

## Hanover Planning Board



*September 13, 2010*

**Planning Board Attendees:** Bernie Campbell, Richard Deluca, Tony Losordo, Meagan Neville-Dunne.

**Other Attendees:** Tony Marino, Margaret Hoffman, Andrew Longo, others

Chairman, Richard Deluca opened the meeting at 6:45 p.m.

### **The Elms:**

Records show that there is \$62,000 remaining in the performance bond for the Elms project. Richard Deluca reviewed the list of work remaining on the project, which was submitted by Gerald Galiano on February 17, 2007. The Department of Public Works is in the process of reviewing the items on this list. The DPW will be getting estimates for the projects on this list.

A resident of The Elms brought up the question of the well. Richard Deluca said the Planning Board is concerned about roads, sidewalks, and plantings. The performance bond covers roads and plantings. The Planning Board oversees the landscaping around roadways.

Andrew Longo mentioned that the estimate from Gerald Galiano included a 50% contingency which brought the total of unfinished work to \$42,000.

Mr. Longo read from the Hanover Zoning Bylaws, Section 6.04 about PRDS. He referenced paragraph 6 Special Provisions, Letter J which states "The Planning Board shall require as a condition of approval and as a requisite for the granting of a Special Permit that, prior to the issuance of building permits, the construction of access ways and drives, the installation of municipal services, and the provisions for landscaping and other amenities shall be secured by a deposit of money or negotiable securities sufficient in the opinion of the Board to secure said performance. He said it seems like the Town didn't follow this bylaw.

Mr. Longo spoke about the issues with The Elms septic system. The condo association has spent approximately \$121,000 on legal fees regarding the septic system. The condo association has approached the South Shore Savings Bank about putting a lien on the property, but this isn't possible. There are six units that will require occupancy certificates. If the remaining units go into foreclosure, the condo association would like to see the money go back into The Elms to pay for the work to finish the project.

Richard Deluca said he hopes the condo association sees the Town as being on their side. He said he would like to see the outstanding money from the bond be used towards these unfinished projects.

Another Elms resident expressed his concerns about the septic system again. Richard Deluca said the engineer was responsible for the design of the septic system. He also mentioned that he was concerned that they never heard back from anyone in the Town about the resident who was injured due to pavement issues.

Richard Deluca said the Planning Board wants to see the project finished the way it was designed.

Tony Marino, Director of Community Services and the Town's Building Inspector, said that the Town is required to give out occupancy certificates if units are ready for sign-off. Town Counsel is working with Traveler's to resolve questions about the performance bond.

A resident asked about sprinkler systems and driveways. Tony Marino said these are not part of the requirements for occupancy permits.

Richard Deluca asked if the Town has access to \$62,000 would the condo association rather have the money go to the Town or would the association rather have it. Tony Marino said since the roads in The Elms are private the DPW would probably rather have the condo association contract out the work. This issue is still to be determined.

Tony Losordo mentioned that asphalt costs have gone up.

Bernie Campbell asked that Tony Marino inform the Planning Board if any requests for occupancy permits for The Elms come in. Tony Marino said no certificates of occupancy have been requested yet on the outstanding units at The Elms.

Bernie Campbell mentioned that the some of the curbing along the unfinished roads at The Elms is starting to tilt forward.

A resident of The Elms said that Cherry Blossom Lane only has one layer of binder, and that the other roads have two layers of binders.

Another resident asked if there is a time frame in which projects must be finished? Tony Marino said a developer has six months to start and project and that there must be continuous progress. The Building Inspector determines whether there is continuous progress.

Andrew Longo mentioned that the outstanding units might be sold to a developer.

Concerns about the performance bond being reduced were raised by a resident. Richard Deluca said estimates for unfinished projects will be reviewed again by the Department of Public Works. He said that Town Counsel is negotiating with the insurance company on the Town's behalf.

Margaret Hoffman, Community Preservation Administrator, introduced herself. She asked for contact information for the Elms Condo Association. Andrew Longo provided his contact information.

Richard Deluca disclosed that his brother Dave Deluca is the attorney for the Town and has been working with the condo association's attorney, Roberta Sawyer, to resolve issues regarding the performance bond.

Margaret Hoffman mentioned that the Town may not be able to give the money remaining in the bond directly to the condo association. The Town may need to contract out the unfinished work.

Tony Marino said that the second phase of The Elms project may not have been included in the original performance bond.

### **74 Industrial Way:**

Margaret Hoffman said that Dave Nyman's comments regarding 74 Industrial Way are included in the Planning Board's package for tonight's meeting. She mentioned that there was a request from the owner to do his landscaping in-house. Chairman Richard Deluca asked for a motion on the owner doing his own landscaping plan. Tony Losordo made a motion to allow the owner to do his own landscaping plan. Bernie Campbell seconded the motion. All others were in favor. Richard Deluca would like to review a copy of the landscaping plan. He does not want this to be precedent setting.

Bernie Campbell made a motion to continue the hearing on 74 Industrial Way to 7:30 p.m. on Monday, September 27, 2010. Tony Losordo seconded the motion. All others were in favor.

### **Other Business:**

The Committee reviewed and made changes to the Planning Board meeting minutes of August 30, 2010. Tony Losordo made a motion to approve the minutes as amended. Meaghan Neville-Dunne seconded the motion. All others were in favor.

Margaret Hoffman mentioned that a possible Assisted Living project at the Hanover Mall, and the Woodland Village project might be coming before the Planning Board.

Richard Deluca said it is helpful to have the agenda and minutes for Planning Board meeting ahead of time. It was agreed that the agenda and minutes for the Planning Board meetings would be e-mailed by the Friday beforehand.

The board discussed changing the start time for meetings. The board agreed to keep the meeting at 6:45 p.m. for now.

Bernie Campbell made a motion to adjourn the meeting at 8:35 p.m. Meaghan Neville-Dunne seconded the motion. All others were in favor.

Prepared by: Audrey Barresi, Administrative Assistant