

Hanson Planning Board  
Minutes of the Public Meeting of  
July 23, 2018 at 7:00 PM  
Hanson Town Hall, Meeting Room A

Call to Order

The meeting was called to order by Chairman Ellis at 7:00 PM. Attendance was as follows:

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

Absent Stephen Regan, Member

Guests: Marian Scott, 119 Holmes Street  
Robert Scott, 119 Holmes Street  
Joseph A. O'Sullivan, 625 West Washington Street

Mr. Gamache made a motion to pass over the approval of the June 11 and June 25 minutes and proceed with the appointments. The motion was seconded by Mr. Campbell and approved 4-0-0.

Appointments

**7:00 PM Appointment with Bob & Marian Scott, Holmes Street, to discuss the current Solar By-Law**

Mr. Scott asked if the board could clarify from zoning by-law language, which was added in 2017 in regard to a solar facility, the meaning of the word "setback." He read from the definition used; "... setback shall be measured from the property line to the area of disturbance of the existing conditions ...". Ms. Pettey explained that a solar farm application is before the zoning board of appeals and town counsel is involved because there is a variance requested for the setback.

Mr. O'Sullivan said that the applicant, whose property is surrounded on three sides by wetlands, is requesting a waiver with zero setback. He explained that they are claiming a hardship because if they don't place the panels up to the property line, they won't make enough money. Mr. O'Sullivan continued that Town Moderator Sean Kealy, who is an abutter, can cite cases in Massachusetts where not generating a desired income was not considered a hardship.

Ms. Pettey said that as this decision is before the zoning board of appeals, she spoke to Virginia [Costley] for an update. Ms. Pettey said she was told that the hearing has been continued from the last meeting and that no decision has been made. She continued that Virginia said town counsel has not rendered an interpretation of the setback as yet. Ms. Pettey added that she believes the zoning enforcement officer interprets the wording to be 100 ft. from the panels to the property line and emphasized the need for interpretation to ensure that the variance requested and the final decision are accurate. Ms. Pettey explained that if the variance is granted by zoning, it will have to come before both the Planning Board for site plan review and conservation.

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Ms. Scott responded to Mr. Kemmett saying that their objection to the variance is due to a flooding issue. She said there are about ten abutters whom this might impact.

**7:30 PM Cushing Trails – Revised and Updated Plan/Drainage Report and Mylar** – see report from Environmental Partners

Mr. Campbell recused himself from the discussion of Cushing Trails.

Ms. Pettey stated that Mr. Cushing will not be present for this meeting and will be at the next meeting with the mylar to be signed. Ms. Pettey reviewed that the short Environmental Partners report that came in today at 3 PM contains no significant comments. She said that the items detailed under the Conditions of Approval are separate to the plan in terms of design and they are not required to be completed until the first lot is released. Ms. Pettey said that the only item on the report that needs to be addressed now is for the applicant to define the type of bound to be used on the Definitive Subdivision plans. She said that Mr. Cushing has said that the omission will be corrected on the mylar.

Ms. Pettey noted that the comments on the Environmental Partners prior report dated July 20, 2018 have been addressed by the applicant.

Mr. Gamache commented on the Condition of Approval requiring a water main staging plan. Ms. Pettey stated that the staging plan is required prior to land disturbance, but not prior to the recording of the mylar.

Mr. Kemmett said that he does not intend to sign the mylar and has already verified that only three board members need to sign it. He said that it can be any three members, including those that were not present for the hearings. Ms. Pettey stated that she will verify that information.

Board members expressed interest in how the basins and the 50 ft. buffer issues have been handled on the plans. Ms. Pettey said she sent the plans to members via email but said she will request a hard copy so members can come in and view it before the next meeting. Mr. Kemmett also asked for explanation of the applicant's 10.5-acre property versus its stormwater management system which may encompass more than 12 acres. He recalls that the issue was noted on an early Environmental Partners report. Mr. Ellis asked Ms. Pettey to ask the engineers about the discrepancy with the acreage.

Mr. Campbell returned to the meeting.

#### Minutes

Mr. Campbell said that there needs to be a correction to the June 25 meeting minutes, saying that Mr. Gamache seconded the motion to adjourn. Mr. Campbell made a motion to approve the June 25 meeting minutes with correction, which was seconded by Mr. Gamache. The motion was approved 3-0-1.

Mr. Gamache said that on the June 11 meeting minutes, he, opposed to Mr. Kemmett, made the motion to elect Mr. Campbell as Vice-Chairman. Mr. Campbell made a motion to approve the June 11 meeting minutes with correction, which was seconded by Mr. Gamache. The motion was approved 4-0-0.

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Discussion

**40R Zoning District Overlay**

Ms. Pettey said that she has not gotten any further on the 40R zoning project due to lack of time, however her goal is to complete it in time for the October 1 Town Meeting. In response to Mr. Campbell, Ms. Pettey said that spot zoning 40Rs is allowable and they are looking to zone multiple areas.

