

Hanson Planning Board
Minutes of the Public Meeting of
February 12, 2018 at 7:00 PM
Hanson Town Hall, Meeting Room A

Call to Order

Chairman Weeks called the meeting to order at 7:00 PM. Attendance was as follows:

Present: Joe Weeks, Chairman
Joe Campbell, Vice-Chairman
Don Ellis, Member
John Kemmett, Member
Joe Gamache, Member
Deb Pettey, Interim Town Planner

Guests: William Cushing, REMCO Enterprises, Inc.
Steven Regan, 30 Alden Way
Benny Hung, Environmental Partners Group, Inc.
Adam Kran, Environmental Partners Group, Inc.
Lee Gamache, Assessor, Town of Hanson
Kevin Paquette, 251 Gray Lane
Gregory Hebert, Webby Engineering Associates
Chris Costello, 446 Spring Street
Richard Morrill, 544 Spring Street
Jay Campbell, 125 Glenwood
Tim Qualter, 528 Spring Street
Jane Downie, 500 Spring Street
Chad Tobias, 519 Spring Street

A motion was made by Mr. Ellis, seconded by Mr. Gamache, to take the meeting out of order and address the minutes and the Town Report at the end. The motion was approved 5-0-0.

Public Hearings

7:00 PM Public Hearing for a proposed residential Definitive Subdivision Plan, to be known as “Cushing Trails” containing eight (8) lots; the property on which the subdivision is to be located consists of approximately 9.6± acres of land. Zoning Classification is Residence AA, property shown as Town of Hanson Assessor’s Map 117, Lots 6 & 7 submitted by Applicant: REMCO Enterprises, Inc. and said Plan prepared by Webby Engineering Associates, Inc., dated October 27, 2017

Member Campbell recused himself from the hearing discussion of Cushing Trails.

Mr. Gamache made a motion to open the public hearing, which was seconded by Mr. Kemmett. The motion was approved 4-0-0.

Mr. Weeks asked the review engineer, Environmental Partners Group, Inc., to walk through their comments relative to the proposed Cushing Trails subdivision as documented in their letter to the Planning Board dated February 12, 2018.

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Mr. Kran of Environmental Partners stated that this letter focuses on those items that have pending discussion, as follows:

1. Mr. Kran stated that they have a question about the drain pipe calculations and want to know if the rainfall intensity figures used are consistent and appropriate. He said that the Planning Board's Rules and Regulations require a minimum of 3 feet per second velocity and not greater than 7.5 feet per second and they want to ensure that the pipes are sized correctly to accommodate the 10-year storm.
2. Mr. Kran stated that this comment relates to drainage basin sizing and noted the requirement for 3 feet of freeboard. He explained that drainage basins on the plan do not conform. Due to the shallow nature of the subdivision basins, the applicant has requested a waiver of the 3 feet of freeboard. Mr. Kran said that 100-year storm calculations performed on the basins closest to Spring Street showed no overflow onto the street. Based upon that information, he stated that there is justification to approve the freeboard waiver request.
3. Mr. Kran said that this comment is in response to concerns about the ongoing maintenance of drainage basins on the property. He said that the applicant has requested a waiver of responsibility for maintenance of the drainage basins. Town Assessor Lee Gamache asked for clarification on the waiver—if the intent is or is not for the drainage lot to be assessed to the builder. She explained that history has shown that builders typically abandon drainage lots and they become a burden to the town. Mr. Cushing responded that they plan to create the drainage basins as easements so that they are part of an individual lot. He continued that for the drainage basin at the entrance to the left, they plan to dress it up with lighting to make it visually attractive. Mr. Cushing added that they will establish for that one lot an association, incorporated into the deed, with fees that will include long term maintenance of the basin. He further added that he would be agreeable to the creation of an HOA as a condition for approval.

Hanson resident, Kevin Paquette, suggested that having the basin attached to a private lot may increase the liability to the homeowner, and asked if the homeowner is then responsible for its upkeep. Ms. Pettey stated that liability would fall to the owner of the lot. She added that generally a town is responsible for the maintenance of the drainage structures.

