

**Meeting Minutes of the Regular Hanover Select Board Meeting held in a Hybrid Format with both in person attendees in the First Floor Hearing Room of Hanover Town Hall as well as remote attendees via Zoom videoconference, on Monday, March 18, 2024 at 6:30pm.**

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**Call meeting to order and Pledge of Allegiance**

At 6:30pm the Chair called the meeting to order.

Present at Town Hall were Chair Vanessa O'Connor, Vice Chair Rhonda Nyman, Selectman David Delaney and Selectman Steve Louko. Selectman John Tuzik was unable to attend.

Present at Town Hall were Town Manager Joe Colangelo (TM), Assistant Town Manager, HR Director, CDMI Director Ann Lee (ATM), and Director of Public Affairs, Licensing and Insurances Janet Tierney (DPA).

All rose and recited the Pledge of Allegiance.

**Public Comments**

In accordance with Select Board Policy 2-6, the Chair requested any public comments, seeing none.

**Presentation**

**Presentation on Hanover's Municipal Aggregation Program from Paul Gromer and Marlana Patton of Peregrin Energy Group / MassPowerChoice and the Kick Off of the 30-Day Public Comment Period for Hanover's Energy Choice**

Paul Gromer and Marlana Patton of Peregrin Energy Group / MassPower Choice appeared before the Board to kick off the 30-Day Public Comment Period on the Municipal Aggregation Program Plan and presented the Hanover Energy Choice – An Electricity Program from and for the Town of Hanover Presentation, [attached](#). Ms. Patton informed all that they are speaking to the Board today to meet the regulatory requirement of having a 30-Day Public Comment Period on the plan before it is submitted to the DOER, further noting that the Public Comment Period will run until April 17, 2024.

When asked, Ms. Patton informed all that the Public Comment Period is a great time for the public to express their interest and appetite for renewable content, noting that the prices won't be available until Hanover is further along in the process. Mr. Gromer informed all that the pricing is not determined during the Public Comment Period, but much further along in the process, noting that they do create room for the Town to think about this question though. Mr. Gromer stated that when the Town is ready they will do two rounds indicative prices which are non-binding prices but the Town can think about it a bit. When the final prices come you need to decide that day, there will not be a lot of time to think about it. Therefore during the indicative pricing phase there may be mechanisms to get public input of some kind, typically not a big formal Public Comment Period like this, but opportunity for informal comment or sometimes towns will talk through this question with relevant committees, Town Members and whomever else might have an interest. When asked Mr. Gromer informed all that the indicative numbers are generally quite close to the final numbers with slight market changes from one day to the next. Mr. Gromer informed all that it is not possible to predict the future but two important things to note are that the Town will see the prices as they come in and how they compare to National Grid at the time and the Town will

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decide then whether to enter into the contract or not. So if the price looks favorable to the Town the Town can go ahead and enter into the contract, and if they do not look favorable to the Town, the Town can say no we do not wish to go ahead and then take prices again later. The Town is not committed to take the prices when they come. Mr. Gromer mentioned another important point is that it is difficult to be as assertive as they would like due to a regulatory requirement, they cannot promise savings as savings are calculated compared to a Nation Grid price which is in the future and is not set yet. Mr. Gromer did state however that they can speak on the past, informing all that they currently have 20 Communities with active programs and every single one of them have saved money compared to basic service over the term of the program, and in 2022, which is the last year for which there is statewide information available on this, there were over 150 programs active across the state and every single one of them have saved money compared to utility basic service, so they cannot be 100% certain there will be savings but that has definitely been the case, and recently in every case, and certainly in the vast majority of cases communities have saved money over the utility basic service. When asked Mr. Gromer informed all that the vast majority of communities that have not pursued Municipal Aggregation yet are much smaller communities for which it would be difficult to do and to get a good price on their own because there just aren't enough customers there. The Chair requested any further questions or comments from the Board, seeing none. The Chair opened the topic up for public comments or questions. Resident Tom Raab appeared before the Board and asked about the automatic enrollment, and the ability and process for an individual homeowner to opt out of the program. Ms. Patton confirmed for Mr. Raab that you can always opt out of the program before being enrolled and further informed all that the automatic enrollment would not apply to those who have already signed a contract with an electricity supplier, noting that the automatic enrollment would only apply to those on the National Grid basic utility service. The Chair asked that it be highlighted in public information piece of this, that if they have signed a contract with an electricity supplier they will need to take a step to switch over to the Municipal Aggregation Program.

### **Annual and Special Town Meeting and Election**

#### **Review Updated Draft of the Annual Town Meeting Warrant**

TM ran through the updated Draft of the Annual Town Meeting Warrant with the Board, [attached](#). When asked, TM stated he is not sure if there will be additional changes to the Zoning Accessory Dwelling Unit Bylaw Article after the Planning Board's Public Hearing going on upstairs or if they will take feedback from the Hearing and change it later.

