

## HANOVER PLANNING BOARD



*MARCH 23, 2009*

### MINUTES OF MEETING

At 6:50P.M., Chairman Richard Deluca called to order the March 23, 2009 meeting of the Hanover Planning Board. Board members Jeffrey Puleo, Bernie Campbell, Tony Losordo, Gary Hendershot and Steve Rusko were present. Maryann Brugnoli was absent. Town Planner, Andrew Port and Secretary, Hannah Butler were present.

#### **PUBLIC HEARING**

#### **KAM 1176 Washington Street PB09-10SLP / Squires 1202 Washington Street PB09-9SLP**

David Kelly, Kelly Engineering, attended the meeting as representative for KAM and Squires Restaurant. Mr. Squires also attended. David presented new plans to the Board. He also reviewed the traffic signal and traffic flow. David reviewed the history of this project from the beginning. The new plan lists widening the drive at the curricular edge and also adding a 3 ft. wide shoulder for the trucks backing into KAM. There is an elimination of two parking spaces at the beginning of the parking area closest to the driveway for trucks exiting. There are two new spaces along the "Old Pine Street" property edge, 15 ft. from the old property line. This will honor the 32 ft. buffer from 1987-88'. Landscaping/trees will be extended on the "Old Pine Street" line to add more of a buffer for the abutters.

Ben Cruiser, Route 53 Coordinator for the Board of Selectmen, stated that the pressure is gaining for the utilities to be in. The road crew is looking for the final plans so they can accommodate this request. He questions the gate drawn on the plans. David clarifies that indeed that is a gate for town use only, maintenance or emergency vehicles. Rich stated the need for a directional sign for North bound traffic to notify them of the new entrance and the South bound exit that merges into the South bound traffic at the light. David agreed that signage would be beneficial.

Tony made the motion to close the hearing for the KAM/ Squires driveway. Steve seconded the motion and it was so voted unanimously.

Gary made the motion to approve the Site Plan with the additions listed below:

The tree line will be consistent with what is shown and Installation of directional signs for KAM/Squires. The property partition of stockade fence to have a top rail, the two added parking spaces to have "Employee Parking Only" and the gate for the maintenance/emergency way to be approved by DPW. Steve seconded the motion and it was so voted unanimously.

#### **2009 TOWN MEETING ZONING ARTICLES**

**Article A (33)** - Changing a current business use that is presently prohibited within the Town's Aquifer Protection Zone (Photocopying, hairdressing and beauty shops).

Victor Diniak from the DPW stated that they are very concerned about this article and the policing of the establishments for contamination of the Aquifer. Rich clarifies this article is only to allow the applicant to come before the Boards. Victor cited that the original bylaw is stated as such to protect the Aquifer from hazardous waste as strong as the agents that are used in these businesses. His response to this article is to not allow any of these uses in the Aquifer Protection Area. The most recent incident has been the oil spill at McGee. He also noted that at the time of the previous changes to the bylaws contamination from a dry cleaning business and took years to clean up. Steve asks what if the business planned for the disposal. Victor questions the truthfulness of business owners. They may be compliant at first but then start to slide. Victor clarifies the beauty shop would include hair, nails and skin. Victor notes that the Mall with its own system dilutes the chemicals so much that by the time it reaches the well area there is hardly a trace. Jeff wonders about treating the waste on site and frequent testing. Tony stated that the business owner may still cheat. Rich observes that the Board is not ready to support this article. Andy stated that language can change to accommodate what the Board does want to support, if not the entire article but just a portion of it. Jeff makes the point of the photo copying business should use a dry agent. Tony made the motion to support only the photocopying business within the Aquifer using the dry agent materials in their processing. Gary seconded the motion and it was so voted unanimously.

**Article C (42)** – Special Permit required to operate Body Art or Tattoo Establishments within the Adult Use District.

Rich stated that a member of the Advisory Committee suggested to allow this use within the Commercial Zone and that the Adult Use District was too confining. He feels that to start out with more restrictions and make changes as we go along would be more prudent. He also questioned if this would be part of the Aquifer District. Andy clarified that the Adult Use District was not in the Aquifer.

