

HANOVER PLANNING BOARD



JULY 27, 2009

MINUTES OF MEETING

At 6:50P.M., Chairman Richard Deluca called to order the July 27, 2009 meeting of the Hanover Planning Board. Board members Jeffrey Puleo, Steve Rusko, Tony Losordo and Bernie Campbell were present. Gary Hendershot was absent. Town Planner, Andy Port and Administrative Assistant, Hannah Butler were present.

The Board reviewed the minutes from the meeting held on June 29, 2009. Tony made the motion to accept the minutes as amended. Jeff seconded the motion and it was so voted unanimously.

Associate Member Vacancy –

Rich asked if the interested parties for the seat of Associate Member had come to the meeting. Andy stated that they were not ready to come before the Board but will attend at a later date.

PUBLIC HEARING

369 Winter Street – PB09-27LSP –

Rich read the notice into the record. Andy noted that the Design Review Board was generally in favor of the changes that A.P.C. Corporation would like to make at 369 Winter Street.

Adam Brodsky, Attorney for the property owner and tenant, reviewed the details of the application and process that lead up to this hearing. Mr. Brodsky stated that the tenants had received a Variance from the Zoning Board of Appeals last November for this project. Dan Bradford, KBA Architects, described the business and the plan in detail for the increase of space, parking and landscape plan. Mr. Bradford went on to explain the new septic and drainage accommodations along with the new lighting around the building. Mr. Brodsky described the lighting as low pole lighting (10ft.), controlled and directed downward, the face of the building the lighting will be shielded and directed out towards the parking lot and will be photo sensitive to go on and off according to the daylight. Mr. Brodsky went on to say the lighting in the rear of the building will be on a motion sensor and will replace what is currently there.

Rich asks if the increase in office space will mean an increase in employees. Mr. Brodsky noted that possibly the business would be adding 2 new estimators. Rich goes on to explain that the Board is not in favor of the laying of asphalt if it is not necessary and questions the real need for the added parking lot. Mr. Brodsky stated he is aware that there will be a need for a storm water review. Andy commented that the asphalt areas that currently exist should be fully utilized instead of creating a new lot that may not be used. Mike Gibson, A.P.C. Corporation, stated that with the number of employees and visitors they receive the added parking is needed. John Delano, Site Engineer, presented the sites storm water management. Mr. Delano explains the landscaping and the catch basin at the end of the new parking area and its capacity for the 100 year flood plan, he also noted the approval of the new septic from the Board of Health. Tony asks if there is a gas trap in the new man hole. Mr. Delano describes the new man hole with a gas trap as one unit. Steve asks about the residents surrounding their lot. Mr. Delano notes that the closest house is 320 ft. away from their property line. Rich questions whether the larger trees on the property will be conserved with all the new construction and landscaping, they are large trees. Mr. Delano expressed those trees would remain intact. Rich suggests that our consultant, Dave Nyman, review the Storm Water Maintenance Plan and Calculations. Mr. Jerry Cohen, 12 Pat Road, abutter, expressed his concerns for the lighting as it is now but is glad to know that will change and he also had concerns regarding the leaching field but he is relieved to know that the Board of Health has given their approval. Mr. Cohen is still concerned with the tree removal, specifically of one large tree that had been removed recently. Mike Gibson was unsure of which tree was removed. The Board commented that perhaps the tree was damaged or rotted and needed to be removed. Andy suggested that the landscape plan be approved by the Board. Mr. Brodsky

requested that an estimate be completed by Mr. Nyman so they can forward on a Consultant Review Fund amount that will reflect that estimate. Rich agreed that the review may not reach the set fee of \$6,000.00 of which is required prior to the review.

Steve made a motion to close the hearing with the condition that Dave Nyman, Consultant Review Engineer, review the Storm Water Maintenance Plan & Calculations. Bernie seconded the motion and it was so voted unanimously.

INFORMAL DISCUSSION

209 Broadway – Andy updated the Board on the historical information regarding this property. He stated that town records indicated the establishment was built in 1955 but in reality it appears that the original house was built before 1909. Andy went on to say that the Historical Commission wanted a Cease and Desist for the Phil Johnson's project, but in all fairness this would not have been the correct recourse as Mr. Johnson had gotten all the correct permits and went through the correct process based on the information the town supplied regarding his property. Andy noted there will be more discussions with Mr. Johnson and the Historical Commission regarding what efforts he can make to pay tribute to the historical nature of the property. Jeff Puleo stated that the information he had found from the Hanover Historical book the original house dates back to 1861 and feels that even without the historical portion added he felt that Mr. Johnson did not present his project with full disclosure of his intentions and perhaps in the future the Board should require that full disclosure. To the defense of the Building Commissioner, Andy stated that the Commissioner felt comfortable with the plans Mr. Johnson provided in keeping with the structural character. Rich finished the conversation by stating that if the Board had been presented with a historical building the outcome would have been much different.

