

***Hanson Board of Selectmen  
Middle School Auditorium***

Tuesday, September 22, 2020, 6:00 p.m.

*Special Permit Hearing followed by Regular meeting*

Members Present: Kenny Mitchell, James Hickey, Matthew Dyer, Laura FitzGerald-Kemmett, Wesley Blauss

Others Present: John Stanbrook, Town Administrator; Greer Getzen, Executive Assistant; Kate Feodoroff, Town Counsel; Kevin Solli, Casey Burch, Solli Engineering; Dennis Colweel, Architect; Jeff Silcox, Hallam ICS; Ralph Greenberg, Impressed LLC; Deb Pettey, Town Planner

**I CALL TO ORDER**

At 6:00 p.m., Chairman Mitchell called the meeting to order. The Board recited the Pledge of Allegiance.

**II PUBLIC ANNOUNCEMENTS & UPCOMING MEETINGS**

Mrs. FitzGerald-Kemmett read the public announcements and upcoming meeting dates.

**III NEW BUSINESS**

***MOTION*** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to open the public hearing for the application of Shaharam Moghaddam, owner of Impressed LLC, for a Special Permit pursuant to Section VI.M of the Hanson Zoning Bylaw for Marijuana Cultivation and Product Manufacture Facility and site improvements at 15 Commercial Way, Hanson. ***Voted 5 – 0***

Town Counsel Kate Feodoroff led off the hearing by explaining that there will be a technical overview of the establishment and its impact to the Town. She continued that the Applicant's engineer will make a presentation. Ms. Feodoroff said that the plans have been peer reviewed by the Town's engineer, paid for by the applicant, as a confirmation to ensure that the Town is protected. Ms. Feodoroff said that the hearing will be continued to another night if more information is required.

Civil Engineer Kevin Solli introduced his team and described their purpose this evening to present the proposed cultivation and manufacturing facility. Project Manager Casey Burch provided an overview of the project, citing its location at 15 Commercial Way in the Hanson Industrial Park, about 1.79 acres, and located in the Commercial Industrial zone district. He continued that it is currently improved with a 13,500 sq. ft. industrial building, has rear loading docks and its 90 ft. curb cut leads to a steep, dis-repaired and non-ADA-compliant pavement.

Mr. Burch explained that their proposal is to demolish the 2,500 sq. ft. extension in the rear, which was the previous loading dock area, and replace with a larger extension that will increase the overall building area by 4,000 sq. ft. Mr. Burch said that the 90 ft. curb cut will be reduced to 50 ft., with new pavement in the front and rear of the building to satisfy parking requirements. He added that the front pavement will be re-done and follow ADA standards.

Mr. Burch stated that due to an increase in impervious area, they are proposing a detention basin on the northern side of the property. He also noted that they will maintain existing and functioning catch basins and will be using and maintaining the existing septic system.

Mr. Solli described that the coverage variance was approved by the ZBA and meetings are ongoing with conservation. He added that the package has gone out for peer review. Mr. Solli outlined the comprehensive landscaping plan.

Architect Dennis Colwell described the proposed interior of the building for cultivation areas, security check-in, offices, restrooms and locker room. He said there will be a delivery area in the front with a loading dock. Mr. Colwell said that an employee parking area will be provided, with limited visitor parking as it will not be a retail facility.

In response to Mrs. FitzGerald-Kemmett, Mr. Colwell said that the plan calls for a single-story building with a mezzanine above.

The peer review engineer for the town, Jeff Silcox from Hallam ICS, explained their role in reviewing the project, specifically for odor control and mitigation. He said that this Board has been provided their draft report and described the steps that were taken in their review process:

1. They reviewed all applicable state and local codes for the facilities,
2. They reviewed documents prepared for the job. He said that the engineer consultant, CEC [Creative Engineering Consultants], presented an engineer letter describing a three-tier level design approach for odor mitigation: 1) using differential pressure control in the building to contain odors, 2) use of an air purification scheme, and 3) passing facility exhaust air through a carbon filter. He said that a fourth element to recognize is the odor that dissipates in the travel from the building to the property line in its mix with the atmosphere.
3. They reviewed design documents, a permit set drawing and a 95% bidding set drawing. He said since the design drawings were still a work-in-progress, there was inconsistency with the design letter and await clarification before their company can present a final report. He said they reviewed mechanical equipment schedules and performed calculations to verify suitability of equipment to the proposed space.

