



Planning Board

October 3rd, 2016

Town of Hanover

The following minutes are from the Hanover Planning Board meeting held on Monday, October 3rd, 2016 in Hanover Town Hall.

Planning Board Attendees:

Present: Jeff Puleo, Rich Deluca, Anthony Losordo, Meghan Neville-Dunne and Bernie Campbell

Absent: Marriann Brugnoli and Lou Paradis

Others: Lauren Galvin, Town Council; Peter Matchak, Town Planner and Heidi Cho, Associate Planner

Jeff Puleo, Planning Board Chairman, called the meeting to order at 6:45 p.m. in the first floor hearing room at Town Hall, Hanover, Massachusetts.

Informal meeting with the Star Land's representative regarding traffic mitigation:

The Town Planner, Peter Matchak, presented a letter from the University of Sports Complex requesting to restructure the traffic mitigation fee from a payment installment of five years to six years. The Board recognized that the previous installment for the traffic mitigation fee was approved for \$50,000 annually for the first four years and \$22,000 on the fifth year. The applicant requested a six year installment; \$11,000 for the first year, \$50,000 for the second, third, fourth, fifth year and another \$11,000 for sixth year. The owner of the University of Sports Complex, Frank Teixeira, explained their financial hardship and inability to pay the \$50,000 traffic mitigation fee as previously approved by the Board.

The Board asked the Town Council, Lauren Galvin, about the responsibility of the mitigation fee payment in bankruptcy of the current business. The Town Council specified that the contract runs with the land and follows the entity. The Board asked the applicant if the 5-year installment was considered instead of the 6-year, and applicant answered 'no.' Then the Board asked if Mr. Teixeira is confident about paying a 6-year contract, and he also replied 'no.' Mr. Teixeira affirmed that he will pay the mitigation fee for the first year as he proposed of their 6-year installment. Anthony Losordo made a motion to accept the proposal to pay the mitigation fee in 6 years, rather than in 5. Richard Deluca seconded the motion. Bernie Campbell disapproved the motion. Motion still passed as four to one.

Continuance of Public Hearing for Special Permits and Site Plan Approval: 2001 Washington Street case TPL-16-13:

Jeff Puleo, Planning Board Chairman, reopened public hearing for the case TPL-16-13, 2001 Washington Street. Peter Matchak briefed about the 2001 Washington Street case TPL-16-13. He presented a letter from Police Chief Sweeny, a letter from Jerry O Hearn, the resident of 275 Old Town Way, and a letter from Lauren Galvin, Town Council. The Town Council, Town Manager, and Patrik Jonsson, owner of Mass Organic Inc. have been reviewing the community benefits agreement, and have come to the agreement that the special permit is only for the medical marijuana and not for recreational use in the

future. Patrik Jonsson submitted a response paper answering how his proposal complies to the Hanover's special permit requirements. Mr. Jonsson also submitted the Hanover Dispensary location statement, which explains how the location meets the requirement of our bylaw and state law. Peter Matchak, the Town Planner stated that, in order to go forward, the application needs final review by the Board of Selectmen.

The Board asked if the store will be ready for Q1 2017. Mr. Jonsson responded that there will be 12-14 weeks of construction, and that the medical marijuana will grow by the end of the year in his cultivation facility in Webster.

The Board asked how and why Mr. Jonsson wants to have his facility in Hanover, when there are other facilities within a mile and a half away, such as Norwell and Quincy. Mr. Jonsson acknowledged that other facilities are nearby and has taken this into account in his plan. Mr. Jonsson stated that the facility will be in every town, and that this will cause fewer patients per dispensary; the intention is not just revenue, but also the convenience of patients.

The Board recognized that Mr. Jonsson's proposal is legal and fair and has met all the requirements for the zoning bylaw. The Town Planner confirmed that all the required documents have been submitted to the Board.

Jeff Puleo, Chairman, asked the audience for any questions. Jerry O Hearn, the resident of 275 Old Town Way, questioned why the facility is needed in Hanover when medical marijuana facilities are already approved in Norwell, Brockton, Plymouth and Quincy. He also noted that it is still federally illegal to possess marijuana, and that most banks do not accept money from marijuana-related businesses, except one. Mr. Jonsson attested that they have a bank reserved for the business.