Mr. Kemmett asked how the 40R benefits the community. Ms. Pettey explained that the town is open to 40B projects when the town doesn't have its 10% of affordable housing. She said that the 40R differs from the 40B in that the town has some control over the 40R since those districts can be zoned. The incentives, Ms. Pettey said, are the other advantage of the 40R. She said that the town receives money based upon the number of 40R units zoned, estimated to be about \$75,000, and an additional \$3,000 for each building permit issued. Mr. Campbell stated another advantage, saying that with the 40R, the town is allowed to have a governing body to monitor the future of affordable units. He cited the Dunham Farms units in town which were 40B. He said units have been later resold at market price and were not recorded at the registry as affordable.

Mr. Kemmett asked about the original intent of the 40R. Ms. Pettey said that it was designed to help towns with increasing infrastructure costs. As an example, she said that a 40B project with 80 units might add 200 additional children and the \$3,000 per unit to the town would help it offset costs associated with the extra children in the schools.

Mr. Campbell asked if the 40R overlay district has to be filled first before a 40B project can go in elsewhere in town. Ms. Pettey said will research that for an answer.

Ms. Pettey noted that in seeking to meet the goal of adding 500 affordable housing units over the course of five years, they have to make sure that the 40R overlay districts that are zoned can accommodate that.

Mr. Campbell asked what jurisdiction will monitor the 40Bs going forward to ensure that they retain that status. Ms. Pettey said she has spoken to Tom [Thibeault] from the Brockton Housing Authority about this and was told that he will research it. Ms. Pettey commented that some towns hire firms to act as monitoring agents or it could be handled in-house, depending on the size of the developments.

**Planning Board Committee Appointments**

**Community Preservation Committee ("CPC")** – Mr. Campbell made a motion to nominate Mr. Kemmett as the Planning Board representative to the Community Preservation Committee. The motion was seconded by Mr. Gamache. The motion was approved 4-0-0.

**Drainage Committee** – Mr. Ellis made a motion to nominate Mr. Gamache as the Planning Board representative to the Drainage Committee. The motion was seconded by Mr. Campbell and approved 4-0-0.

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**Open Space Committee** – Mr. Campbell asked what work is upcoming for the Open Space Committee. Ms. Pettey said that the only item pending the final approval of the Open Space and Recreation Plan (“OSRP”) is a handicap assessment on all town-owned properties. She explained that someone needs to do that assessment. Ms. Pettey continued that there is a two-day seminar coming up in September during which surveying properties for ADA compliance will be taught. Mr. Gamache said he might be interested in taking the course and may consider representing the Planning Board on the Open Space Committee. Ms. Pettey said she will forward the seminar information to Mr. Gamache. Mr. Kemmett suggested that the Open Space Committee approach the CPC to request monies from its administrative funds to finish up the OSRP. Ms. Pettey said she will pass on that suggestion.

**Tax Incentive Finance (“TIF”) Committee** – Mr. Gamache made a motion to nominate Mr. Ellis as the Planning Board representative to the TIF Committee. The motion was seconded by Mr. Campbell and approved 4-0-0.

**Economic Target Committee** – Mr. Gamache made a motion to nominate Mr. Campbell as the Planning Board representative to the Economic Target Committee. The motion was seconded by Mr. Ellis and approved 4-0-0.

**Notice of License Application, M.G.I. Chapter 91 dock permitting for Camp Kiwanee – request for public comment**

Ms. Pettey said the Planning Board’s purpose in regard to the dock permitting for Camp Kiwanee is to receive public comment and forward any to the appropriate board. Mr. Campbell read into the record an email [dated April 2018] from Becky Nehiley to the board, “Please find the letter from the DEP in regards to the role the planning department now plays permitting small docks and piers on the local level. The Waterways Program enacted a new state statute to provide eligible owners of small non-commercial residential docks and piers to apply for a streamlined, simplified and less expensive process to license their structures.”

Mr. Campbell also read into the record key elements of a letter dated March 28, 2018 to the Hanson Planning Board from DEP, [which addressed local planning board responsibilities regarding Chapter 91 General License Certifications]. Ms. Pettey said that planning board members were forwarded the letter in order to make them aware of the new procedure in that they will be accepting comments on Chapter 91 docks.

Miscellaneous

Board members updated signatures for the Plymouth County Registry of Deeds.

Board members signed invoices.

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Ms. Pettey informed the board that she would like to try out a subscription to the American Planning Association service because she understands it to have very useful information. She said the cost is \$145. Board members signed the purchase authorization.

Adjournment

Mr. Kemmett made a motion to adjourn, seconded by Mr. Gamache, which was approved 4-0-0. The meeting was adjourned at 9:02 PM.

Respectfully submitted,

Shirley Schindler, Minutes Clerk  
Hanson Planning Board