

HANSON BOARD OF APPEALS
Minutes of Public Hearing October 27, 2020

Members present: William Cushing, Chairman
Sean Buckley, Clerk
Joanne Miniutti, Alternate
Joshua Pratti, Alternate

Petitioner: Harley Dog Realty LLC-Case#20OC11
0 Pine Grove Ave. – 7:00 pm
Variance, Site Plan, Special Permit

Representing the Petitioner: Joseph Webby, Webby Engineering Associates

The Petitioner is requesting the above to allow for the installation of a medium-scale ground mounted solar array (under 2.49kw) with associated clearing, removal, grading, fencing, driveway and construction at the above referenced property – 0 Pine Grove Avenue, Map 70 Lot 2B-2 Hanson Assessors Map. Property is in Residence A zone.

Mr. Webby presented the plan for the solar array on Pine Grove which contains approximately 1.39 acres. Currently there is a 100' wetland setback – minimum 50' side line setback and a fence would be going around the property. Drainage will be provided through a drainage basin, everything sloping down into the basin and any overflow from the basin will go down into the wetlands. This project would take approximately 3 months to build. Everything would be contained on site.

According to Board Chairman he doesn't feel that a variance or special permit is needed for this application. At best site plan approval. Because the Town of Hanson has zoning which talks about large scale solar which is over 2.49KW, when it was created anything smaller than that is considered an accessory use – in someone's backyard, or on a roof. They can go to the building department and apply for a building permit as an accessory use- meeting certain setbacks. No zoning was written for medium scaled as a primary use; so as Chairman I go back to the allowed uses in the district.

Abutter Brian Bizier, 437 Maquan Street, gave some history on this property going back to when it was owned by Steve Webby - it was a large property that was subdivided - and three houses were built. This piece of property was left basically as unbuildable. Bizier was in negotiations with Steve Webby a while ago – he lost the land to back taxes – back in 2018 the land was purchased by Kevin Perkins for \$8,500. Kevin Perkins reached out to Bizier to purchase a piece of his land to make his land legal for a house. For Perkins to put in a solar array that is not connected to a house – it is a business. He will not stand for trees being cut down, security fencing and lighting being put on this property in this neighborhood. Not in favor of this project. Bizier feels that this project needs a variance.

Chairman Cushing responded that he spoke to Town Counsel Brian Winner – this is a unique circumstance because if this was a large scale solar array the Planning Board would have jurisdiction. No zoning by-laws regulating small and medium scale solar arrays. His opinion

was this – that it is solar and you cannot over regulate or over enforce it – or if they want to do a cell phone tower for instance.

Jill Chiarelli, 304 Lakeside Rd. – not in favor – (someone hard to hear because of proximity to recorder)

Gail Joyce, 276 Lakeside Rd. – lived on Lakeside for over 40 years – not in favor. Would ruin this beautiful neighborhood.

Deb Bonney -70 Wood St. – because of the dirt roads there would be a lot of dust-, narrow street – not in favor.

Carol Tassinari, 30 Wood St. – totally against the project

John Pickering, 42 Wood Road – agrees with all others – not in favor. No benefit for abutters, only for petitioner.

Abutters started to get argumentative with Chairman about not letting them speak out of turn.

Brian Maslanka, 72 Oak St., this is clearly a commercial installation in a residential zone - disagree with it entirely.

Lot of dissension at this point, so Chairman asked the Board to take a vote on continuing the hearing until December 1, 2020 at 7:00 pm. Motion made to continue the hearing until

December 1, 2020: Bill Cushing

Second: Joanne Miniutti

Vote: 3-0