

Hanson Planning Board
Minutes of the Public Meeting of
March 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: Mike McCue, Town Administrator
Michael Miksch, Hanson Chief of Police
William Cushing, REMCO Enterprises, Inc.
Benny Hung, Environmental Partners Group, Inc.
Adam Kran, Environmental Partners Group, Inc.
Joe Webby, Webby Engineering
Jay Campbell, 125 Glenwood Place
Chad Tobias, 519 Spring Street
Carrie Muench, 501 Spring Street
Megan Burke, 401 Brookbend Road

Mr. Gamache made a motion to take the meeting out of order and move on to the scheduled discussions before the 7:15 PM public hearing. The motion was seconded by Mr. Ellis and approved, 5-0-0.

Discussion

Town Planner Job Description/Position – Town Administrator, Mike McCue, was present to discuss the proposed creation of a full-time Planning & Community Development Director. He explained that the person's priority in this position would be town planning, but when planning work is not as heavy, the person could focus on their secondary responsibilities, that of community economic development and grant writing. Mr. McCue said that other towns have created similar positions and he referred members to his proposed job description. He further added that among the job's priorities would be support of the ZBA and attending its meetings. Mr. McCue stated that this position is anticipated as an article for the May Town Meeting.

In response to Mr. Campbell's question about storm water management and a partnership role with the highway department, Mr. McCue said the job description is a work in process, with additional tweaking expected as the result of the board's comments.

Mr. Kemmett asked about the job description references to affordable housing. Mr. Weeks stated that as the Housing Authority seeks opportunities for housing, he can see the benefit of a cooperated effort with planning.

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Mr. Ellis asked that the job description's reference to the ability to read blueprints be stated 'as required' instead of 'as desired.' He noted also that the document should include mention of Complete Streets. And Mr. Ellis asked about representing the Town on the BAT board, with Mr. McCue stating the he attends meetings to ascertain if there are services that could be brought in from Brockton Area Transit, noting in particular those relating to the elderly.

Mr. Weeks said the board will discuss the job description and return comments back to Mr. McCue.

Mr. McCue reminded members that the selectmen will be discussing several planning issues at this Thursday's meeting and invited members to attend.

Public Hearings

7:15 PM Public Hearing to see if the town will vote to amend the Town of Hanson Land Use Regulations Zoning By-laws by amending Section VI, to add a new subsection **M, MARIJUANA ESTABLISHMENTS**, as allowable by special permit in the districts identified in subsection VI – M.4. and further to amend the Table of Contents to add Section VI M., "Marijuana Establishments;"

Mr. Campbell made a motion to open the public hearing, seconded by Mr. Kemmett. The motion was approved 5-0-0.

Ms. Pettey stated that the board needs to zone where marijuana recreational establishments will go. In recent discussions, the Planning Board has indicated a preference for retail sales to be zoned to the business districts and cultivation to the industrial zone and asked Hanson Police Chief, Michael Miksch to attend this hearing in order to weigh in. Ms. Pettey reviewed for the board the definition of a marijuana establishment.

Chief Miksch expressed that as a police officer, he believes retail sales should occur in the industrial zone as opposed to the business zone. Noting the Shaw's Plaza business area in particular, he stated its situation between two schools and the foot traffic from middle school children to the area. He said that the industrial area is not as accessible to those on foot. Chief Miksch also noted that the board should reach out to nearby churches for feedback in reference to support groups that they host.

After some discussion concerning various sections of town, Mr. Campbell made a motion to zone "retail" marijuana along the Business District Zoning along Route 27 Franklin Street and Main Street to the town line of Pembroke; exclusive of the Industrial Zoning area and for the locations of said retail with the restrictions of the Marijuana Establishments Zoning By-law. The motion was seconded by Mr. Kemmett and approved 5-0-0.

Mr. Campbell made a motion to zone Marijuana Establishments as defined in the Marijuana Establishments Zoning By-law, Section 2.A, Applicability exclusive of "retail," to the Industrial Zone located on the Assessors Map 59 lots 17-3, 17-4 to 17-8, 17-10 to 17-13, and Assessors Map 52 lot 17-16. The motion was seconded by Mr. Kemmett and approved 5-0-0.