The Chair asked for any questions or comments on the proposed changes to the Annual Town Meeting Warrant, seeing none. The Chair asked for any questions or comments on setting the sequence of the Annual Town Meeting Warrant Articles via lottery again this year, seeing none.

TM stated that last year the lottery was pulled by Les Molyneaux and Ken Greene and he will give them a call to come back again this year.

#### **Consider Inclusion of ATM Warrant Article Re Proposed Overlay District for Billboards on Route 3**

Joe Rull and Attorney Kelly Frey from Vince Levin, appeared before the Board and via Zoom Dave Neglio of Interstate also appeared before the Board. Attorney Frey informed all that they have been working hand in hand together with the Town to develop the appropriate language for the Overlay District. Attorney Frey ran through the proposed language for the Overlay District for

Billboards with the Board, [attached](#). The Board discussed the language with Attorney Frey, Mr. Rull and Mr. Neglio.

When asked TM informed all that it would be the Select Board that would approve and enter into the Host Agreement and TM would be on the front lines negotiating the Agreement, therefore there would be Select Board oversight on the Agreement along with a little extra oversight from the Planning Board on the Special Permit. The Chair opened this topic up for questions or comments from the Board.

Selectman Louko stated that section e Part 7 which limits this to only 1 billboard seems like it would limit this to only their Billboard. Attorney Frey stated there is nothing in the proposed overlay language that is specific to their property so they would be eligible to apply for a permit as would any neighbor within the overlay district and there is nothing that is specifically advantageous to theirs or any other property in the overlay district. Selectman Louko questioned that if they were the first to apply and obtain a special permit there it seems like then no one else would then be able to apply. Attorney Frey confirmed that through this process the first person to apply for and obtain a special permit to develop a billboard would be the one that is entitled to do so. Mr. Rull added that this would still be with the Town's approval and if more than one application were submitted, the Town would choose which one to grant the special permit to within that district should the Town choose to move forward with this.

Selectman Louko stated that he is a little uncomfortable with section 7 as it seems to limit the competition a little bit. Selectman Delaney commented that understanding Selectman Louko's concern, he is aware of at least one other group that has expressed an interest in a billboard in this same area, he would anticipate that if this were put forward and passed at Town Meeting there would be a race for at least two parties to apply at the same time, if not more, to try to locate a billboard in that area, and anyone who has a spot in that area would have an opportunity to put an application in. He further stated that he does like the language because it prevents two or three billboards ending up in this ½ mile or so stretch which could be unsightly. Vice Chair Nyman stated that this could be competitive and she hopes it would not be eliminating other applicants from applying just because they are here before the Board first, she hopes that this would open it up, and she further stated that this would be decided upon by the voters of Town Meeting and the Board is not doing something in a vacuum here. The Vice Chair further noted that she likes the language that limits how many billboards can be put in the Overlay District and she does not see a problem with the wording. Selectman Louko clarified that he agrees with having a limit however what he thought the limit to be was 1,000 linear feet to the next billboard rather than limiting to just one. He would prefer it to be limited by the linear feet allowed between billboards. Selectman Louko mentioned that there is already a billboard so this may exclude anymore. Attorney Frey stated that the existing billboard is outside of the proposed Overlay District and the 1,000-foot limit is a State regulation requirement. By nature of what is required by State regulations the competition is baked in already, but the language was designed to prevent billboards being put in at 1,001 feet apart and possibly becoming unsightly.

TM confirmed for the Vice Chair that if this became a bylaw the applicant would first have to go before the Planning Board for a Special Permit, then to the Select Board for a Host Agreement and then they would go to the State which is separate and distinct from the Overlay District. The Chair asked to clarify what the Proposed District is, and brought up the map to show what the intended area is, the upper northeast quadrant highlighted on the map, not the lower highlighted areas, map attached. The Chair also asked for clarity on the concepts in f9 on the proposed psa's Hanover can run she would like to add language there and also asked for the specific parameters are of what

a public safety emergency would be. Lastly the Chair asked that a bond be put in place so that if the Town is stuck with the removal of the billboard they could use the bond funds to do that. Selectman Louko asked for a more detailed map of the proposed Overlay District. The Chair asked for a GIS map to look at at the next meeting. The Chair opened up to the Board for further comments. Selectman Delaney requested that the Host Agreement be reviewed by Town Counsel. TM confirmed that that is being done.

Selectman Louko asked for a calculation of how many billboards would fit within the State's 1,000-foot buffer limit. Vice Chair Nyman asked that this be put on the Agenda for the next meeting to continue this discussion and possibly get this on the Annual Town Meeting Warrant.