Mr. Silcox explained that they observed no real issues with the design as seen so far. He pointed out that the design strategy is uncomplicated but utilizes consumable components requiring intervention, such as carbon filters that need to be replaced in order to work properly.

In response to Mrs. FitzGerald-Kemmett, Ralph Greenberg of Impressed LLC addressed the topic of consumable components to say that they have a design scheme for their maintenance procedures and assured that all aspects will be performed according to the schedule. Town Planner Deb Pettey remarked that she is in receipt of a maintenance schedule document. Ms. Feodoroff noted that if the Board were to issue the special permit, the Board can impose conditions, which can make reference to the maintenance schedule.

Mrs. FitzGerald-Kemmett referenced comment on the peer review engineer report that Hanson does not have a bylaw for odor. Ms. Feodoroff said that the town is protected in this instance by

conditions relative to odor imposed in the HCA (Host Community Agreement), but might consider bylaw revision for future applications.

Mr. Colwell addressed security to say that it was designed to meet CCC (Cannabis Control Commission) requirements and entails 360 cameras covering every piece of the property, interior and exterior, with a generator providing 24x7 backup for outages. He said that a vault will store finished product, deliveries will be varied and waste product will be secured until it is destroyed. Mr. Colwell confirmed that the police chief will be consulted regarding the security measures and the fire chief about the fire suppression system.

Addressing waste water, Mr. Solli said that there will be a 20,000 gallon underground processed water tank that will be pumped out as needed. He stated that these tanks have built-in safeguards to prevent leakage.

Mr. Solli described the automated micro-climate that assures a precise growing environment with no waste.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to continue the public hearing until 6 p.m. on October 13 at the Middle School Auditorium. ***Voted 5 – 0***

***Vote to make recommendations of Special Town Meeting warrant articles***

Mr. Stanbrook explained that the Finance Committee has not had the opportunity to meet ahead of this meeting and therefore he does not have their recommendation votes to pass on at this time. Mr. Stanbrook summarized each article for recommendation vote as below.

Article 1 To transfer \$758.59 from Free Cash and the Recreation Enterprise Fund Retained Earnings for unpaid bills received to date.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 1. ***Voted 5 – 0***

Article 2 To supplement six appropriations that were voted at the July 29, 2020 Annual Town Meeting totaling \$111,100 (Conservation Commission Crooker Place/Hawkes Ave. Land Appraisal \$3,000; Police capital outlay for police cruiser replacement \$50,000; Police capital outlay for new radios not covered by grant \$10,000; Council on Aging salaries for van drivers \$31,100; Board of Health personal protective equipment \$2,000; and Water Expenses \$15,000)

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 2. ***Voted 5 – 0***

Article 3 To see if the Town will vote to transfer from Free Cash (\$742,050) and Ambulance Receipts Reserve (\$61,000) the sum of \$803,050 to pay for capital projects itemized on the warrant. Mr. Stanbrook explained that the listed items were capital projects that were on the capital plan and had been pulled from past warrant due to uncertainty

of their funding sources. Of the list, Mr. Stanbrook said that he does not recommend the middle school roadway replacement (\$210,000) at this time since it was a relatively late addition to the list and did not appear on the earlier approved list. He said he would prefer to fund those items that had been previously approved first, saying also that roadway work can be postponed to spring.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 3, excepting the middle school roadway replacement (Line 6). **Voted 5 – 0**

- Article 4 To see if the Town will vote to transfer from Free Cash, the sum of \$2,335 and the transfer from previously voted Article 11, of the May 6, 2019 Annual Town Meeting, the sum of \$84,378, for a total to be transferred of \$86,713 to pay for the Whitman Hanson Regional High School capital projects as itemized [in the warrant].

Mr. Stanbrook said that the requested items are to fix the fire lane at the high school and replace the phone system, totaling \$86,713. In response to Mr. Dyer, Mr. Stanbrook said that the fire lane repair entails a roadway and drainage problem that does not meet standard. During discussion, Mr. Stanbrook said that the article for Whitman's portion of the cost will not be before Whitman town meeting until May 2021. There was Board member discussion suggesting that the article could be postponed until May and that the recommendation not be made at this time.