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Mr. Gamache made a motion to close the public hearing, which was seconded by Mr. Kemmett. The motion was approved 5-0-0.

7:30 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 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. Ellis made a motion to open the continued public hearing, which was seconded by Mr. Gamache and approved 4-0-0.

Ms. Pettey reviewed that the engineers have been working together on the plan revisions. She asked Engineering Partners to review what has been done. Mr. Kran began by directing those present to their report dated March 7, 2018, pages 2 and 3—general comments, waiver requests and conditions of approval.

Mr. Kran explained their general comment concerning the proposed water main that will pass over a 4-foot wide easement section, saying that it will encroach on abutting parcels. Ms. Pettey stated that the water commissioner was invited to this meeting and in response Gerald Davis sent a memo dated March 5, 2018 to the Planning Board. Ms. Pettey read the memo into the record. Mr. Kran said that the 4-foot section is barely constructible, explaining that a water main installation typically cuts a 3 ½-4-foot wide opening, which leaves no room for error.

Mr. Kran moved next to the waiver requests, as follows:

1. Mr. Kran provided an update concerning the waiver that the board approved in February for 1-inch of freeboard during the 25-year storm. He stated that the calculations for the 100-year storm show that the two basins closest to the road do not overtop but are within three inches. The other basins, he said, do have some overflow from their spillways.
2. Mr. Kran stated that this waiver is related to the ongoing discussion on how to handle the drainage basin easement issue. Ms. Pettey noted the response from the Applicant’s attorney, in a letter dated March 8, 2018, saying that Lot 1A should “be conveyed and owned by the owners of Lot 1 on the subdivision plan.” She added that response from Hanson Town Counsel [dated March 5, 2018] did not provide clear direction, with them pointing out that an HOA would be an effective option and that tax revenue on the lot would be minimal.

Hanson resident, Jay Campbell, asked if any of the water main construction will affect their current water pressure or water quality. Mr. Weeks said that this would be for the water department to address.

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Mr. Campbell asked about large equipment onsite while the water main is being constructed and the danger relative to children who live on the street. Mr. Ellis said that a condition of approval could be that all equipment be secured in some manner at the end of the day. Mr. Kran said that typically trenches are covered at end-of-day and as a courtesy to neighbors, they could post their hours of operation. Ms. Pettey stated that contractors already abide by trench permit laws, OSHA and MSHA as safety measures and questioned whether the Planning Board has jurisdiction to add its own conditions of approval relating to safety. Mr. Kran agreed and reiterated that posting hours of operation would be appropriate.

Mr. Kemmett asked what the minimum easement is for a water line in the by-laws. Ms. Pettey stated that she believes the only Planning Board requirement is that it loop back and specifications on easement size are probably in the water department's rules and regulations. Mr. Kemmett then asked about the water commission's approval, and Mr. Cushing stated that the water commissioner relayed that the water commission did vote approval.

Hanson resident, Carrie Muench, asked for the engineer's opinion on the easement for the water line. Mr. Kran stated that a 15-20-foot easement size is to allow enough room to work. He said that with the 4-foot section, they will have to dig at it from either side, which is doable, but not ideal. Ms. Pettey noted that the water department's opinion states that the 20-foot easement area will be accessible to them. Board members expressed that the easement shown as 15-feet on the plan should be 20-feet and the engineers intend to change it. Ms. Pettey confirmed to Mr. Weeks that water main leaks would be the liability of the town. Mr. Cushing pointed out that the decision to loop back through Glenwood Place and the easement were at the request of the water department.

3. Mr. Kran stated that the Applicant has requested this new waiver of the requirement that a 50-foot buffer zone of existing vegetation be maintained between all basins or pre-treatment facilities and adjacent uses or structures and buffers, which shall be adapted for access and fully contained within the drainage lot. Mr. Kran said that this waiver was previously embedded in another waiver. He said that it would be more protective to enforce the by-law requirement, however, it would be difficult considering where the plans show basin construction.

