

HANOVER PLANNING BOARD



JANUARY 26, 2009

MINUTES OF MEETING

At 6:50P.M., Chairman Richard Deluca called to order the January 26, 2009 meeting of the Hanover Planning Board. Board members Gary Hendershot, Jeffrey Puleo and Steve Rusko were present. Tony Losordo, Bernie Campbell and Maryann Brugnoli were absent. Town Planner, Andrew Port and Secretary, Hannah Butler were present.

The Board reviewed the minutes of the January 12, 2009 meeting. Steve made a motion to accept the minutes as written. Gary seconded the motion and it was so voted unanimously.

788 WASHINGTON STREET – ADULT AMUSEMENT

Andy recommended a continuance of this hearing per request of the applicant through his attorney, Kenneth Tatarian. Gary made the motion to continue until March 23, 2009 at 7:00PM. Jeff seconded the motion and it was so voted unanimously.

OTHER BUSINESS

Town Planner Andrew Port reminded the Board that the Community Preservation Committee is looking for a Planning Board member to serve as a liaison to the Committee. None of the current board members are available at this time.

INFORMAL DISCUSSION

Dunkin Donuts – Jack O’Leary attended as representation for the owners of Dunkin Donuts. Andy reviewed the decision from 1998. He reviewed the installation of the noise barrier wall. Jack presented a plan with the barrier wall and landscaping, the location of where the requested speaker would go and he requested that the Board make themselves available to do a site visit in which Jack, along with the speaker company, would provide a demonstration of the speaker that the establishment proposes. Rich clarified that the building was constructed in 1999-2000 and has always been a Dunkin Donuts. They have sufficiently done business without the speaker since then. Jack defends the necessity of the speaker for the convenience to the public. Gary stated that when Dunkin Donuts was approved it was approved with the factor that no speaker would be installed as part of the approval. Jack O’Leary presented photos of the buffer area as it sits now with ten years of growth and the wall. Rich requested compelling evidence of their claim that the buffer area is enough of a noise barrier to modify the original permit condition if they decide to apply for the special permit.

2009 TOWN MEETING ZONING ARTICLES

Planet Subaru – Jeff Morrill from Planet Subaru and Attorney Bob Marzzelli attended to defend their need for the proposed zoning change of the Planet Subaru property. Mr. Marzzelli explained they submitted the zoning change to the Selectmen. Jeff M. stated that they would like to change the zoning designation for the rear of the property (currently residential) to commercial, matching the front of the property, allowing Planet Subaru to utilize the increased appraisal value as equity for the maintenance of their dealership during these economic times. Andy reviewed the last meetings discussion. Rich asked if Andy sees this as a problem to change the zoning designation. Andy agreed that from a planning stand

point moving the boundary lines should not be an issue. Steve referred to the Target project boundary lines that had been moved for that project to go forward. Andy clarified that the site limitations prompted the boundary line move in that situation. Andy is still researching the McGee property and what happened years ago to allow McGee Toyota to expand their dealership, despite the fact that auto dealerships are a non-conforming use within the Aquifer Protection Zone. Andy also noted that a change to the boundary of the Commercial Zoning District would not allow expansion of the dealership, as expansion of the pre-existing non-conforming use is not allowed. Rich stated that it looks like it would make sense to include the neighboring property (site of Prime Infiniti) within the zoning change as it sits in the same situation as Planet Subaru. Jeff M. explained the benefits of changing the zoning and its value, he also clarified that the back property right now is just brush and some wetlands. At the Zoning Hearing in March, any impact to the abutters would be discussed. The Board agreed that it would make sense to have certain neighboring lots included in the zoning change. Rich stated that it would be worth considering the zoning map change pending a hearing and feedback from neighboring businesses which should be notified of the proposed change. The Board decided not to sponsor the proposed Zoning Article on the May 2009 Town Meeting Warrant, but did determine that it would be likely to sponsor the proposed zoning change if an Article placed on the Warrant included the adjacent Prime Infiniti parcel.

Wind Turbines- Andy reviewed the wind turbine potential use in Hanover, both residentially and commercially. He presented an example from the Town of Cohasset. Cohasset has in place regulation distances for the turbines to protect the surrounding properties. The proposed Hanover bylaw would also address rooftop and residential turbines. A Special Permit from the Zoning Board of Appeals would be required for placement of a wind turbine in the Town. Andy noted that incoming generations will incur more changes as this “green energy” resource becomes more popular. The Board requested that the mono pole be used for all free standing installations. On roof tops a lattice design would be allowed. The Board asked that the ZBA become the Special Permit Granting Authority (SPGA) as they handle utilities and telecommunications, which have similar design and impact issues. Rich questioned how the wind turbines would be taxed. Andy said that he would investigate this issue with the Assessors Office. The height of the turbines would follow the FAA regulations. Also the town would have availability to use the turbine for its own telecommunication and utility use. Gary made the motion to sponsor the article to all the use of wind turbines by Special Permit. Steve seconded the motion and it was so voted unanimously.

Tattoo Establishments- The Board would support adding a Zoning Bylaw section indicating that Body Art and Tattoo establishments would be allowed only within the Adult Use District and only with a Special Permit from the Planning Board with similar setback restrictions as Adult Uses. Steve made the motion to sponsor an article to regulate tattoo establishments within the Adult Use District. Jeff seconded the motion and it was so voted unanimously.

