

Hanson Planning Board
Minutes of the Public Meeting of
February 26, 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
Chris Costello, 446 Spring Street
Tim Qualter, 528 Spring Street
Jane Downie, 500 Spring Street
Chad Tobias, 519 Spring Street
Carrie Muench, 501 Spring Street
Eileen Ryan, 489 Spring Street

Minutes

A motion was made by Mr. Gamache, seconded by Mr. Campbell, to vote on the minutes at a future meeting. The motion was approved 5-0-0.

Discussion

In anticipation of the arrival of Cushing Trails developer, Bill Cushing, Mr. Ellis made a motion to take the meeting out of order and address the corner lot zoning by-law. The motion was seconded by Mr. Gamache and approved 5-0-0.

Discussion of Corner Lot Zoning By-Law – Ms. Pettey reviewed that the board had held a public hearing on August 28 of last year for the zoning by-law change that reduces the frontage requirement for lots with frontage on two streets (corner lots). She explained that the board-approved changes were never brought to town meeting on the advice of the selectmen, with suggestion of additional language modification needed. Ms. Pettey provided for members a copy of the proposed amended by-law language. Mr. Campbell made a motion that a public hearing be scheduled for March 26, 2018, seconded by Mr. Gamache. The motion was approved 5-0-0.

Public Hearings

7:00 PM Continued 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

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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 continued public hearing, which was seconded by Mr. Ellis. The motion was approved 4-0-0.

Ms. Pettey explained that Webby Engineering has made changes to the plan and forwarded them to Environmental Partners. She stated that Environmental Partners has extinguished all of the escrow funds and Mr. Cushing needs to replenish the escrow account. Once received, Ms. Pettey said she will authorize Environmental Partners to complete the review.

Ms. Pettey said that the engineers will not be present this evening and asked the board for discussion of two topics, 1) the options for addressing the small drainage lot, and 2) the water line issue.

Mr. Pettey referenced a letter <dated December 5, 2017> from the Water Department stating their approval of the Cushing Trails water hook-up. She said that the letter suggests the only feasible way to get water to the project would be for "Mr. Cushing to bring a new ductile iron water main down Spring Street from the Whitman Street intersection and looping it to tie into Glenwood Place. By doing this, it obviously would improve the water quality and flow which is a great benefit to the Town of Hanson."

Mr. Gamache reiterated concern over the 15' easement, and the difficulty with maintenance in the short 4' wide section. Mr. Cushing said there was another option in which they could have looped back to Spring Street, but this particular option has the support of the Water Commission. Mr. Kemmett asked if the two abutters have been approached for the easement, with Mr. Cushing stating that they have not, and added that at least one of them likely will not agree to it. Mr. Kemmett stressed his concern for the two abutters and problems that may arise in the future.

Mr. Cushing asked Ms. Pettey if the Planning Board has to approve the water plan. She replied that the by-laws require him to put in the water main and loop it back, which the plans currently show, but she said that the Planning Board may want to discuss with the water department if that's the way that they want it looped back. Ms. Pettey said she will invite someone from the water department to discuss it at the next meeting. Hanson resident, Steve Regan, expressed agreement that the right of the individual to not have his property encroached upon is important to consider.

Hanson resident, Jane Downie, asked if the stated easement is the same as the registered carriage trail that goes by her property. Mr. Cushing said that no, it is a new easement. In response to a question from Hanson resident, Chris Costello, about the proposed easement, Mr. Cushing explained that he will be putting in a water main from Damien's on Whitman Street and going up Spring Street to the property. He said the question is whether it will loop back to Spring Street or loop back going through Glenwood Place. Spring Street residents who are currently hooked up to Rockland water asked if they will be required to switch to Hanson water. Mr. Regan expressed the opinion that they are probably grandfathered in.

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Ms. Pettey asked about contaminated wells on Glenwood Place from the land fill. Hanson resident, Tim Qualter, explained that those residents were taken off of well water when they expanded the Rockland landfill because of the contaminants. He said that they are already on Hanson town water. Mr. Ellis noted the benefit of the Glenwood Place loop back to those residents in that that will gain cleaner water. Mr. Gamache asked Mr. Cushing for his preference in this matter. Mr. Cushing said that he appreciates the Glenwood Place option for the benefit to residents, but respects that the decision is in the hands of the Planning Board. Mr. Weeks said that this discussion will continue at the next meeting.