Mr. Kemmett asked for specifics concerning the actual number of feet around each basin before he can justify voting on the waiver request. He said that there needs to be a valid reason to waive it and a certainty that doing so will not cause harm to someone else.

With some debate on the wording of the by-law concerning easements vs. parcels, Mr. Cushing suggested that the board have town counsel interpret the by-law.

Mr. Ellis asked about the engineer's overall opinion of the project and the current waivers. Mr. Kran stated that the design has come a long way over the past couple of months. He said that this particular 50-foot waiver will put the developer in a bind in some parts of the property as the numbers are tight. Mr. Kran said that for the most part the other waiver requests are reasonable. Mr. Kran acknowledged that in doing the calculations, the plan

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meets the Massachusetts storm water standards. He added that in the standards is the ability to adapt for differing communities and their local standards.

Mr. Tobias passionately expressed his difficulty in keeping up with basement water using a generator from recent storms, which are not believed to be in the category of 25-year storms. He strongly urged Mr. Cushing to practice social responsibility as this is not the place for the proposed development.

4. Mr. Kran stated that this waiver was previously granted by the board to waive the requirement for a concrete head wall and allow concrete flared end sections. He said that they do not have any additional comments on this.
5. Mr. Hung stated that this waiver was previously granted by the board to waive the requirement to use Granite or Concrete Bounds at property corners and at points of change in direction in right-of-way, and instead use Capped Iron Rods. Mr. Hung said that they have no further comment on this.
6. Mr. Kran stated that this waiver is regarding the estimate of ground water elevation under the proposed drainage basins. He said that the standards typically require test pits in each basin where infiltration is proposed. Mr. Kran said that the Applicant has tested in the locations of the proposed Title V systems and has used the most conservative information from those tests. Mr. Kran said that instead of digging in the basins, the Applicant has used the most conservative information from around the basins, which they feel is reasonable. They recommend that the board approve this waiver.

Mr. Kran reviewed from their letter, their recommended conditions of approval, as follows:

1. Mr. Kran explained that Standard 8 concerns construction period pollution prevention. He said that since this project disturbs more than one acre, it needs to be covered under the EPA's Construction General Permit. In order to do so, Mr. Kran said that a Stormwater Pollution Prevention Plan needs to be prepared, with all relevant attachments, prior to land disturbance. Mr. Kran said that they recommend the plan's submission prior to construction as a condition of approval.
2. Mr. Kran stated that Standard 9 concerns long-term operation maintenance. He said that the owner needs to maintain the basins and storm water management system. Mr. Kran said that they have not as yet provided a budget as required and should do so as a condition of approval.

Mr. Kran made a comment that Stormwater Standard 3 states that post-development rates of runoff cannot be made worse. He pointed out that the Applicant's calculations show that the rates of runoff and the volumes of runoff do not exceed the pre-development conditions.

Mr. Gamache suggested the movement of a swale to improve the grade. Mr. Webby stated that he will make that change.

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The board addressed the earlier discussed waiver requests from Environmental Partner's letter as follows:

1. **Freeboard** - This waiver request was previously approved by the board.
2. **Drainage Lot at Subdivision Entrance** - Mr. Ellis asked if there had been any consideration of moving the entrance to the subdivision in order to connect Lot 1 with drainage Lot 1A. Mr. Webby said it was moved a few inches in order to do so. There was considerable discussion about the drainage lot (Lot 1A) and its connection with or deeding to Lot 1.

Ms. Pettey summarized the situation by citing Section 7.4.32.6.i, which requires drainage basins and associated structures be incorporated into separate land parcels exclusively for the purpose of stormwater management rather than be shown as easements, which, she said, has been done on the plan. She continued that the assessor is asking the board to make some accommodations in order to ensure that the taxes get paid on the drainage lot and it is not abandoned for the town to take. Ms. Pettey said that the Applicant is willing to setup an irrevocable HOA on that parcel to maintain that drainage easement so it wouldn't have to be connected it to Lot 1. She went on that the board has discussed parceling it off and deeding it to Lot 1 and it has also been suggested that the lots be connected with a one-foot connection. As it stands now, she said that no waiver is required for this particular situation. Ms. Pettey said that the board needs the Applicant to change something in order for the taxes to get paid.

