

Hanson Planning Board
Minutes of the Public Meeting of
June 11, 2018 at 7:00 PM
Hanson Town Hall, Meeting Room A

Call to Order

The meeting was called to order by Vice-Chairman, Joe Campbell, at 7:00 PM. He welcomed newly elected member, Stephen Regan. Attendance was as follows:

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

Guests: William Cushing, REMCO Enterprises, Inc.
Mike Facchini, Stonebridge Commons
Mark Ridder, Glenwood Investments, LLC
Chad Tobias, 519 Spring Street
Tim Qualter, 528 Spring Street
Chris Costello, 446 Spring Street
Eileen Ryan, 489 Spring Street
Jane Downie, 500 Spring Street

Reorganization

Mr. Kemmett made a motion to elect Mr. Campbell as Chairman of the Planning Board. The motion was not seconded and was not considered. Mr. Gamache made a motion to elect Mr. Ellis as Chairman of the Planning Board due to his experience, which was seconded by Mr. Regan. The motion was approved 3-2-0.

Mr. Regan made a motion to elect Mr. Kemmett as the Vice-Chairman of the Planning Board. Mr. Kemmett declined consideration. Mr. Gamache made a motion to elect Mr. Campbell as Vice-Chairman of the Planning Board, which was seconded by Mr. Regan. The motion was approved 5-0-0.

Mr. Campbell asked for a motion to fill the Clerk position for the Planning Board. There was no motion made and the position will remain open for 2018/2019.

Mr. Campbell handed the meeting over to new chairman, Mr. Ellis.

Minutes

Mr. Gamache made a motion to modify the minutes of May 14, page 4, Conditions of Approval, item #1, paragraph #2, for re-wording to better clarify what he had stated. The motion was seconded by Mr. Campbell and approved 4-0-1. Mr. Campbell made a motion to approve the minutes from the May 14 meeting, as amended. The motion was seconded by Mr. Gamache and approved 4-0-1.

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Appointments

7:15 PM Request for Release of Covenant for Building 30, Units 47, 49, 51 and 53 Liberty Circle at Stonebridge Commons for Mike Faccini and Mark Ridder

Mr. Campbell made a motion to postpone any decision on Stonebridge Commons due to the fact that the Environmental Partners report was received by members today, not allowing them time to compare its contents with the amount currently held in reserve. Mr. Gamache seconded the motion. Ms. Pettey stated that the report was received at 4:12 PM today. She added that she is not in receipt of any release documents from the developers.

Ms. Pettey said that she spoke to Jim Fitzgerald from Environmental Partners late today after receiving the report and he said that very little work had been done since November. She said he expressed serious concerns with the forebay. Ms. Pettey noted that the cash held does not take into consideration repair to the forebay, although the four remaining units have considerable market value.

Mr. Kemmett drew attention to page five of the report and expressed that it reads like a failed detention pond. Mr. Campbell read in to the record the nine bullet items, 'Detention basin and sediment forebay (from 6/8/2018),' from page five of the Environmental Partners 6/11/2018 report. He then quoted from the Environmental Partners email dated 6/11/2018 to the Hanson Town Planner that "we did find a standing water situation that was reported which is concerning."

Mr. Ellis noted that with new items on the list, monies held are likely not enough to cover all outstanding work. Mr. Faccini said that Environmental Partners should review their \$88,000 cost of work estimate to ensure that it's accurate for items listed that they are not required to do and considering previous approvals of this board. Ms. Pettey asked him to send her an email in regard to the \$88,000 work list, noting those items that they believe they have complied with. She said she will forward it to Environmental Partners.

Mr. Gamache reiterated that the developer's design engineer needs to weigh in on the appropriate protection for the gas line, in particular reference to snow removal events.

Mr. Regan noted vegetation growing in the gravel access road, with Mr. Ridder stating that it would be the eventual HOA responsibility. Mr. Ridder added that they have made attempts to secure tree service companies for cleanup work and are awaiting call backs.

Mr. Regan asked about the vinyl fence that blew down over the winter. Mr. Ridder said that it will be reinforced when it is reinstalled.

Ms. Pettey said she will await the email from the developers and upon receipt will ask Environmental Partners to recalculate the work list amount. She also reminded them to submit the releases to her. The motion to postpone the release decision 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

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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

Mr. Campbell recused himself from the Cushing Trails public hearing.

Ms. Pettey asked the board to close the public hearing because there has already been a decision on the subdivision. She said that there can still be discussion after the hearing is closed, but the public hearing is only necessary if there is new information introduced by the engineers or abutters.

Mr. Kemmett questioned whether all information is received and noted a Board of Health ("BOH") issue. Ms. Pettey stated that the BOH drafted a memo, which she forwarded to board members, which said that they have no issues. She additionally spoke personally to Matt [Tanis, Board of Health Agent] confirming that fact. Mr. Kemmett asked if the rules and regulations require septic plans be on the plan, and Ms. Pettey stated that it is not a requirement at this phase.

