook Street – 7:00 PM
Special Permit – In-law Apartment

Members present: Robert Overholtzer, Chairman
Ryan Tully, Clerk
William Cushing, Alternate

Petitioner is requesting a special permit to allow for the construction of an in-law apartment above existing garage with adjoining deck at the above address. Property is located in Residence A and Agricultural zones.

Plans presented were prepared by ASAP Engineering and Design Co., Inc., 155 East Grove St., Middleborough, Ma., dated November 11, 2016 and numbered 2016-284. The proposed plan meets all the zoning by-law conditions for an in-law apartment.

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

Board of Health commented that a variance request will be needed by the BOH as the septic tank appears to be within 10' of the foundation.

The in-law is to be occupied by Mr. Blood's daughter.

Motion made to approve the special permit for an in-law at 46 Brook St.: William Cushing
Second: Ryan Tully
Vote: 3-0

Motion made to close the hearing.