Mr. Ellis reiterated his suggestion from the December hearing to connect the small drain lot near the entrance to Lot 1. Mr. Cushing said that it would create a hardship to do so in that it would now be a corner lot, with the current rules and regulations requiring frontage on both streets. Mr. Ellis stated that they could modify the plan by notating the drainage lot as a parcel instead of a lot, to be combined with the lot when the subdivision is approved. He said that a parcel is differentiated from a lot in that it is just a piece of land and doesn't have to conform.

Mr. Gamache asked if the HOA would be dissolved if the town accepted the street. Mr. Cushing said that it would not. Mr. Gamache then asked if the basins on private property would still be maintained by the town. Ms. Pettey said that a town is responsible for maintaining drainage, and in theory would be responsible for these as well and would have the easements to enter the property to do so.

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4. Mr. Kran stated that the town uses concrete pipe for drainage and the applicant has requested a waiver so they can use plastic pipe, which is commonly used. In order to do so, Mr. Kran said that they would request that the applicant provide sufficient cover as well as additional information from the pipe manufacturer to confirm that it is structurally sound.
5. Mr. Kran said that the requirement for security bars or grates on open pipe is not shown on the applicant's plan.
6. Mr. Kran explained that the applicant initially requested the use of a plastic flared end section, but said that their firm recommends a concrete flared end section instead. He said the applicant is now requesting a waiver of the requirement to use a headwall. Mr. Kran said that given the applicant's agreement to use the concrete flared end section, that would be sufficient, and Environmental would recommend that the Planning Board approve this waiver request. In response to a question from Mr. Gamache, Mr. Kran said that concrete flared ends paired with concrete pipe are more secure.
7. Mr. Hung explained that the Board previously denied the applicant's request for sidewalks on only one side of the street. Environmental Partners' comment on this topic is that one detail shows the sidewalk as 5' wide including the granite curb and another detail shows it as 5' wide without the granite curb. Mr. Hung said that the applicant needs to clarify the actual width of the sidewalk to be consistent.
8. Mr. Hung stated that the Board denied at its December 11, 2017 hearing, the applicant's waiver request to use Cape Cod Berm curbing instead of granite curbing. He said that some details on the plan correctly show granite curbing, while other details show Cape Code Berm and others, precast concrete curb. He said that the applicant needs to clarify the material used consistently.
9. Mr. Hung reviewed the applicant's waiver request to use Capped Iron Rods at property corners and at points of change in direction in right-of-way instead of Granite or Concrete Bounds. He said that their opinion is that Capped Iron Rods are reasonable for use at parcel corners while Granite or Concrete Bounds are appropriate where there are changes in the right-of-way direction. Ms. Pettey clarified that the waiver is outstanding in lieu of the engineer's opinion.
10. Mr. Hung stated that the applicant should provide details on the plan that proposed street signs will be in compliance with MUTCD (Manual on Uniform Traffic Control).

Mr. Regan made a comment that if this subdivision is approved, the release of any bond monies should be predicated on the formation of the HOA.

Environmental Partners continued with their report comments, moving on to stormwater management as follows:

1. Mr. Kran explained that this comment is in the case where the stormwater basin is used to both infiltrate water into the ground and slow down the rate of runoff from a piece of property, and

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also the basin is constructed within a few feet of ground water. He said the concern is that the ground water could rise up enough and fill the basin and limit its effectiveness. Mr. Kran said that the applicant's engineer has provided them with a mounding analysis. He said their comment on this is that the calculation used for their mounding analysis assumes that the infiltration takes three days whereas other calculations show that the infiltration occurs over a shorter period. He said that a shorter period would be a more conservative assumption and standard because it would be a higher volume over a shorter period.

- a. Mr. Kran commented that the applicant's plan previously showed dry wells below the ground water table and that the issue has been addressed in that they will not be using dry wells for roof runoff.
- b. Mr. Kran commented that the applicant's plan shows how they have established the ground water level underneath their basins. He said that they have done soil exploration at the proposed septic locations, taken the most conservative numbers, and then used that as their ground water level. With this being a reasonable assumption, Mr. Kran said that the applicant did not think it would be necessary for them to place test pits at the location of the filtration system.