The Town Planner, Peter Matchak, explained that the town went through a zoning exercise for medical marijuana facilities when it was voted to approve medical marijuana two years ago. The Town Manager, the fire department and the police department found the northern side of the route 53 was most acceptable for such a facility. Mr. Matchak also mentioned that it is not the Planning Board's purview to decide if the business will succeed, and that they cannot make the decision about what kind of business to put on the property, as that is the owner's decision.

Jeff Puleo, Chairman, asked the audience for further questions. Richard Deluca made a motion to close the public hearing. Bernie Campbell seconded the motion. Anthony Losordo disapproved. The motion still carried as four to one. Richard Deluca made a motion to approve the special permit for a medical marijuana facility to be located on 2001 Washington Street, zoned Medical Marijuana District. Bernie Campbell seconded the motion. Anthony Losordo disapproved. The motion still carried as four to one.

Continuance of Public Hearing for Definitive Subdivision "Spring Street Knoll", case TPL-16-12:

Jeff Puleo, Planning Board Chairman, reopened the public hearing for case TPL-16-12, Definitive Subdivision "Spring Street Knoll." The Town Planner, Peter Matchak, read the letter from Dave Nyman, the town's engineering consultant. Mr. Matchak explained that the application was original submitted for a three-lot subdivision, but the applicant had since sold the back lot to the Legions Housing for their septic installation; now, the applicant is applying for a two-lot subdivision. This withdraws the common driveway waiver, as it is no longer needed.

Al Loomis, the Engineer for the applicant, updated the proposal to the Board. The applicant filed for waivers regarding the dead-end streetway diameter to be 120' instead of the required dimension of 130'

diameter. For the drainage, a rain garden is added on to the south-westerly corner. The volume of the runoff is now split, and the sand gravel paving helps the water run-off. Mr. Loomis showed the detailed drawing of the roadway and planning for the rain garden.

Jeff Puleo, Planning Board Chairman, pointed out that the road width does not meet the subdivision requirement, which is twenty-six feet for a common driveway. Peter Matchak, Town Planner looked into other subdivision cases, which were waived for 18 feet for 555 Whiting Street case and 20 feet for Xengo Estates. Bernie Campbell, a member of the board, appreciated how they worked with Legions Housing, an elderly housing facility, to help the town.

Richard Deluca, a member of the board, asked if the fire department had reviewed the plan. Peter Matchak, the Town Planner, said that he has not heard from them yet, but that they have reviewed the plan. The Town Planner suggested putting the fire department's review under approval condition. The Board raised concerns about the traffic illuminations coming from directly across of the entrance on Spring Street. Mr. Loomis responded that two-lot subdivisions will not generate substantial traffic. Mr. Matchak advised the Board to condition the traffic glare, so that in the case the illumination on the abutting property becomes an issue, the applicant will be responsible for working with the residents. Jeff Puleo, the Chairman asked about who will maintain the rain garden, which was Dave Nyman's concern. Mr. Loomis responded that these issues will be dealt with in the post-construction phase.

The Town Planner, Peter Matchak, suggested that the Board close the case and approve it under the conditions and waivers discussed. There was no questions from the audience. Bernie Campbell made a motion to close the public meeting. Richard Deluca seconded the motion. All others voted in favor. Richard Deluca made a motion to approve the subdivision conditioned with the fire department's review and hearing from the residents regarding the traffic glare. Bernie Campbell seconded the motion. All others voted in favor.

Continued Public Hearing for Definitive Subdivision "Benjamin Brook Estates", case TPL-16-11:

Jeff Puleo, Planning Board Chairman, reopened public hearing for the case TPL-16-11, Definitive Subdivision "Benjamin Brook Estates." Peter Matchak, the Town Planner updated on the waiver request that was received on September 27th from Dana Altobello, Merrill Engineering. Mr. Altobello requested to move the sidewalk on the southerly roadway because of the wetlands. Eric Johnson, from the Fire Department, provided a letter saying they have no concerns. Dave Nyman, the town's Engineer, presented his letter approving the applicant's updated site plan, which satisfied the CEI's comments dated September 21st, 2016.. The Town Planner also presented a letter from the Town Council and the neighbor's Attorney regarding the subdivision case.