Mr. Gamache asked what would happen if there was a need for an entirely new plan. Ms. Pettey explained that the condition of approval, that the applicant may need to revise the plan, is that it would have to come back before the board and the review engineer. She said that if it is an entirely new plan, the board will have to vote on whether to require the process to start all over again. Mr. Gamache then asked about the water issue, with Mr. Cushing stating that he will be submitting the staging plan, as well as other related items as outlined on the conditions of approval.

Ms. Pettey explained that the next step is that the board signs two forms; 1) Form C-1, which states that the Planning Board has completed their process, which is filed with the clerk, and 2) Decision of Approval, which states the specific conditions of approval, general conditions of approval and the waivers that the board granted. Ms. Pettey said that signing the Decision of Approval begins a 20-day appeals process. She said that the document states that the waivers are to be referenced on the mylar plan, and additionally, the Decision of Approval document is to be referenced on the plan since it is part of the decision.

Ms. Pettey stated that the conditions of approval have to be completed before the final mylar is presented to the board and Mr. Cushing has 90 days to do so. She said that when Mr. Cushing returns to the board in that 90 days, the board will make a determination of whether changes made were major or minor in nature. Ms. Pettey said she will provide to board members a definition of major and minor changes in which to refer. She said that a major change may necessitate a complete plan revision that would require the process to start over from scratch.

Mr. Ellis asked about the Decision of Approval waiver section [page 5], expressing concern in cases where the plan doesn't include all of the details. Ms. Pettey reiterated that the Decision of Approval detail, with waivers, will be referenced on the mylar and recorded at the Registry of Deeds with the plan.

Mr. Kemmett asked if there should be a time limit for which the plan is approved. Ms. Pettey noted that state law requires eight years for completion. She directed members to the Decision of Approval, page 4,

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item #13, which states that everything has to be completed within four (4) years unless an extension is granted by the Planning Board.

Mr. Gamache asked if the requirement for weekly inspection reports to be emailed to members is included in the Decision of Approval. Ms. Pettey said that the weekly SWPPP report is noted on page 2, General Condition item #5, but not that it be emailed. Ms. Pettey said that she will modify the wording for the emails.

Mr. Gamache also asked that wording be included that structures be brought up to binder grade, including water gates, curb stops, man holes and catch basins. Ms. Pettey said she will add that all frames and covers be brought up to binder grade including water gates, curb stops, man holes and catch basins. Mr. Ellis asked about a utility as-built and Ms. Pettey said she included in the document the requirement for a utility as-built before the binder course.

Mr. Regan commented that as a new member who was not part of the subdivision decision, he is not in agreement with the waiver that the board approved allowing one foot of freeboard as opposed to three feet, citing the water issues in the area.

Ms. Downey asked about a buffer between the street entry and abutter properties, with her property situated is to the left of the street entry. She said she had understood from earlier meetings that there would be 15 ft. between the street and her property line. Ms. Pettey said that buffer is not on the plan nor is there a requirement for it. Mr. Cushing said that while it is not required, he is allowing for a one-to-two-foot buffer on which to place a privacy fence. Ms. Downey expressed that she prefers that the privacy fence reside outside of her property line for maintenance reasons. Members viewed the plan and noted placement of the fence on the Lot 1 drainage lot, which will be part of a homeowner's property. After discussing fencing options, its long-term maintenance and fencing vs. plantings, Ms. Pettey said that she will add an item to the Decision of Approval, General Conditions, as follows: "Discussed by the board, to be shown on the plan, a privacy fence to be 6 ft. tall starting 20 ft. off the street, 2 ft. off of the northeasterly property line (to include map and lot numbers) and continuing along the northwesterly property line 85 ft." Ms. Downey, the abutter, expressed agreement with the language.

Mr. Qualter asked about the process after the hearing is closed that ensures that all is going according to plan. Ms. Pettey explained that if the hearing is closed it just means that no new information can be introduced. She said that after the approval is signed, Mr. Cushing can begin working on the conditions and he is required to meet all of the stated conditions. Ms. Pettey continued that Mr. Cushing will be coming before the board for any lot releases, during which time there will be extensive discussions of inspection reports. Ms. Pettey said that the public is welcome to attend those meetings and suggested that Mr. Qualter watch the posted agendas for the topic. In the meantime, she said that if he has some issue that he wants to discuss to call the planning office and ask to be placed on the agenda. Mr. Qualter asked if after the approval is signed, is it possible that the board might waive a requirement. Mr. Ellis said that it is not likely unless it were a very minor site adjustment.