Gary made the motion to support the Article as written. Jeff seconded the motion and it was so voted unanimously.

**Article D (43)** – Special Permit and Site Plan Approval required to construct and operate a Wind Turbine in the Town.

Andy clarified the article and its substance. The DPW turbine application is presently before the Board. The bylaw spells out the process and conditions, ZBA to hear the turbine applications as they already handle the telecommunications applications.

Gary made the motion to support the Article as written. Tony seconded the motion and it was so voted unanimously.

**Article B (41)** – Decreasing the amount of parking spaces required based on the retail space within the Planned Shopping Center District.

Gary is concerned with the parking area in front of Wal-Mart and the snow banks. Andy clarifies that where the banks are placed is for snow melt run off and drainage. Conditions can be amended. Bernie made a motion to support the Article 41 as written. Jeff seconded the motion and it was so voted unanimously.

**Article E (44)** – Allowing an Assisted Living Facility within the Planned Shopping Center District.

Rich questioned the height restrictions. Andy stated there are square foot limitations, a three story limit. Tony asked if the open space bylaw applied, referencing the amount of green space to the amount of constructed space.

Tony made the motion to support the Article as written. Bernie seconded the motion and it was so voted unanimously.

**Article F (45)** – Amend the Zoning Bylaws to allow wetland resource and riverfront area in the calculation of dimensional regulations within the Planned Shopping Center District.

Andy clarified the proportion of land. The Mall is not interested in building closer to the river front. He explains the process for the Mall to expand and build at this time requires they go through ZBA as they are a pre-existing, non-conforming parcel. With the changes they still need to come before the Boards, Planning, Conservation and the Building Office.

Jeff made the motion to support the Article as written. Steve seconded the motion and it was so voted unanimously.

**Article G (47)** – Renewable or Alternative Energy Research and Development Facilities.

Rich explains the intent of energy product manufacturing, research and development in the fireworks district not placement of energy use products.

Steve made the motion to support the Article as written. Bernie seconded the motion and it was so voted unanimously.

**Article H (77)** – Change 596 Washington Street’s westerly portion of their property from residential to commercial.

Andy clarified that this article does not include the Prime Infiniti parcel. If the Board wants to include that parcel the Board would vote not to support the article “as written”. They could come back at another meeting. Rich comments they could petition the abutter the following year.

Steve made the motion to support the Article as written. Bernie seconded the motion and it was so voted unanimously.

**Article I (38)** – Amend the Zoning Bylaws of the Town to institute a setback requirement for all fences and corrals of animals and livestock.

The Board discussed that the Board of Health has approved a 20’ set back. Rich stated that if Planning is not consistent with the Board of Health how do the set backs work. Andy stated that the more stringent set backs apply. ZBA can approve variances. Rich asked how it would appear in the bylaws. Andy stated it would have its own item number. Rich states he is not in favor of how it is written right now.

Steve made the motion to not support the Article as written. Jeff seconded the motion and it was so voted unanimously.

**Article Z (24)** – Increase certain fees for applications made to the Planning Board.

Rich requests research be done on how many projects completed in the past couple of years were done by Hanover residents. Also do a comparison of fees from town to town of similar projects. Hannah will

complete the requests. Jeff made the motion to approve the fee changes. Gary seconded the motion. Bernie opposes the motion.

## **JOINT PUBLIC HEARINGS WITH CONSERVATION COMMISSION**

Conservation arrived to join the Planning Board at 8:10PM. Neil Merritt, Chairman of Conservation, opened the Conservation Commission meeting.