Mr. Gamache made a motion that there be a condition of approval that parcel 1A is deeded to Lot 1 when it is conveyed. The motion was seconded by Mr. Ellis and approved, 4-0-0.

3. **50-Foot Buffer Zone** - Mr. Weeks made a motion to deny the waiver of the 50-foot buffer zone of existing vegetation, which was seconded by Mr. Kemmett. The motion was approved, 4-0-0.
4. **Headwall** – This waiver request was previously approved by the board.
5. **Granite/Concrete Bounds** – This waiver request was previously approved by the board.
6. **Test Pits** – Mr. Gamache made a motion to approve the waiver of the requirement to provide test pits for each drainage basin, which was seconded by Mr. Ellis. Mr. Gamache commented on the support this waiver has from the engineer. Mr. Weeks stated that he would like to see the additional testing performed given the wet area. Mr. Kran said that the Applicant did test pits at every proposed Title V location and the ground water levels were relatively consistent. He stated that it was unlikely for there to be a different finding between those locations. The result of the vote was tie 2-2-0 and the motion failed to pass.

Mr. Weeks read in to the record a signed memo dated March 12, 2018 from Mr. Cushing to the Planning Board requesting an extension of the Planning Board's decision on "Cushing Trails" subdivision from

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March 24, 2018 to March 30, 2018. Mr. Gamache made a motion to accept the request for extension, which was seconded by Mr. Ellis. The motion was approved 4-0-0.

Mr. Kemmett made a motion to continue the public hearing until March 26, 2018, which was seconded by Mr. Gamache. The motion was approved 4-0-0.

Mr. Campbell returned to the meeting.

Discussion (resumed)

2018 May Town Meeting Warrant is now open and deadline for Articles is March 16, 2018:

- **Zoning 40R overlay district** – Ms. Petty explained that there is a 40B projecting coming in to town that is preferred to be a 40R. She said that the board needs to advise her on locating a 40R district so that she can draft the by-law before a public hearing in April. Ms. Petty clarified that with 40R projects, state regulations still have to be met (i.e., conservation, DEP, Title V), however, local regulations can be waived. She explained that it has been suggested to her that it be located near public transportation. The board suggested the area on the southern side of Main Street between Phillips Street and High Street, and the area behind the train station. A motion was made by Mr. Campbell to hold a public hearing concerning zoning a 40R overlay district on April 9. The motion was seconded by Mr. Gamache and approved, 5-0-0.
- **Zoning By-Law Change for Cell Towers** - Ms. Petty said that Mike McCue wants to put up a cell tower near the middle school since that area needs coverage. She said the area is zoned residential and the by-law states that it needs to be placed in an industrial zone. Ms. Petty stated that its proposed location is in the area of the school where an emergency exit was planned. Mr. Campbell made a motion to hold a public hearing for the zoning by-law change for cell towers on April 9, which was seconded by Mr. Gamache. The motion was approved, 5-0-0.
- **Street Acceptances** – Ms. Petty said that the selectmen will be talking about street acceptances at this Thursday's meeting.

Grant for Culvert Improvements – Ms. Petty stated that she has been working with Phil Clemons on a grant opportunity concerning the substandard culvert near Indian Head Road. She said the grant is a 100% grant from the state and is due April 6.

Old Business/New Business

Members signed an invoice from Express Newspapers.

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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.

Adjournment

Mr. Gamache made a motion to adjourn, seconded by Mr. Ellis, which was approved 5-0-0. The meeting was adjourned at 11:00 PM.

Respectfully submitted,

Shirley Schindler, Minutes Clerk
Hanson Planning Board