Dana Altobello, the Engineer from Merrill Engineering, presented the proposed plan of five new lots subdivision. Mr. Altobello requested to waive the reduction of the pedestrian walkway on the south easterly side of the road. Mr. Altobello stated that the sore water issues and environment requirement for this subdivision was reviewed and updated by Dave Nyman's comments.

Richard Deluca, a member of the Planning Board, suggested a 40-foot setback requirement instead of the 20 feet bylaw's dimensional requirement for Lot 6, in order for the abutting neighbors to have their privacy.

Jack Egans, 286 Whiting Street, asked the Board to consider the reduction of the lot numbers. The resident raised concern about a decreased property value by putting in new construction between the old

houses. Jeff Puleo, Chairman, stated that this subdivision case meets all the requirements of the subdivision control law. Richard Deluca, member of the Planning Board, asked if the abutting lot line is well-treed. Mr. Deluca asked the applicant to add more landscape along the property line for privacy; the amount of trees and their placement could be further determined after the approval.

Peter Matchak, the Town Planner, presented a similar case, Stable Ridge Estates, and how they had a 50-foot setback from the abutting property and 15 feet intervals of vegetation along the property line for privacy.

Richard Deluca made a motion to close the public hearing. Bernie Campbell seconded the motion. All others voted in favor. Anthony Losordo made a motion to approve the Benjamin Brooks Estate subdivision under the condition of side setback of forty feet and tree along the side property line at fifteen feet intervals. Richard Deluca seconded the motion. All others voted in favor.

Continuance of Public Hearing for Site Plan Approval “1 Saturn Drive: Coastal Volkswagen”, case TPL-16-14

Peter Matchak, the Town Planner presented a letter from Grady Consulting, requesting the continuance of the public hearing due to the meeting with the Conservation Commission. Richard Deluca made a motion to continue the public hearing at the October 24th Planning Board meeting. Anthony Losordo seconded the motion. All others voted in favor.

Public Hearing for Limited Site Plan Approval “49 Franks Lane: U-HAUL”, case TPL-16-15

Jeff Puleo, Planning Board Chairman, opened the public hearing for case TPL-16-15, 49 Franks Lane U-HAUL, and read the public hearing notice. Carl Garvey, C.W. of Garvey Co,Inc., and the Engineer of the applicant, presented to the Board. Mr. Garvey explained the current condition of the site, including the two storages on an eight acre parcel on Frank Lane. The site consists of paved access and five parkings on the westerly side. The applicant proposed a paved lot for rental vehicles, as well as an additional fifteen parking spaces for customers. The engineer presented an updated plan of the swale and drainage to accommodate for 100 years flood plain. The plan also includes the widening of the road next to the storage from four to eight feet. The site was acknowledged by the Building Inspector, Anthony Marino, who determined that the current business needs more space for parking. The Board recognized that there won't be an additional light installation.

James Mirisola, 577 Old Town Way, stated that currently, there is only one hundred feet of a buffer, yet on the said permit from 1977, the property buffer should be three hundred feet. The resident expressed that trash has been thrown down on the southern side of the lot and this has disrupted their quality of life. Mr. Mirisola also mentioned that LED lights from the current business shine back into their backyard, causing further aggravation. Mr. Mirisola suggested the U-HAUL business plant a Hammock tree and shift the light to face downward.

Kevin Dyer, 587 Old Town Way, presented the 1977 approved documents to the Board, and said they are pro-business, but would like to stick with old bylaws and have trees aligned on the property line for privacy. Jeff Puleo suggested they put new lighting on the southern side of the lot and place more trees on the property line so light does not illuminate their backyard.

Richard Deluca made a motion to close the public hearing, and Anthony Losordo seconded the motion. All others voted in favor. Anthony Losordo made a motion to approve the limited site plan, with conditions for the lights that face the abutting neighbor's home to now face down, and approximately

thirty trees strategically planted every four feet to cover the illumination. Richard Deluca seconded the motion. All others voted in favor.

The Planning Board's next meeting date was set for October 24th, 2016.

Rich Deluca made a motion to close the Planning Board meeting. Bernie Campbell seconded the motion, and all others voted in favor.

The meeting was adjourned at 9:07 p.m.

Respectfully submitted by:

Heidi Cho

Associate Planner