

HANSON ZONING BOARD OF APPEALS
Minutes of Public Hearing December 1, 2020

Board Members: William Cushing, Chairman
Sean Buckley, Clerk
Joshua Pratti, Alternate

Petitioner: Harley Dog Realty LLC – Case#20OC11
0 Pine Grove Ave. – 7:00 PM
Variance, Special Permit/Site Plan
(cont. from 10/27/20)

Joseph Webby for the Petitioner
Brian Winner, Town Counsel for the Board of Appeals

Comments from the Building Commissioner/Zoning Enforcement Officer received December 1, 2020 and read into the minutes stated that it does not appear that the applicant owns access from the roadway to this lot. This lot does not contain frontage on a street. Based on the By-law regarding setbacks, the setback in any Conservation-Recreation or Residential District should be 100 feet.

Joseph Webby spoke on the scope of the project stating that Harley Dog would like to install a solar array 249 kilowatts. The access will be from Oak Street. There is access in the utility easement.

Brian Winner stated that he had an opportunity to quickly read thru the Deed-attached Plan – (handed to him at this hearing for the first time) and directs the Boards attention to paragraph 2, page 1. This appears to be access to the utility easement.

Webby stated that since the last meeting they have had the edge of the wetlands delineated but have not had an opportunity to survey it. Everything else is the same. Webby believes the array is beyond the 100' buffer zone; in the case that it isn't they would have to go before Conservation. They are keeping 50' setbacks from all property lines. They have tried to minimize the use of the property.

Winner spoke on the use of a solar array which they have represented throughout the Commonwealth. Before getting to the zoning by-laws, what provisions apply - which you identify the solar use it is a specific statute-MGL Section 40A – Section 3- zoning cannot have any provisions that will prohibit specified uses, can regulate them. Solar is in that statute – it doesn't get much attention historically because there was not much solar in Massachusetts – not a lot of case law. Solar became a much more relevant issue about a decade ago. Cannot prohibit it outright – decisions from Land Court state that you cannot prohibit it in particular districts. While not prohibiting, you can use certain things that relate to public health safety and welfare. This is under the threshold of a large scale solar array which the Town has a by-law that regulates large scale. This project clearly triggers site plan review – threshold is quite broad. Review the technical aspects of the project to make sure it is consistent to performance standards generally the public health, safety and welfare. Questions can be asked regarding

getting first responders back there, police access, security issues, traffic, noise, etc. – this is all fare game – but cannot deny – can impose reasonable conditions.

Christine Ebling, 72 Oak Street – direct abutters of this project - wants to go on the record as stating this 0 Pine Grove is an incorrect address – does not feel that they had appropriate representation at the past hearing – feels the correct address should be Hill Street or Oak Street. Public safety – one way – should require a special permit. Major construction in a relatively small area, dangerous for children. Neighborhood characteristics will completely change based on this solar installation.

Webby was asked why he filed for all three – special permit, variance and site plan approval. He stated that they were not quite sure when they filed obviously what was going to be required, so covered all bases

Brian Winner stated that it is not unusual for an applicant to apply for all three when constructing a project; and then have a conversation with the Board on what is appropriate. What you don't want to do is get in front of a Board and find out that you really do need a variance, but did not apply for one and now the process has to be started all over. Clearly the site plan is needed. He does not see any need for a variance. With respect to the special permit, he does not see anything that triggers a special permit.

Brendan Bizier, 437 Maquan Street – feels that a variance is needed. There is no access to the street-no frontage-no access to anything. Does not conform to any type of use and should go to Planning Board for adequate access. Whether it is a special permit or the site plan review again the adverse effects on the neighborhood is doesn't conform. (unintelligible) Someone else should be looking into this.

Joseph Destefano, 12 Hill St., - concerned about roads, worried about what is underground, going to have issues with the EPA. (because of distance from recorded, some is inaudible)

Gail Joyce, 276 Lakeside Rd. – no an abutter – took pictures of the hill and property – rusted fencing all around. Concerned about safety, road conditions and what access to the property will be used.

Amy Allison, 42 Pine Street – they will be driving by her backyard every day. If this goes in, what else is going to go in there. Who is going to want to buy a house in this neighborhood. Her personal opinion is this puts the most money into Kevin Perkins' wallet.

Jessie Tassinari – 30 Wood St. – no one realizes what they are doing to the neighborhood, only thinking about what is going into his pockets. ? Tassinari – 30 Wood St. – who is going to take care or roads – does not agree with this project. Are we all here for nothing?

Joseph Dominico, 23 Pine St. – why this property? (unintelligible)

Gregory Bonney & Debra Bonney, 70 Wood St. – what is the plan for drainage? Where is water going to go? Cannot get roads graded because they are considered private roads, . Will there be detention basins?

Chairman stated that these are things that will be looked at in site plan approval.

Motion made to continue the hearing until January 5, 2021 at 7:00 pm: William Cushing

Second: Sean Buckley
Vote: 3-0