Ms. Pettey stated that the other issue for the board to discuss is concerning the small drainage lot for upkeep and tax assessment. She said that the applicant proposes an HOA to take care of the lot. Ms. Pettey said that the board could put a condition on the subdivision for an HOA to do so, and if the corner lot by-law regulation is approved, the drainage lot could be attached to Lot 1. Mr. Weeks noted the previous suggestion that the drainage lot be recorded as a parcel instead of a lot and the board's original suggestion to move the road slightly in order to have one contiguous lot. Mr. Cushing said he has spoken to his attorney about this, asked them to further the discussion with Hanson's counsel and will do whatever they advise. Ms. Pettey said she will also reach out to Town Counsel.

Amid wetland concerns from Mr. Qualter, Mr. Weeks asked that the conservation agent be present for the next meeting and suggested that Mr. Qualter make contact with conservation directly himself.

In response to multiple resident objections to the subdivision due to water issues, Mr. Weeks pointed out that there are laws that protect both the present homeowners and the developer. He stated that if the developer reasonably meets the minimum planning board requirements, the board cannot stop his project. Mr. Weeks continued that they very much hear all of the resident comments presented. He added that the board works with the developer to setup the development in a way that meets the standards of the board, protects the people there and the people around it; however, they are unable to solve every problem. In this case in particular, Mr. Regan expressed that the board should be careful when considering waivers that concern water issues.

Ms. Downie asked if the developer can be required to post a bond so that if the drainage doesn't work as planned, there will be money to correct the situation. Mr. Weeks replied that the bond money is already set based upon the project. Mr. Kemmett pointed out that even after the Planning Board approves a project, there are still other steps in the process; for example, permitting for the soil to be brought in and the opinion of conservation. In those cases, resident concerns can still be expressed and can impact decisions made.

Hanson resident, Eileen Ryan, asked if the development could be made smaller. Mr. Weeks responded that the Planning Board can only evaluate the plan that was presented to them.

Mr. Kemmett made a motion to continue the hearing to March 12 at 8 PM, which was seconded by Mr. Gamache. The motion was approved 4-0-0.

Discussion (resumed)

<Mr. Campbell returned to the meeting.>

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Draft Marijuana Zoning By-Laws - Ms. Pettey stated that the retail marijuana sales public hearing is scheduled for March 12 and that Town Counsel has provided a draft of the by-law for the board. In their review, she said that the board needs to consider the fact that retail marijuana sales, unlike those of regular retail stores, involve many aspects— delivery, walk-in consumption, transporting, manufacturing and cultivating, which could be zoned separately or altogether. Ms. Pettey noted that in email communication dated Feb. 12, Kate Feodoroff states that some towns are prohibiting social marijuana consumption in their by-law and that the Planning Board may wish to do that as well.

Ms. Pettey stated that the current Hanson draft by-law zones retail marijuana sales to the industrial park, the same as medical marijuana. Ms. Pettey said that from her research of some Colorado by-laws, she has seen limitations placed on the number of retail marijuana licenses to 20% of liquor licenses granted.

After some discussion, consensus among the board is that marijuana cultivating should be zoned to the industrial park and retail sales should be business zoned. Concerning social consumption, Mr. Petty said she will confirm with Town Counsel whether it is or is not Planning Board's decision to make. And Ms. Pettey said will get clarification from the Town Administrator on whether the board is expected to weigh in on the draft by-law beyond locating the establishments.

Zoning By-Laws Correction - Ms. Pettey said that the Town Clerk brought to her attention that there is an error in the Zoning By-Laws Table of Contents, which needs to be corrected and a public hearing held. She said that the Table of Contents is out of order with the actual by-laws. Mr. Kemmett made a motion that a public hearing be held on March 26, 2018, seconded by Mr. Campbell. The motion was approved 5-0-0.

Town Planner Position – Ms. Pettey said that Mike McCue had asked to attend this meeting in order to discuss adding grant writer to the responsibilities of the Town Planner. Mr. McCue was not present at the meeting.

Adjournment

Mr. Gamache made a motion to adjourn, seconded by Mr. Ellis, which was approved 5-0-0. The meeting was adjourned at 9:20 PM.

Respectfully submitted,

Shirley Schindler, Minutes Clerk
Hanson Planning Board