

HANSON BOARD OF APPEALS
Minutes of Public Hearing December 3, 2019

Members present: William Cushing, Chairman
Joanne Miniutti, Vice-Chair
Kevin Perkins, Clerk
Sean Buckley, Alternate

Petitioner: Ridder Development Corp. – Case#19MY12
280 Liberty Street – 7:00 PM
Comprehensive Permit 40B
(cont. from 10//29/19)

Atty. Michael O’Shaughnessy for the Petitioner
Town Counsel Michael Kennefick for the Board of Appeals

The Planning Board submitted a memo to the BOA with the following recommendations:

- That the Planning Board oversee the roadway portion of the permit;
- That the Planning Board oversee the Stormwater portion of the permit;
- That sufficient amount of money be placed in a Bond account in order to insure completion of drainage and roadway

O’Shaughnessy started off the meeting talking about the revised plans after a meeting between the engineers for the project which took place at Merrill Associates office. We would like to go over the changes on the plans and then go over the peer review comments.

Steve Wry, Land Planning Associates, stated that they have made some last minute changes to the plans pages C-2, 3 & 4 based on comments from a previous hearing: had four spaces previously now have added four accessible parking spaces nearest to the Clubhouse -- one van accessible space added closest to the sidewalk. Next comments on the design calculations for the culvert closest to Liberty Street which shows a water surface elevation upstream of the culvert at 99.85 which may create a backwater extending onto Liberty Street. Sheet C-3 shows that elevation will be maintained within the property. Comment on septic design and mounding analysis – septic design still not completed but at the start of the project looked at the mounding analysis for the water table in that area. Mounding analysis is important because when you put the septic system in with a design flow greater than 2,000 gallons per day you have to calculate what the groundwater amounts to and that is based on the size of the system and the soils. Next talking about an additional measure to make sure there is no spills from this project onto abutting properties – we are adding a grass swale along the northerly and westerly property lines in the area adjacent to abutting homes on Gray Lane to direct surface runoff away from abutting properties. Where existing grades and building locations do not allow for a swale, a stone infiltration trench is provided. A grassed swale detail and a stone infiltration trench detail have been added to Detail Sheet C10.

Mark Ridder made the comment that on their original design we met the standard that there was no post development to predevelopment runoff. Based upon the concerns of the abutters, he

agreed to add an additional swale even though the standard had already been met in the original drainage calculations.

Wry went on to the last comment regarding the stormwater management for the front of the property and had Mark Gates from Land Planning talk about this. He asked Peter Palmeiri from Merrill Associates if he had a chance to read over their comments and Palmeiri stated that he had just received their comments about five minutes ago but he feels that there about seven or eight criteria that he really needs to check out.

Atty. O'Shaughnessy reminded the Board that they are now at 56 units not 60 . Dropped four and have two triplex units now.

Mr. Ridder commented that the Planning Board did a study back in September and reported that Environmental Partners shows that there is no effect or any impact on Grenville property on Gray Lane. Deb Pettey, Town Planner, commented that the report was done for the Planning Board on Alden Way and Gray Lane for drainage purposes. It did not tell anything about impact from abutting properties.

O'Shaughnessy indicated that they are scheduled to go before the Conservation Commission next Tuesday.

Peter Palmieri, Merrill Associates spoke on his review. He stated that they did take care of all the concerns they had, but is going to review the calculations on whether this qualifies as a deminimus area. Finish grade at the cul de sac is 102-top of foundation is at 112.5 and the abutters showed concern about the proximity of the units to the property line. Palmieri did state that if this project moves forward a condition of the Decision should be a detailed plan showing the road construction.

Floor opened to the abutters;

120 Gray Lane, R. White – this project is too close to his house. Supposed to be like Stonebridge, but now two-levels - duplexes – understand they are going to be low income – or they going to own the property or rent?

Board answered that this is a 40B Comprehensive Permit – a percentage of the units are affordable -25% - to the median income in the Town of Hanson - age restricted one resident has to be 55 years old – two bedrooms with one person under 55 years old. These are governed by the condo documents.

Abutter 106 Gray Lane, E. Doherty - main concern is supposed to be one-story buildings – she won't be in a fishbowl – now they are two-story buildings – when did this happen? How did this happen? Mark Ridder answered that all these units have walk-outs or (?) basements so they are one level and the second level is in the lower level and that fits with the grades that are on the property. Also concerned about the water – Where is it going to go? She wants to know when they get water in their basement what will be their recourse? Who do they sue?

106 Gray Lane, D. Doherty – if you put in arborvitaes they are chewed to pieces by deer. Secondly, having an association what happens when kids or grandkids move in? They have no teeth to it. Gray Lane and Springer and Alden have a pretty good history of being let down by the town – storm drains so high there is an 8' circle of rain water that has to be at least 3" high before it gets into the drain so they town is not doing them any favors so we are suspecting that this is going to go badly for them and those are his comments.