The Chair agreed and opened this topic up for public questions and comments. Resident Libby Corbo appeared before the Board via Zoom and asked what the anticipated benefit to the Town is. The Chair confirmed that the Town will benefit and the details of the benefit will ultimately need to be negotiated out. The Chair asked Mr. Rull to speak on this. Mr. Rull stated that they are proposing a mitigation payment of \$50,000 which would equate to \$1.5 Million over the course of the contracts. Mr. Frey also added that there will also be the public service announcement component baked into the bylaw which are very helpful in public emergency and amber alert situations. Mr. Rull also mentioned the billboard becoming a location for a public safety antennae, if the frequencies work, which would save the Town money.

Ms. Corbo asked what the definition would be of a material visual impact and who gets to define that.

Attorney Fray stated that it would be the Planning Board that would decide that as the Special Permitting Authority. Further noting that the Overlay District is specifically tailored to avoid material adverse impact. Ms. Corbo asked if the language has not yet been reviewed by Town Counsel or if Town Counsel had a part in drafting the language. TM informed all that their Attorney created the first draft which has been reviewed by Town Staff including the Planning Board and the Town is in the process of reviewing it with Town Counsel.

Resident Steven Carrol appeared before the Board via Zoom and stated he used to work for a billboard company years ago and expressed his concerns with rewriting a Bylaw for one company which wreaks of spot zoning, conceding that it is not spot zoning because it is a district, however stating that he does not understand why this is being considered. The Chair informed all that she understands that the Town did vote down accessory digital signs last year and there may not be an appetite for this, however although \$50,000 may be a drop in the bucket, it is a drop in the bucket. The Chair shared her thoughts that this is a reasonable way to bring more revenues to the Town. The Chair commented that she is not wed to whether or not this passes at Town Meeting. The Board has been asked to look into creative and thoughtful ways to reduce the tax burden on the residents and also asked to do it without lessening their services or having any other negative impacts to residents. Further noting that this may not work, but the Board is trying and the Chair is happy to be part of the group is trying. Selectman Delaney commented, that although this is a drop in the bucket in terms of the overall budget, with nine more drops we could fund something like full day kindergarten which seems to be a very popular idea or other things like that where there are budget shortfalls and we have an override coming. Selectman Delaney further stated that it is not the Board's duty to decide that something like this shouldn't be considered by the Townspeople and if this is discussed at town meeting and people vote on it and decide they don't want it, then that is just the way it goes and that is why we have the form of government we do in Hanover. Selectman Delaney stated that he does not feel it is the Board's duty to shut off things that might bring in money while we are looking at ways to raise revenues.

Mr. Carroll commented that the Town is opening itself up to other nonconforming uses and stated that there is a purpose for the zoning bylaws.

Selectman Louko commented that the payment of \$50,000 per year is only for the term of their lease and if the billboard is going to be standing longer than the term of the lease, we should try to work out a way for those payments to continue for as long as the billboard is standing.

The Chair stated as long as we are being creative and avoiding such things as spot zoning and working together with Town Counsel to be sure we are acting appropriately, it should be put forward at Town Meeting, as we have to try new things and see what will work and this is as good an option as any other. The Chair asked for any comments from the Board. The Vice Chair stated that she sees a lot of benefits and asked why not have a discussion at town meeting. We may not always agree on everything but we shouldn't limit discussion as that is what democracy is about. And let the voters decide whether the \$50,000 is a drop in the bucket or could be used to serve our seniors, veterans or whatever the Town may need. It is worth a try as it will not significantly impact any resident. The Vice Chair expressed that it should be on the Town Meeting Warrant. Selectman Louko asked if the host agreements from other towns have been looked into yet to see if \$50,000 is the going rate.

TM stated that they have done what they can to move this along at a quick clip as requested by the Board two weeks ago, however there is time to do this and should this be passed at Town Meeting and the Special Permit approved then at that point the amount would be negotiated and ultimately it would be up to the Board to approve the amount. Mr. Rull mentioned that they are also interested in teaming with Hanover residents and your businesses for the benefit of the Town.

The Chair thanked them for coming and welcomed them to attend via Zoom the Meeting on the first.

### **Consider Opening the Annual Town Meeting Warrant**

The Board agreed to hold off on opening the Annual Town Meeting Warrant for Amendments until their next meeting on April 1<sup>st</sup>, in order to receive feedback from the Planning Board.

### **Review Special Town Warrant**

TM informed the Board that there are no changes to the Special Town Meeting Warrant.

### **Consider Approval of the Draft Fiscal Year 2023 Select Board Annual Town Report**

The Board continued the approval of the Draft Fiscal Year 2023 Select Board Annual Town Report to the next meeting.

### **Select Board Forum**

The Chair reminded the Board Members to submit their Town Manager Evaluations for the April 1<sup>st</sup> Meeting.

### **Adjourn**

At 7:49 pm the meeting ended and adjourned.