YMCA request – Andy reviewed with the Board the YMCA's desire to request a Limited Consultant/Stormwater Review to add a 30+ space parking area over the old tennis courts. Andy explained the area was already an impervious area and this would be just a change of use from the unused tennis courts to a parking area. Rich questioned if this was something they were looking to complete this year. Andy stated they are looking to get the permits in place this year and probably do the work in the coming year.

Living Hope Four Square Church - Donna Ogden attended as the representative for the church to request a reduction in the proposed landscape area in the front of the facility. Andy noted that the church had requested in 2008 for adjustments in the landscape design for areas to the side and rear but not the front. Donna describes the plan for the reduction and presents the mark up design. Rich asks if the reduction request is due to the Mass Highway project and their front area has been reduced. Donna stated that there has not been a reduction in area but the terrain has changed so the landscaping needs to be modified. Tony requested that the landscape designer provide a new plan with the reduction in plantings and list what will be eliminated and what will be retained. Rich expressed that he would like to see them retain as many of the trees as they can. The Board will review the new plan at the September 14, 2009 meeting.

Target Development – David Kelly, Kelly Engineering, attended as the representative, David review the site and its progress. A September opening is planned. He went on to describe the other buildings, the Planning Office should be receiving an application from PetSmart in the coming weeks, the Squires/Kam connecting driveway is coming along well, they were able to retain the tree line. David stated he has spoken with the Kennedy's and they are rethinking the stonewall along the corner of the paper road, David has suggested a pole rail fence that will esthetically work with the fence that has been erected along the back of their property. David noted he will present this change at a later date. Andy reminded David that there is to be a gate constructed at the end of the paper road for emergency and town maintenance purposes. David stated he had spoken with Victor from the DPW and Victor had said that they would prefer the pole rail fence with the ability to remove a couple of sections instead of an actual gate. David went on to say that the septic is up and running and has been inspected. Rich questions the tenant interest. David stated that PetSmart is just about to sign for their space and there is a proposed bank. Rich asks if there were any restaurants interested in participating. David informed the Board that there was no solid interest yet but the location of the restaurant site has changed and with the site

development there will be more interest, they are not proposing this change as of yet. David notes they are requesting a change in the parking area of PetSmart. David explained that due to the trucks that will be coming and going from the PetSmart loading dock they would like to shorten the dimensions for some of the parking islands that are placed around the building to make room for the turning radius of the trucks entering the area for deliveries. David stated there would only be a slight loss of parking spaces. Jeff asked if there would be a landscape loss, David explained they would just redistribute the material. Andy brought up the topic of the lighting issue on the roadway and within the Target Development due to the brightness of the new lighting this is causing a problem for the surrounding area. David explained that the lighting installed was not installed with a "Dark Sky" hood to direct the light in the areas of need and therefore they are exposed and are brighter than anticipated. He states that when they were first illuminated, they were not on a timer and therefore were left on all night. David stated they were aware of the complaints from neighbors regarding their brightness. He noted that the lights are now on a timer and are being shut off at 10:00PM except in the future for the employee parking for safety reasons this needs to stay lit until all employees have vacated the property. David said that if there are restaurants put in the lighting would have to be readdressed. David and Target representative, Josh Katzen, would like the Board to look at the lighting and help them come up with some options for dimming the lights without having to remove them, the light feature gives the development a village feel. Rich suggested changing the wattage in the fixture. David said they are also looking at a reflective feature. Jeff would like to see a comparison of the wattage at least in one of the fixtures. Rich asked if the police needed the lighting for patrolling at night. David stated they had not had that request as of yet.

Tony made a motion to approve the new parking and layout plan for PetSmart, revisions to be made to plan 12 dated 7/21/09 presented to the Board at the next meeting August 17, 2009. Jeff seconded the motion and it was so voted unanimously.

Farmer's Market – Candita Mamet attended the meeting to request relocating the Farmer's Market to the parking area at the entrance of the mall where the drive through Rockland Trust ATM is located. Andy stated that he spoke with Ed Callahan from the mall and Ed was not absolutely sure of all the information regarding the move of the market. Candita expressed she spoke with Lisa (?) and Mike Hogan regarding the new location and she said they stated they were in approval of the move. She went on to explain the reason for the move as a lack of visibility and attendance by the public. Rich questioned whether the fire department and the police department had reviewed the new location. Andy commented that the Planning Office had just received the new plan for the move that day. Rich explained to Candita that those departments would need to review the plan and the Board would need their input. Andy stated and provided a letter from the Board of Health of certain public health issues that are associated with the market, also the Rockland Trust needed to be consulted of the occupation of the market in that location. Rich stated that the Board requests an approval from the mall, fire department and police department. He also stated that the Boards approval wouldn't come earlier than the August 17, 2009 meeting.

Steve made a motion to continue the Limited Site Plan Review until the August 17, 2009 meeting at 7:35PM. Bernie seconded the motion and it was so voted unanimously.