Mr. Ellis asked if the plan includes accommodation at the main basin for a leaching basin. He explained that in the winter, a basin will fill up and the ground is frozen. Mr. Webby responded that there are no leaching structures at the basins and that there is no need for it. Mr. Kran said that is in accordance with state standards.

Hanson resident, Chris Costello, asked about the location of the retention ponds and about extra water flowing down Spring Street. Mr. Hebert responded that the subdivision cannot increase the flow or volume of water, explaining that engineers perform many calculations to prevent them from doing so.

Mr. Gamache asked in how many hours would the retention pond be dry, with Mr. Hebert stating that it would be 72 hours.

Mr. Weeks asked if retention pond performance is reliant upon a pond that is perfectly maintained. Mr. Webby explained that the pond does need to be maintained once or twice a year, however, that maintenance is relatively minor. In response to Mr. Kemmett, Mr. Hebert said that a retention pond long-term maintenance plan was submitted with the subdivision plan.

There was some discussion about the responsibility for maintenance of subdivisions after they are built. Mr. Weeks explained the Planning Board's concern about this issue, yet lack of jurisdiction. Mr. Kemmett stated that the Planning Board cannot deny a project based upon what others may or may not do going forward. Mr. Regan commented that if a shallow retention pond will likely not be maintained, maybe the board should not approve a shallow retention pond.

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Mr. Costello asked about shallow vs. deep retention ponds. Mr. Hebert stated he prefers shallow ponds because the water is not ponding up and is more spread out; more of an infiltration basin. He added that deep retention ponds are more likely to fail.

Town residents, Richard Morrill and Chad Tobias, both expressed increased water concerns for this project as the result of increases seen after new neighboring Title V installations in recent years.

2. Mr. Kran said that the applicant submitted a Stormwater Pollution Prevention Plan, but it does not include any construction period stormwater controls. He said that the requirements are to provide the calculations for the period prior to site stabilization.
3. Mr. Kran said that related to long-term operation and maintenance, the state requirement is for the applicant to include a budget outlining the cost. He said that this was not provided.
4. Also related to long-term operation and maintenance, Mr. Kran stated that there should be a plan for the placement of snow and none was submitted. In response to Mr. Kemmett, Mr. Kran said that stormwater management basins should not be used for snow storage during plowing due to sand and other materials that could clog the basin.
5. Mr. Kran said that this particular comment, and number 6, were included to note inconsistencies between the calculation, report and plans.
6. See number 5 above.
7. Mr. Kran said that in general the applicant met the handbook requirements for the separation between ground water and their basins, but there was one sediment forebay that is a little below the 2 feet separation requirement. Mr. Gamache asked what material is used at the bottom of the basins. Mr. Kran said he would have to check the details, but said that he knows it was consistent with Massachusetts standard for stormwater basins. Mr. Ellis asked if loam should be in there, and Mr. Kran said that he will get back to the board on the standard.

Mr. Kran continued to the General Comments section of the report summary as follows:

1. Mr. Kran said that there is a layout of a water main easement that enters the property on the east side. Given that the water main is typically 5' below grade, he said that there is very little width to that easement at the point where it crosses the applicant's property line. Mr. Kran suggests that they figure out through discussion how to coordinate this.
2. Mr. Kran said that the applicant will need to obtain Title V permits for all of their Title V systems. He said he has not seen any designs as yet.
3. Mr. Hung said that the request for a speed study on Spring Street is necessary so that they can verify the site distance calculations at the proposed site intersection that the applicant provided.

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4. Mr. Hung said that their initial review using a similar truck template indicates that the Tower-1 truck is able to turn around at the proposed cul-de-sac. They request that the applicant provide a plan to verify that this is the case.
5. Mr. Hung stated that the applicant should consider, as recommended by the Building Commissioner, placing a light pole at the intersection of Lisa's Trail and William Trail to illuminate the intersection. He explained that the developer will maintain the light poles for two years.
6. Mr. Hung said that the applicant needs to state the material that will be used to raise the site elevation, which will be 4' on average. Mr. Gamache asked what material they would recommend, and Mr. Hung said a combination of three materials that are drainable. Mr. Paquette commented on protecting the town's interests and the need to ensure the quality of the material delivered.
7. Mr. Hung said that the applicant's plan needs to show that curb ramps and driveway aprons are ADA compliant.
8. Mr. Hung said that the applicant's plan needs to clarify the location of the guard rail as there are inconsistencies in the detail. He also said that they need to ensure that they have provided clearance for the sidewalk in front of the guardrail.