### **DPW Wind Turbine PB09-16SP**

Gary Hendershot reads the notice. Andy clarifies the handouts given describing the possible locations for turbines within Hanover. Victor Diniak, DPW, thanked the Boards for the joint hearing. He explained that at the previous town meeting the town voted to authorize a turbine on Pond St. DPW has spent the past year working through the process and design for the turbine and realized that the budget allotted for the project is not going to be enough. He explained the turbine they presented last year is not going to have the longevity that the DPW would like so a new design has been chosen and the Boards had in the handout an example of the new design with the modifications to its height and pad. Jeff asked the cost difference of the two designs. Victor responded the 100 kilowatt is \$640,000 and the present design at 225 kilowatt is at \$950,000. Gary Young, Conservation Committee, questions the protection of the wetland area that abuts the pad location. Victor stated that the pad construction would not disturb that area at all. Gary Hendershot, Planning Board, questioned where does the electricity go. Victor explained there is a transmitter to a meter on the back of the DPW building. Steve asked what the cost per hour a kilowatt. Victor states 14 or 15 cents. Steve responded that the rate will get shorter as it goes up that's the pay back. Steve asked if there were any subsidiaries. Victor noted the FTC grant is in the works. Bernie asked about the noise factor. Victor explained that the turbine is run on a direct drive and is fairly quiet. Before they sign off on the turbine they will go for a site visit of one standing. The design of these turbines are for small companies or schools, that type of facility. Lisa Satterley, Conservation Committee, asked about the wind speed in the area of the turbine. Victor stated he had those numbers but not with him and can forward those on to her. Rich asked about the tree growth around the turbine and will it interfere at some point. Victor noted there are two trees of particular concern but the site chosen there should be no interference. Andy commented the erosion control is not an issue. DPW is just replacing the paved area with new pavement. The DPW has provided enough information for this. Neil Merritt, Chairman, Conservation Committee, erosion is a concern for Conservation. Victor stated that they are not going to be disturbing any of the area around the turbine location. Pat Gallivan, Conservation Agent, stated that the area around the turbine location is of impervious quality.

A draft decision will be ready for the April 6, 2009 meeting. Tony made the motion to close the hearing and approve the wind turbine project for DPW. Jeff seconded the motion and it was so voted unanimously. The Conservation Committee voted a Negative 3 Determination of Applicability, 4-0-0.

### **Hanover High School PB09-15SP**

8:30PM the Hanover High School architectural and development teams joins the meeting.

Gary reads the notice. Chris Martin, Chairman, Hanover High School Development Committee, introduced the team. Lori Cowles, Architect, presents the current plans and gives a background of the project. The actual design for the new high school began in September, 2008. The past 6 weeks have been spent narrowing down the finer points of the plan. The site for the new high school is a tight location being directly behind the current high school. They will be keeping the sports fields in use and the tennis courts will be refurbished. The parking will increase. There will be one entrance drive and one exit drive. There will be an overflow exit onto Cedar St. for sporting events and emergencies. The new high school will be