Morse Farm Estates – Bob Tombari, Attorney for Morse Farm Estates, attended the meeting. Bob expressed the dissatisfaction that he and his client, Jim O'Brien, have with the Planning Boards possible decision to withdraw funds from the Guaranteed Deposit account to repair the roadway in front of Morse Farm on Whiting Street, where the water main work for this subdivision was completed. He disputes that the noise coming from the trucks traveling along that route are specifically from the depression in the roadway that is associated with the patch tarmac from the water main work for Morse Farm Subdivision, stating that this work has been done twice and the second being completed to the DPW standards. Bob and his client also feel that they should be allowed time to repair the patch with their own resources to alleviate the noise factor. He requests 45 days to complete the repairs. Bob was concerned about the release of funds to the Town to finish the roadway for the reason that he feared his client would still be liable if the third patch was not sufficient. He explained that the Boards decision handed to the Morse Farm Subdivision specifically stated the owner is liable for this work. Rich

explained that with the release of funds that decision would automatically free the owner of that liability to finish the work on Whiting Street. Bob expressed his doubts and stated that without the proper paperwork to back it up he was tentative to give his client the recommendation to release the funds. Bob went on to discuss the landscaping that is in question. He stated that they have been working with abutter, Amanda Pascarelli, and was understanding that she was going to be satisfied with what they offered but she wanted the trees to be planted to match with a landscape design plan of her choice and they are still waiting for the design plan. Bob acknowledged that they need to plant Mr. Barr's trees but that Jim O'Brien has been waiting for Amanda Pascarelli to provide them with her design so they can have only one machine to do all the work at the same time. Andy brought the attention to the fact that the DPW is concerned about the roadway not being repaired and the depression in the tarmac is left to sit there for another year and the abutters affected by this noise would have to wait another year. Andy stated that Victor from the DPW, expressed his need to have the funds as soon as possible so they can finish the roadway in a timely manner before winter. Bob expressed that his client will be able to complete the work. Rich stated his concern about the appearance of the property and the work to be completed, noting that the extended time frame for the completion of this subdivision has put the Board in the position of requiring the funds to finish portions of the project that should have been completed. Bob explained the financial setbacks of his client and explained there is increased interest in the lots available and the financial hardship they have felt will be alleviated and the work will be completed. Rich explained that the Board feels the best solution for the Town would be to have the road work and the landscaping for Amanda Pascarelli and Mr. Barr completed by the DPW, Rich re-iterates that if the DPW completes the work the Town will be responsible. Tony and Bob converse about what it will take to finish the roadway. Regarding the landscaping, Rich would like to see the abutters satisfied, either with financial compensation or have the trees planted. Bob expressed his concern with Jerry Galiano's estimate. Andy stated that all the estimates from Jerry are reviewed by Victor at the DPW. Rich expressed his desire to have a productive outcome of the meeting for the abutters in regards to the repair work of the roadway and the landscaping. He suggests shortening the time frame from 45 days for Jim O'Brien to complete the road work by September 1, 2009 and the landscaping by November 1, 2009 or the Board will appropriate the money to have the DPW complete the work. Amanda Pascarelli commented on the patch tarmac, acknowledging that it has always been temporary and in need of the finish work. She noted that Whiting Street is a well traveled route for the P.A. Landers trucks and their traveling over the patch has been the cause of the noise disturbance. Rich explained to Amanda Pascarelli that even with the finish work completed there still maybe a depression over time. Mr. Barr voiced his concerns of the length of time and inconvenience of this subdivision project. He further went on to say he is disappointed in how the completion of work has been handled.

Steve made the motion to authorize the release of funds from the Morse Farm Estate Guaranteed Deposit account. If the roadwork is not completed by Jim O'Brien as of September 1, 2009, \$5,000.00 will be released to the Town to complete the work. If the trees are not planted as of November 1, 2009, \$13,200.00 will be released to the Town to complete the work. A total amount of \$18,200.00 will be released to the Town for work to be completed. Bernie seconded the motion. Jeff opposed the motion. Andy will draw up the letter for the Board members to sign for the release of funds.

Bob Tombari requested an extension of the permit for the Morse Farm Estate Subdivision for 90 days.

Tony made the motion to extend the permit for Morse Farm Estate Subdivision until 10/1/09. Bernie seconded the motion and it was so voted unanimously.

ACTION ITEMS

The Village of Hanover – Rich questioned Bob as to the status of the Village project. Bob suggested tabling the topic as there have been numerous changes that have come up that will help the situation and alleviate the issues the town has raised.

Steve made the motion to adjourn the meeting of 7/27/09 at 10:55PM. Bernie seconded the motion and it was so voted unanimously.

Meeting was adjourned at 10:55PM.

Respectfully Submitted,

Hannah Butler

Planning Office Administrative Assistant

Department of Municipal Inspections