Mr. Weeks asked Mr. Hebert to address the water issues on the property. Mr. Hebert began by saying that water will be dispersed throughout the property, with the back basin actually directing water back to the town line. While they are required to limit any impact to the surrounding area, Mr. Weeks asked if it possible that their design might improve the water situation. Mr. Hebert suggested possibly by eliminating work on the edges of the property; that the construction not occur on the whole site.

Mr. Kemmett asked about soil calculations considering that a significant amount of new soil will be added to the property. Mr. Hebert responded that 1) the new soil will be better material than is in there now, and 2) the water coming from the raised site will be directed toward the basins and filtrating out, so the amount of water to the outer edges of the property will decrease instead of increase.

Hanson resident, Jay Campbell, asked if the removal of trees, which use water, will impact the quantity of water coming from the site. Mr. Kran said that some town boards will require a site water balance, which is a water analysis of a property, looking at the inputs and outputs over the course of a year. He said it is not a state requirement.

Mr. Weeks expressed concern about the new soil washing away or the appearance of sink holes in the years to come. Mr. Hebert was doubtful of that occurring since multiple soil tests performed per lot would uncover any potential issues.

Hanson resident, Jane Downie, expressed concern over lights at the entrance and asked about screening. Mr. Cushing said that he has proposed entrance lighting that wouldn't be as bright as street lights. Mr. Ellis said that street lighting is necessary there in order to see the stop sign for safety reasons, and a shade

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could be placed on one side of the light to shield the abutter's property. Ms. Downie commented on the reliability of perc testing of the property that was performed after a very dry summer. Mr. Ellis said that perc testing laws have changed whereas the soil is observed for color and content.

Mr. Tobias noted the addition of eight Title V septic systems that could contribute to the water problem.

Mr. Cushing responded to a question from Mr. Regan, stating that the new homes will be connected to Hanson town water. Mr. Regan said that there have been problems over the years with water availability and water bans are in effect every summer. Adding to that, he said that there has been much new construction recently. Mr. Regan asked if the water department has had input on this project. Mr. Weeks stated that the water department has already provided approval for the water hook-ups.

Mr. Kemmett made note of a comment from Environmental Partners concerning wetlands on a parcel to the north of this property, along the Rockland line, which stated that the proposed development is not within a buffer zone of the wetlands, as shown on Mass GIS. Their comment, Mr. Kemmett said, received no response from the applicant. Mr. Kemmett said that Mass GIS data is obtained from aerial views and if there is an intermittent stream somewhere, it ought to be verified. Mr. Cushing said that a letter was submitted with the initial application concerning an onsite-analysis performed by Brooke Monroe, a wetland scientist and Carver Conservation Agent. He said that in the letter, Ms. Monroe states that in her opinion there are no wetlands on the property.

Mr. Gamache communicated previously stated concerns to Mr. Hebert about the ability of the swale to protect the abutter's property and the need for design revision.

Mr. Ellis made a motion to continue the hearing to February 26, 2018 for the purpose of reviewing new adjustments and calculations to the plans, seconded by Mr. Ellis. Mr. Weeks asked about the water balance test that was previously mentioned. Mr. Kran stated that the test is actually a different set of calculations and reiterated that it is not state required. He said that it is not a necessity, but its results could help answer some questions. Mr. Kemmett pointed out that there are outstanding waivers on which to be voted. Mr. Ellis made a motion to rescind the motion on the table in order to address the waivers first. The motion was seconded by Mr. Kemmett and approved 4-0-0.

Mr. Gamache made a motion to approve the waiver that would allow the applicant to use Flared End Section instead of a Concrete Headwall. The motion was seconded by Mr. Kemmett. The town's engineer recommended this waiver. The motion was approved 4-0-0.