157,000 sq. ft. Josh Burgel, Landscape Design, The drive will be 24' in width and there will be a separate drop off drive for buses and handicap accessibility. The exit drive will have parking along the edge of it. The sports fields will have moveable fencing to allow for other activities. The center green is allocated for practice time for JV sports. There are sidewalks up the sides of the entrance and exit drives. The school entrance is a raised area. There is a fire lane 18' wide to the east of the high school. The west side of the high school is the service drive, sidewalk and parking. The back area will house parking, maintenance, the football field and track. There will be fencing around the track and gates for access. They have changed the parking in the back to accommodate better access for emergency departments. Lori displayed the new parking plan. Chris Garcia, Consulting Engineer, clarifies the resource areas. The Drinkwater River and the 200ft. buffer zone, the vernal pool sites and the possible undocumented vernal pool sites, he describes the flood plan. They will use hay bales so as not to disturb the buffer area and the storm water area. There is a "no build" zone around the soon to be documented vernal pool to the north. The utilities are all on site. A new gas and water service will be installed. The placement of the hydrants will be around the exterior of the school for good access. They will be eliminating the asbestos water main and a new septic will be soon be filed with the Board of Health. There will be catch basins in the parking lot and a filtration system for the roof water. Bio systems for the storm water run off and 2 tight tanks to be installed for the shop, maintenance and science programs. Andy interjects that meetings have been planned for Wednesday for the storm water review and Friday with police and fire departments. Chris Martin noted that with the roof run off there will be a system in place to recycle that water back into the school for use. Lori Cowles presents the elevation drawings. Josh Burgel describes the landscaping. Along the drive canopy trees will be planted they will grow above bus and emergency vehicles height. Low shrubs along the wet land area, at the entrance flowering species of canopy trees and on the service side of the building wet land and wood land types of species. Along the northwest, canopy trees to break up the woods and provide shade. A discussion will be had regarding reasonable access to the building and access while the project is going on. A traffic control plan during construction will be reviewed as well as the landscape around the building for security and visibility concerns. Bernie questions the LEED Certification. Lori explains the Mass CHPS certification which follows the LEED curriculum. Lori explains the MSBA state funding and accumulating the CHPS for grants. Providing solar use, green space, building materials and landscaping all add up in points towards CHPS. Chris Garcia explains there is even a recycle program for the construction company. Steve asked what the longevity of the building will be. Lori stated that 50 years is the norm. Improvements over the years in new materials and design may increase the longevity. Jeff commented on the west side of the building where it appears to have designs for possible expansion and would they loose the fire lane if that were to happen. Lori clarifies that the fire lane would be moved over. Josh explains where the leaching field is and it would not interfere with that area. Chris Martin explained the expansion plans are for future consideration. Lori notes that the expansion would create 6 additional class rooms and another bay to the gym. Jeff questioned the type and weathering of glass chosen and the metal use around the building. With the different types of metal the weathering will be different. Chris Martin explains the cost savings of their choices. Tony asked if there was only one leaching field. Lori responded yes. Tony asked about the detention pond and if it is fenced in. Lori clarifies that it is a retention pond and will not hold the water unless needed. Tony questions the protection for the resource sites and systems. Gary questions the security system of the school. Lori stated that the entrances would be open in the AM and they would be monitored by cameras and a doorbell. Cameras on the exterior and interior are not planned out yet. They are debating a keyed access and emergency signals for the staff. Chris Martin stated they would like to have the septic in this summer. They would like to attach the old school to the new septic and when the new school is built detach the old and attach the new school. Rich questions the coming and going of construction vehicles. Lori explains that the present track will be transformed into the construction headquarters with its own access. Chris Martin noted there will be minimal construction traffic during school hours. Rich asked about fill use. Lori used the ratio of one to one if possible for Mass. CHPS points. She also explained the roof and its contents of A/C and venting tubes and screening material and locations. Rich asked about traffic coming from the school shining in on the residents across the street. A mass exit might cause some glare but that

will be infrequent. Chris Martin explained the capacity of the gym. Tony asked if this was a union job and Chris Martin stated a prevailing wage plan.

**Conservation Commission:**

Neil Merritt stated that the stormwater review is their biggest concern. Pat Gallivan noted the chance to improve storm water and no cutting or fill will be used. The stormwater main is a concern and they will go through Dave Nyman for this information. Chris Martin stated that they really want to have the stamp of approval from Planning and Conservation to be “shovel ready” for additional money from the state. Jeff made the motion to continue the hearing for the Hanover High School to April 6, 2009 at 8:00 PM. Steve seconded the motion and it was so voted unanimously.

**PUBLIC HEARING**

**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 June 1, 2009 at 7:00 PM. Jeff seconded the motion and it was so voted unanimously.

**NOTES**

ANR/Form A-29-298 Winter Street endorsed by the Board. Gary made the motion to accept the ANR. Tony seconded the motion and it was so voted unanimously.

Letter regarding Target project – Rich recommended Andy write a response acknowledging the concern.

Tony made the motion to adjourn the Planning Board meeting. Jeff seconded the motion and it was so voted unanimously.

**Meeting was adjourned at 10:55PM.**

Respectfully Submitted,  
Hannah Butler

**PLANNING BOARD SECRETARY**