**MOTION** by Mr. Hickey, seconded by Mrs. FitzGerald-Kemmett, not to recommend Article 4. **Voted 5 – 0**

- Article 5 To see if the Town will vote to appropriate the sum of \$30,410 from the Community Preservation Committee's reserve funds to pay for the local share of the state matching trails grant.

Mr. Stanbrook said that the Town received a \$100,000 matching Mass Trails Grant and this article represents the local matching share. He stated that it will pay for a new recreational foot trail at the Plymouth County Hospital.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 5. **Voted 5 – 0**

- Article 6 To see if the Town will vote to transfer from Free Cash, the sum of \$14,000 to pay for an Operational and Comparative Audit of the Whitman Hanson Regional School District.

Mr. Stanbrook explained that the audit's \$28,000 cost is based upon one bid response that had been received. He said that the cost would be split with the Town of Whitman.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 6. **Voted 5 – 0**

Article 7 To see if the Town will vote to transfer from Overlay Surplus (Excess Allowance for Abatements and Exemptions), the sum of \$30,000 to pay for the FY2022 Recertification Year adjustments and the Commercial/Industrial/Personal Property Cyclical Recertification of the Town's Real Estate and Personal Property values as required by Mass. Gen. Laws Chapter 218 of the Acts of 2016.

Mr. Stanbrook stated that this entails the revaluation of the Town's properties, which is required by the Department of Revenue every five years.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 7. **Voted 5 – 0**

Article 8 To see if the Town will vote to transfer from Free Cash, the sum of \$35,000 to pay for engineering costs related to the park to be located at the old Plymouth County Hospital site.

Mr. Stanbrook explained that this article would be for the design and construction plans for infrastructure and roadways related to the proposed park at the former Plymouth County Hospital site. Mr. Stanbrook reported that CPC Chairman Tom Hickey has said that an application has not been received and it would be unlikely for one to be turned around prior to town meeting.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 8. **Voted 5 – 0**

Article 9 To see if the Town will vote to transfer from Free Cash, the sum of \$20,000 to pay for stump grinding, stump removal and related improvements located at Camp Kiwanee.

Mr. Stanbrook explained this is to remove or grind the tree stumps recently taken down at Camp Kiwanee, to fund loam and re-seeding of the area near the lodge and perform stone backfill as needed where the stumps were removed.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 9. **Voted 5 – 0**

Article 10 To see if the Town will vote to transfer from Free Cash, the sum \$9,000 (the amount will likely be changed due to a very recent receipt of a quote for \$7,500), to pay for repairs to the parking lot located at 228 High Street.

Mr. Stanbrook said that this is the parking lot located in front of the Hanson Food Pantry. He said that Interim Highway Director Curt MacLean has secured a quote for \$7,500 to pave a 100 ft. x 50 ft. area after removing topsoil, large rocks and roots.

**MOTION** by Mr. Hickey, seconded by Mr. Dyer, to recommend Article 10. **Voted 4 – 0 – 1 (recusal by Mrs. FitzGerald-Kemmett)**

Article 11 To see if the Town will vote to transfer from Free Cash, the sum of \$55,000 to pay for five new compactors to be located at the Town of Hanson Transfer Station.

Mr. Stanbrook explained that this article would be to replace the current compactors as they are in disrepair. He said that if the Town were to change vendors, they would have to replace the compactors as they are the vendor's property as well as unserviceable because of their age and condition.

Mr. Stanbrook continued that if the Town decided to contract with another hauler, compactor rental is approximately \$20,000-\$25,000 per year, which is the impetus to purchase them instead. Mr. Stanbrook said that the Board of Health's vote on this matter has not taken place thus far, but it is on the agenda for their next meeting.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 11. ***Voted 5 – 0***

Article 12 To see if the Town will vote to transfer from Free Cash, the sum of \$10,000 to replenish the Conservation Fund for open space management and related conservation purposes.