Mr. Gamache made a motion to close the public hearing as recommended by the Town Planner, which was seconded by Mr. Ellis. The motion was approved 2-1-1 [Mr. Kemmett voted no, Mr. Reagan abstained).

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There was a brief recess for Ms. Pettey to modify the Decision of Approval document for earlier discussed changes. She read the changes made aloud for accuracy:

1. In Section B. GENERAL CONDITIONS, the last sentence of item #5 was re-worded as follows: "A SWPPP report shall be filed weekly and after every major rain event and submitted to the Planning Board for review."
2. In Section B. GENERAL CONDITIONS, a new item was inserted as follows: "All frames and covers located within the road way shall be adjusted to binder grade, including but not limited to; water gates, manholes, and catch basins. Curb stops shall be accessible at all times."
3. A Section D. DISCUSSED BY BOARD section was added, stating "The following was presented to the Board and agreed to by the applicant: 1. A Six-foot privacy fence shall be shown on the final subdivision plan and constructed by the applicant. It should begin 20' back from Spring Street as not to obstruct site distance coming onto Spring Street and shall be Two feet off the Abutters property Line. The fence shall continue 180 feet along the northeasterly property line of Map 117, Lot 6A and 85' northwesterly along the rear property line of Map 117, Lot 6A."

Ms. Pettey returned with the revised copies and asked for the board's signatures on three copies each of Form C-1 and the Decision of Approval for the Town Clerk, Planning Board files and Mr. Cushing. Mr. Kemmett stated that he will not sign the forms until after he has spoken with the Town Clerk tomorrow. The forms were signed by the two remaining eligible members, Mr. Gamache and Mr. Ellis.

Mr. Gamache made a motion, seconded by Mr. Kemmett, to accept an Extension of Time to June 12, 2018 from William Cushing, REMCO Enterprises, Inc. to the Hanson Planning Board for making a decision and/or filing a Certificate of Action with the Town Clerk on the Cushing Trails Subdivision. The motion was approved, 3-0-1.

When asked by Mr. Cushing, Ms. Pettey explained that if Mr. Kemmett does not sign the documents, the two signatures may be sufficient because it's a majority of the quorum. If not, she said, it would be a constructive approval, which means that the last plan that was submitted is the final plan and the Town Clerk will sign it. Ms. Pettey added that with a constructive approval, it is approval of the last plan as submitted, with no conditions. She said she will speak to Town Counsel for clarification tomorrow and will update members.

Mr. Gamache asked Mr. Cushing what material will be used to raise up the road. Mr. Cushing said that Environmental Partners had stated that it be 3-inch minus and that any material will have to be approved by them before being put down.

Discussion

Mr. Campbell returned to the meeting.

Construction progress at Great Cedar Condominiums (See P.M.P. reports) – Mr. Gamache commented on the P.M.P. report stating that he doesn't see any mention of repairing the sink hole at one of the driveways. Ms. Pettey said she will visit the site to see its specific location. Mr. Gamache stated that when

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repaired, they will likely not use a binder coat, but rather two coats of top coat. He asked that if they do so, to require them to use State Top.

Mr. Campbell mentioned that he observed that the saw cutting is not consistent for a straight sawcut line.

Land of Low Value – Mr. Campbell stated that the board had received a Town Auction Report recently which had listed land of low value and town-owned properties to be auctioned. He said that he asked that the topic be placed on this meeting's agenda in order to discuss some of the properties.

Mr., Campbell said that listed on the report are two large lots which are located on Monponsett Street near the railroad tracks. He said that he approached the selectmen last week asking that the lots be considered for use as a municipal solar farm. Mr. Campbell said that Mr. McCue asked him to submit the request to him in the form of a letter of support from the Planning Board.

Mr. Kemmett made a motion to hold two lots [071634 and 071637] for further consideration as to the potential viability of their use as a municipal solar farm. The motion was seconded by Mr. Campbell. The motion was approved 5-0-0.

An **invoice from P.M.P. Associates, LLC** was signed by the board.

Miscellaneous

Ms. Pettey announced that she will be on vacation for the July 9 meeting.

Ms. Pettey stated that going forward, if the board wants Town Counsel to attend a meeting, the request had to be made to the chairman, who will complete a request form and submit it to Ms. Pettey. She said she will then forward the request to Mike McCue for approval.

Ms. Pettey stated that the MS4 permit is due July of this year. She said the Planning Board is responsible for it and has historically relied on Bob [highway surveyor] to take care of it. She said she has emailed him about its due date and has communicated with Environmental Partners in order to coordinate its completion.

Comment [SS1]: municate

Adjournment

Mr. Gamache made a motion to adjourn, seconded by Mr. Regan, which was approved 5-0-0. The meeting was adjourned at 9:57 PM.

Respectfully submitted,

Shirley Schindler, Minutes Clerk
Hanson Planning Board