Mr. Gamache made a motion to approve the waiver that would allow the applicant to use Capped Iron Rods at lot corners instead of Concrete Bounds. The motion was seconded by Mr. Kemmett. The town's engineer recommended this waiver. The motion was approved 4-0-0.

Upon consideration of the applicant's request to waive the requirement to provide three feet of freeboard at the maximum water level, Mr. Kran said there is justification to approve the waiver in that the shallow ponds less than 3' deep physically cannot meet the requirement and the ponds closest to the street do not overflow in the 25-year storm calculation. Mr. Gamache expressed his want of a design modification to better accommodate the requirement. Mr. Kran suggested that the board agree to a compromise

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freeboard requirement. Mr. Gamache made a motion to align with the engineer's recommendation to adhere to the state specification to provide one foot of freeboard. The motion was seconded by Mr. Kemmett and approved 4-0-0.

Ms. Pettey asked the board about the pending decision on the small drainage lot as was discussed earlier this evening. Mr. Kemmett made a motion to defer to town counsel for recommendations regarding parceling vs. HOA of Lot 1. Mr. Cushing said he will take this up with his attorney and can forward it to town counsel for their opinion. The motion was seconded by Mr. Ellis and approved, 4-0-0.

Mr. Kemmett made a motion to continue this hearing to February 26, which was seconded by Mr. Ellis. The motion was approved, 4-0-0.

Discussion

<Mr. Campbell returned to the meeting.>

Tree removal at Alden Way – Mr. Weeks read in to the record a letter dated February 7, 2018 from Becky Nehiley to the Hanson Highway Department regarding the fallen tree on Alden Way and two trees that were damaged when the other tree came down. Ms. Pettey said that she has not received a response from the Tree Warden or the highway department. Mr. Regan expressed appreciation to Ms. Nehiley for the letter sent and reported that as of today the tree that was in the road has been removed, however, the damaged trees have not been touched.

Mr. Weeks asked Mr. Regan to contact the planning office and request to be placed on a future agenda to discuss Alden Way's possible acceptance as a public road. Mr. Weeks stressed that the board's jurisdiction on this is limited, but they can make a recommendation to the Board of Selectmen on the street's behalf.

2018 May Town Meeting Warrant (deadline 3/16/2018) – Ms. Pettey said that she has provided the draft Marijuana by-law and other related materials to members and a public hearing needs to be scheduled. She said that members need to review the information and think about where they would like the retail establishments to be located, where it can be consumed and hours of operation. Ms. Pettey said that she intends to do some research on what has been experienced in Colorado with their legislation and Mr. Weeks suggested also that she reach out to Rep. Josh Cutler, who has researched this topic extensively. Ms. Pettey said she will place a marijuana discussion on the February 26 meeting agenda.

Mr. Kemmett made a motion for the marijuana by-law public hearing to held on March 12. The motion was seconded by Mr. Campbell and approved, 5-0-0. Mr. Weeks stated that the Town Administrator and a representative from the Board of Selectmen should be invited to the public hearing.

Mr. Weeks asked that a discussion of the frontage for corner lots be added to the next meeting agenda. He also asked that Ms. Pettey introduce for discussion at the next meeting any by-law changes that she believes should be addressed.

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Review of Tax Title Properties – Mr. Kemmett made a motion to table the discussion of tax title properties until the next meeting. The motion was seconded by Mr. Campbell and approved, 5-0-0.

Old Business/New Business

Invoice Signatures – Members signed invoices from W.B. Mason, Environmental Partners and reimbursements for postage and office supplies.

Minutes

Mr. Ellis made a motion to table the vote on the minutes from the December 11, January 8 and January 22 meetings until the next meeting, which was seconded by Mr. Kemmett. The motion passed, 5-0-0.

Town Report – Topic passed over.

Adjournment

Mr. Campbell made a motion to adjourn, seconded by Mr. Gamache, which was approved unanimously 5-0-0. The meeting was adjourned at 10:30 PM.

Respectfully submitted,

Shirley Schindler, Minutes Clerk
Hanson Planning Board