152 Gray Lane, G. Brzuszek – wants the Board to understand his position on the proximity of the units to his property – just added a new septic system. Took precautions to prevent any future failures because of excess water coming - the town shot it down. They

threatened them with a deed restriction on their house – this all by the Board of Health. His problem now is they septic is closer to the property line. Water runs down and will be running down to his house – so why push the water towards their house? They have a fiberglass pool – there is a pump right next to the pool because there is so much groundwater – his pool will come out of the ground if he picks up more ground water. Drop a few of the units said Brzuszek.

152 Gray Lane, Carol Brzuszek - giving an overview of the septic – the Title 5 was done on July 22, 2019, and not even 2' down when they searched for the D box it was completely under water. So they got an immediate hydraulic failure – thus they ended up with a septic repair – hiring an engineer who reviewed the original septic plans from the developer Tedeschi Grey – and being Town approved, the engineer found the septic system was not built to code and they are on the hook now – statute of limitations is over – for the extremely high cost to repair my septic. No options left, house came off the market and they had to refinance. The septic is repaired now but it was not built to code originally. Leaching trenches are only 2-1/2 ft. to seasonal (?)ground water, not to code of 4'. Her engineer drew up a plan for a 5-bedroom septic system – previous design was a 4 bedroom – she is being assessed for a 5 bedroom house and has been since they moved in- argued this since they owned the house since December of 2010 – town refuses to change the assessment. Her argument has always been why didn't you make the developer and why have they not approved a 5 bedroom septic design. Her engineer drew up plans for a 5 bedroom septic design repair for this Title 5 so it passes. He submits a letter requesting a variance so the sewerage system can be graded such so that runoff does not flow towards the house. Due to space limitations the proposed location is they only suitable site for the replacement sewerage system. He continues in his letter to say they are not dropping the system the full one foot allowed due to potential future runoff from the adjacent proposed development. The town denied it and wanted them to revert to a 4-bedroom septic system and by the way they want a Deed restriction on their house. At this point she said she was going to contact an attorney. She is not against a 40B but this is too invasive – so the engineer dropped the variance and feels it should be okay – obviously concerned about the proposed development but if some restrictions can be given he feels it should be okay. She showed the Board pictures of the location of the system right at the property line- also now going to be below grade. She has a \$41,000 system that she does not want to fail – giving notice that if it does fail she will go after the town, the developer.

Planning Board Joseph Campbell here on behalf of the memo they planning board submitted. They will need a new set of plans showing the changes being made. He wanted to know which units are the affordables – are they designated on the plans. Ridder answered they will be mixed in with the market rates. The Planning Board also brought up the snow placement areas – not indicated on the plans.

Board member Kevin Perkins talked about parking spaces – two per unit. Plans show 2 interior spaces per unit, 2 exterior spaces per unit and 34 additional parking spaces per Atty. O'Shaughnessy on site. Perkins feels that the garage space size of 20' x 20' is too tight. Ridder answered that they are the same size as Stonebridge. As far as waste disposal, each unit will have a recycling bin and trash receptacle, per Ridder – private company pickup.

Perkins asked if the septic system design has been done - answer not yet. Copy will be given to the Board when done.

The Board feels that the duplexes and triplexes are too close to the property lines because you are trying to maximize the number of units but at the same time can it be done in a fashion that it is not so much invasive to the abutting properties and would like to see Ridder adjust plans

with more separation – possibly lose a few units - a lot of abutters have issues – feels that it could still be a great project – cut it back and maybe put some stormwater there, or septic system. As far as the waivers, the Board asked if they would go through all the waivers they are asking for and specify why.

The Board continued with saying that this is a great project, close to the center of town. Not much can be done with this site – has a lot of wetlands – but the Board feels that if this could be pushed back a little bit – would address some of the abutters concerns - water issues, - would give some buffer space. It's about keeping 20' of separation – adequate buffer area – the rear lot line is the big issue. Want to work with Ridder and the abutters who have been there for a long time and would like to see a more adequate buffer. Suggested to Ridder that he reconfigure the back area to give the abutters a better buffer.

Referring to the third item on the Planning Board memo, i.e., a sufficient amount of money be placed in a bond account to insure the completion of drainage in the roadway, have not yet reached the point but when it happens an adequate amount of money will be set aside – either a cash bond or surety bond. Back to items one and two on the memo, the Zoning Board of Appeals has site plan approval over all comprehensive permits and overseeing the roadway is done by the review engineers on the project. Stormwater has already been reviewed by this Board and possibly reviewed by the Conservation Commission.

At this point the Board requested the hearing be continued to January 28, 2020 at 7:00 pm.
Motion made to continue the hearing until January 28, 2020 at 7:00 pm: Kevin Perkins
Second: Sean Buckley
Vote: 3-0