Mr. Stanbrook explained that the fund currently has \$13,000 and they would like an additional \$10,000 that will be put toward the Conservation Commission's Open Space and Recreation Plan. He said that Conservation explains their desire to increase accessibility to the public, create parking spaces, open space access points and provide passive recreation opportunities.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 12. ***Voted 5 – 0***

Article 13 To see if the Town will vote to raise and appropriate from taxation, the sum of \$25,000 to be added to the Town's Other Post-Employment Benefits (OPEB) trust fund.

Mr. Stanbrook explained that this is an ongoing expense, which is why it would be taken from taxation. He said that OPEB funds are non-pension costs the Town is required to pay after an employee retires, such as health insurance. Mr. Stanbrook said that there is presently about \$19.5M OPEB liability and about \$132,000 in the trust fund.

In response to Mrs. FitzGerald-Kemmett, Mr. Stanbrook said that this liability is a concern in relation to the fund size and described how it can result in an unfavorable bond rating for the Town. He pointed out that the Town has at least created a fund and is contributing something to it, but borrowing may be necessary in the future. He agreed that a discussion on how to address the debt should take place at some point.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 13. **Voted 5 – 0**

Article 14 To see if the Town will vote to transfer from Free Cash, the sum of \$50,000 to be added to the Town's Stabilization Fund.

Mr. Stanbrook explained that the Department of Revenue requires that a town have a stabilization fund that represents 5-10% of its operating budget. He said that the \$50,000 addition will bring the Town to just short of 5%.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 14. **Voted 5 – 0**

Article 15 To see if the Town will vote to transfer from Free Cash, the sum of \$25,000 to be added to the Regional Schools Capital Stabilization fund as established by the October 2014 Special Town Meeting.

Mr. Stanbrook explained that the fund has a current balance of about \$130,000-\$150,000. He said that Town Accountant Todd Hassett describes that the fund's use should be for capital projects that are truly unexpected and emergency in nature.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 15. **Voted 5 – 0**

Article 16 To see if the Town will vote to make the office of Tree Warden an appointed position under the authority of the Board of Selectmen as per the provisions of Mass. Gen. Laws Chapter 41 Section 1B.

Mr. Stanbrook explained that Tree Warden is currently an elected position. He said that both the article vote and subsequent ballot vote in the Spring of 2021 will have to pass in order for the change to an appointed position under the control of the Board of Selectmen goes into effect.

There was some discussion concerning the difference in qualification between an elected tree warden and an appointed tree warden and whether an appointed tree warden will be required to be a certified tree arborist. Mr. Stanbrook noted that oftentimes the highway director is the tree warden. It was agreed that additional discussion would be needed to sort out the details of hiring a tree warden.

**MOTION** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to recommend Article 16. **Voted 5 – 0**

### ***Requests***

***MOTION*** by Mr. Blauss, seconded by Mr. Dyer, to grant permission for Dollars for Scholars to use the Maquan School parking lot on October 10 from 9 a.m.-1:00 p.m. for their annual Electronic Recycling Day. ***Voted 5 – 0***

#### **IV     ONE DAY LIQUOR LICENSES** [Event was canceled.]

#### **V     OLD BUSINESS**

***MOTION*** by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to execute the FY17-FY20 Fire Department, Local 2713, International Association of Firefighters AFL/CIO collective bargaining agreement. ***Voted 5 – 0***

#### **VI     TOWN ADMINISTATOR REPORT**

Mr. Stanbrook updated the Board as follows:

1. Mr. Stanbrook said that the Town has hired new auditors, Powers & Sullivan, who will replace Lynch & Marini. He said that they have entered into a three-year contract for \$27,500/year and will be represented by Frank Serreti and Mike Nelligan. Mr. Stanbrook said he will bring them in to meet the Board in the near future.
2. Mr. Stanbrook said that the deadline to submit COVID-19 reimbursements to the county is October 2. He said that expenses amounting to \$220,000 are expected to be submitted, which is the Town's second reimbursement submittal.
3. Mr. Stanbrook said they will conduct a Special Town Meeting preview at the next meeting.

#### **VII    ADJOURNMENT**

***MOTION*** at 7:43 p.m. by Mrs. FitzGerald-Kemmett, seconded by Mr. Dyer, to adjourn the meeting. ***Voted 5 – 0***