

Hanson Planning Board  
Minutes of the Public Meeting of  
September 24, 2018 at 7:00 PM  
Hanson Town Hall, Meeting Room A

Call to Order

The meeting was called to order by Chairman Ellis at 7:08 PM. Attendance was as follows:

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

Absent John Kemmett, Member  
Stephen Regan, Member

Guests: Charmaine Jordan, 49 Progress Way  
William Dyer, representing Brookside Estates for Donald Shute

Minutes

Mr. Gamache made a motion to accept the minutes from the August 28 meeting, which was seconded by Mr. Campbell. The motion was approved, 3-0-0.

Discussion

**Brookside Estates**

Ms. Pettey explained that Mr. Dyer is present to discuss Brookside Estates in the absence of Donald Shute, who could not attend this meeting. She said that they asked for this discussion in order to clarify the cul-de-sac construction and the retention basin that is holding water. Ms. Pettey noted the P.M.P report [dated 9/19/2018] describing the status of other work and said that no monies are being requested for release at this time. She said the town holds a bond for \$250,000.

Mr. Dyer explained that the cul-de-sac will be completed per discussed with gravel/stone along the perimeter and a dogwood tree in the middle. He said the loam is down on the grass strips and seeded. Mr. Dyer said the water boxes are seated and patched and they will apply infrared soon after they have settled. Gamache asked that photographs taken of the water box repairs be provided to the board.

Concerning the wash that is coming down Route 27, Mr. Dyer said that he does not believe that the water is coming from Don's [Mr. Shute's] property. He said that they need direction on what needs to be done to correct the problem. Mr. Gamache stated that the water issue on 27 is Mr. Shute's problem because it commenced with the site's excavation. Mr. Gamache said that Mr. Ellis long ago requested that his engineer come up with a solution, which never happened. It was agreed to table this discussion until the return of Mr. Shute.

Mr. Dyer said that they have been trying to determine why detention pond #3 is holding water and believe it to be groundwater. Mr. Ellis said it should be re-clarified where the water table is. Ms. Pettey said that in her conversation with Patrick [P.M.P. Engineering], she was told that the perk tests done from

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the surrounding houses were six inches higher than the water table. She continued that the elevation taken by McKenzie Engineering at the bottom of the basin was about six inches higher than the water table in the perk tests.

Ms. Jordan described and produced photos of the water problem in her back yard at 49 Progress Way since she has lived there. Ms. Pettey said that she believes it to be a grading issue. In photos, board members observed the dry basin versus water in the yard. Mr. Campbell explained that the basin collects the water from the paved road. He said her yard water is coming from everything higher as she is the low spot. Mr. Ellis stated that the issue is with the builder who should have swaled it correctly, with Mr. Campbell adding that it is not the jurisdiction of the planning board. Mr. Ellis recommended she continue her persistence in contacting the developer to remedy the problem, perhaps backing her efforts with an attorney letter.

In reference to past discussion about street lights not being on, Ms. Jordan commented that the lights on Progress Way, as of last night, were not on. She said she is not aware if the lights on Brookside were on. Ms. Pettey said she will send a letter to Mr. Shute.

Mr. Campbell made a motion to start proceedings for the town of Hanson to take over the project of Brookside Estates and Progress Way. He explained that he is frustrated for residents who have had to endure a construction site environment since they have lived there. Mr. Gamache stated that the end is in site and recommended that Mr. Shute be given the opportunity to finish up by the end of this year. The motion was not seconded and is dead.

Mr. Campbell made a motion that the planning board authorize the town planner to write a letter of nonconformance to Donald Shute and put him on notice that the board is considering proceedings for the town to take over the project. The motion was seconded by Mr. Gamache and approved 3-0-0.