Renewable Energy Businesses- Andy reiterated the need to designate an area of town for renewable energy businesses, also language that will support an increase of life span of energy use through utilities in residences. New Building regulations will be presented at town meeting. These two zoning and regulatory changes are being sponsored by the Energy Study Committee and arose due to the Green Communities Act adopted by the state legislature in 2008.

Increase in Fees for Planning Office- Andy reviewed the need for applicants and developers to adequately compensate the planning staff and development review team for the time they put into applications submitted to the Planning Board. The fees do not match the staff time spent and the taxpayer is picking up the tab, in effect, subsidizing a permitting process which benefits the

applicant/developer only. The building Office and Health Office are re-evaluating their fees as well. The last increase in fees was prior to 2004. Andy suggests putting forth one article for the Planning related fees and not to include references to the Building and Health Offices since the Planning Board cannot fairly assess the adequacy of those fee structures at this time.

ANR/Form A and Preliminary Subdivision fees would stay the same. Definitive Subdivision, Site Plan Review and Special Permit application fees would double. Gary motioned to submit an article to establish a new fee schedule accordingly. Jeff seconded the motion and it was so voted unanimously.

Trench Regulations- Andy stated that the DPW will need to submit the article to protect the general public from open trenches due to a new state mandate. The new permit would be issued by the DPW or Building Commissioner for new trenches requiring compliance with state law.

Building Study- Andy stated this is for the Boards information only that the Warrant Article would appropriate money to research maintenance improvements needed to Town-owned and operated buildings.

District Improvement Financing- The Board feels that approval or sponsorship of this petition Article from JVO and WITSOP should be handled by the finance office, board of selectmen and/or Advisory Committee as they deem appropriate.

Hanover Mall-

David Kelly of Kelly Engineering, Ed Callahan, General Manager and Mike Hogan, Site Manager, attended to support three proposed Zoning Articles amending the Planning Shopping Center District requirements.

David Kelly presented the Board with a plan that is designed to give them general ideas for expansion. This plan is being presented as a concept only. David wanted to give some variations of what and where the possibilities may be in the future. Ed Callahan reviewed the Mall's history and progress over the years. Ed reviewed the competition in neighboring towns. He explained the conversations they have had with Walmart to expand due to the new Target coming in. Circuit City is going out of business and a new store will inevitably need to move in but the space may require expansion depending on the new tenant. Ed stated that they would like to progress to compete with the other malls. Ed explained that they would like to field all potential tenants with the possibility of expansion if they need it.

Riverfront / coverage area- David Kelly explained that the existing land is non-conforming. The original buffer for the wetlands sits so as to encompass the whole mall area and disables the mall to be allowed to expand anywhere. They are asking to have that language changed so they can make modifications and expansions to the mall but not change any of the riverfront area. It would remain the same. Andy stated that Conservation and the North River Association would need to be included in any potential expansions or changes along the riverfront.

Parking- David Kelly noted that there are 3500 spaces now and with revisions that has the possibility to increase to 3700. A parking garage is possible for the future. This is a non-conforming lot so they need to work with what they have. Parking calculations could be changed to make the lots more accommodating. Gary noted that there are a few days per year where the Mall attendance is very high but the rest of the year parking is usually in excess. Jeff Blanchard, Fire Chief and member of the Route 53 Study Committee, stated that the parking lot access has not been an issue for emergencies.

Assisted Living Establishment- David Kelly reviewed the possibility of creating an assisted living facility in the back corner of the property along Mill Street. Assisted Living was a recommended zoning

change in the Town's new Affordable Housing Plan. The benefits could be good for the mall and the YMCA as both are accessible from that location. Pedestrian safety is a concern and would need to be addressed. The drive into the mall from Mill Street may need to be relocated to better service the mall patrons and create more room for the Patriot Cinema and the possible assisted living facility.

Ed Callahan explained that a lot of the mall's ten-year leases are up in 2009. Ed noted that maintaining such leases is difficult in the current economy. The mall is considered one of Hanover's best interests right now. Andy agreed that having a plan for growth is a good idea at this time. One option of adding a 2nd floor is ideal but they are not at that point yet. Rich questions whether the tenants want the expansion. Ed clarifies that Walmart has shown the interest but the mall needs to consider all opportunities as they arrive and would like to have the option to expand for any possible tenant. Jeff Blanchard stated that they would like to see any final plans as they come in but he does support the concept. Andy suggested that the Route 53 Study Committee may want to sponsor this article. They can be added as co-sponsors even after the 1/30/09 Warrant deadline. They could come to the March Zoning Hearing to show their support.

Riverfront/mall coverage- Gary made a motion to sponsor the proposed Article for a change in language of the riverfront calculation of use. Steve seconded the motion and it was so voted unanimously.

Parking- Jeff made a motion to sponsor the Article to reduce parking space calculations from 1/225 to 1/300. Gary seconded the motion and it was so voted unanimously.

Assisted living facility- Gary made a motion to sponsor a zoning article allowing such uses by Special Permit within the shopping center district. Steve seconded the motion and it was so voted unanimously.

Gary motioned to adjourn the meeting at 10:10PM. Steve seconded the motion and it was so voted unanimously.

Meeting was adjourned at 10:10PM.

Respectfully Submitted,
Hannah Butler

PLANNING BOARD SECRETARY