Mr. Dyer reviewed the outstanding issues as follows: 1) the water issue on 27 needs to be addressed in consult with the engineer, 2) they will infrared the patched water boxes, 3) they will fix a couple of sidewalk holes, 4) they will patch to correct the problem of water going down a driveway, 5) McKenzie will be called in to help determine a solution for the pond holding water, 6) the cracks going across the road, from the gas services, will be fixed, 7) the cul-de-sac will be completed, to include a stone strip and a tree, and 8) two trees will be replaced. In addition, Mr. Campbell asked that the highway department be included in the discussion of the Route 27 water issue; Mr. Ellis asked that they look at the partially dead tree on Ms. Jordan's property; and Mr. Ellis reminded about the pictures of the corrected water boxes.

Mr. Campbell asked Ms. Jordan to keep the town planner informed of progress toward a solution to her backyard water problem.

#### **Fee Schedule for Sub-Division Control & Site Plan Review**

Ms. Pettey said that an application was received today for the solar farm on County Road and she distributed copies for members to review. She said the application was withdrawn from the ZBA because the applicant is no longer requesting a variance from the setback requirement. Ms. Pettey said that she has a new set of plans over which the planning board has site plan review. She said the board needs to

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establish a site plan review fee schedule, which would apply to solar farms and adult retirement villages. Ms. Pettey provided for members a chart listing the fees that area towns charge.

There was some discussion about possible fee structures, time spent on individual projects and comparisons with the fee other towns charge. In response to question, Ms. Pettey said she will research what is being charged for adult retirement villages for future discussion. Mr. Campbell made a motion to set the site plan review fee as \$1,500, which was seconded by Mr. Gamache. The motion was approved 3-0-0.

### **Road Acceptance Policy**

Ms. Pettey distributed to members the Board of Selectmen's proposed road acceptance policy for review and comments. She explained that the purpose of the document is to outline the steps required to get a road accepted by the town. Ms. Pettey said that this policy explains who bears the cost of converting a private street into a public way. She said there are varying scenarios affecting what that cost would entail and expressed that she doesn't believe that this document takes all of those scenarios into account.

In response to discussion about private streets not accepted due to inaction on the part of the developer, Ms. Pettey suggested that a town by-law be created that would prohibit a developer from getting a permit for a project until outstanding issues on another project are resolved. Mr. Ellis stated that whether or not the developer intends for the street to be accepted should be a part of the original application so that extra monies can be held in the event that the town has to complete the road.

There were comments on whether the intent of the policy is to clarify that the homeowners bear the cost of a street's acceptance, or to protect the town from bearing the cost.

Mr. Ellis expressed that the policy should include language to differentiate between approved and unapproved streets. Ms. Pettey said that the selectmen have asked Bob Brown to assemble an inventory of unaccepted roads in town, with Mr. Ellis saying that properties on that list should be categorized. Ms. Pettey proposed sending a memo to the selectmen asking that the proposed policy be divided into three classes, 1) unimproved roads as defined in Section XII of the Zoning By-Laws, 2) roads that are private and intended to be private and 3) roads built to the planning board's rules and regulations. Mr. Campbell reiterated sentiments from Mr. Gamache that ADA requirements be followed in all cases.

Mr. Gamache made a motion that a memo be sent to the selectmen to clarify the classifications for roads to be accepted. The motion was seconded by Mr. Campbell and approved 3-0-0. Ms. Pettey said she will draft the memo and send it to members for review before sending it to the selectmen.

### **Tax Custodian Land Sale Protocol with Property Sale Review Package**

Ms. Pettey asked members if they had any comments regarding the Tax Custodian Land Sale Protocol properties to be auctioned off. Mr. Campbell noted that Lot 39 on Santos Court is 417,700 sq. ft. and could be of interest to those preparing the Housing Production Plan. After some discussion, Ms. Pettey said she will email Mike McCue about that property.

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**Planning Board Meeting Schedule**

Ms. Pettey distributed a proposed meeting calendar for the remainder of the 2018/2019 fiscal year. She said that adjustments were made taking in to account holidays and known vacations.

Adjournment

Mr. Gamache made a motion to adjourn, seconded by Mr. Campbell, which was approved 3-0-0. The meeting was adjourned at 9:40 PM.

Respectfully submitted,

Shirley Schindler, Minutes Clerk  
Hanson Planning Board