



## **Planning Board**

**August 1<sup>st</sup>, 2016**

### **Town of Hanover**

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The following minutes are from the Hanover Planning Board meeting held on Monday, August 1<sup>st</sup>, 2016 in Hanover Town Hall.

#### **Planning Board Attendees:**

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

Others: 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 second floor hearing room at Town Hall, Hanover, Massachusetts.

#### **Minor Modification: 409 Columbia Road case TPL-15-8:**

Peter Palmieri, an engineer from Merrill, on behalf of the applicant, requested a minor modification of the approved Tractor Supply Co. outdoor equipment storage area on the northwesterly corner of the proposed development. Richard Deluca asked if there is any square footage limitation for a storage or display space. Peter Matchak, the town planner, responded that there is no limitation for dimensions of storage space, and the proposed area will be made of permeable paves due to the sites location in the Aquifer Protection District. Maryann Brugnoli made a motion to approve the minor modification of the property 409 Columbia Road. Bernie Campbell seconded the motion. All others voted in favor.

#### **Minor Modification: Xengo estates Definitive Subdivision TPL-14-13:**

Peter Matchak, the town planner, on behalf of the applicant, requested to release the road bond that the town holds of \$125,000. The town planner advised the Board to hold a portion of the bond until the Planning office confirms access for emergency ingress and egress for the Hanover emergency services. Richard Deluca asked if the basketball court is conforming to residential zoning code, and if any other proposed plans will be presented to the Board. Peter Matchak assured the board that the basketball court conforms to the zoning bylaw; and reported that each dwelling is currently occupied and the remaining landscaping is being done this upcoming planting season. Tony Losordo made a motion to release \$115,000 and hold \$10,000 until the Hanover Fire Department has access of the main gate. Richard Deluca seconded the motion. All others voted in favor.

#### **Extension of Twin Fawn Drive Subdivision TPL-13-8:**

Peter Matchak, the town planner, on behalf of the applicant, requested to release the remaining of the consultant review fund for 34 Twin Fawn Drive Extension case TPL-13-8. The town planner briefed that the project was permitted in 2013, and that the initial consultant review fund of \$1,500 was paid. Tony Losordo made a motion to release the remaining of \$486 to the applicant. Bernie seconded the motion. All others voted in favor.

Peter Matchak, the town planner, proposed set dates for the next Planning Board meeting. The next Planning Board meetings are scheduled as below:

August 19<sup>th</sup>

September 12<sup>th</sup> and 26<sup>th</sup>

October 17<sup>th</sup>

**Continued Public Hearing for Special Permits and Site Plan Approval: 577-579 Washington Street, case TPL-16-9**

Peter Matchak, the town planner, briefed on the project's revised parking plan. The Architect and Peter Matchak have been working together to fulfill the needs of David Nyman's consultant review comments. The comments from the fire department and design review committee were applied to the revised site plan. The town planner will work with the applicant on their storm water plan, and the revised plan will be presented at the Planning Board Meeting on August 29<sup>th</sup>. Richard Deluca made a motion to close the public hearing of 577-579 Washington Street. Bernie Campbell seconded the motion. All others voted in favor. Maryann Brugnoli made a motion to approve Planning Board case TPL-16-9 as applied, under the condition that the applicant will submit newly revised architectural plans and a site plan to be reviewed by David Nyman. Richard Deluca seconded the motion. Anthony Losordo negatively voted on the motion. The motion carried, gaining a super majority vote in favor of the applicant.

**Public Hearing for Outdoor Storage Special Permits: 965 Washington Street, case TPL-16-10**

Lou Paradis, the clerk, read the public hearing notice for the case of 965 Washington Street. Andrew Buchman presented the site plan and explained the proposed use of a farmers market, which would include a deli, a juice bar, and a coffee shop. He briefed the board that the proposed construction of the pergola will take up three parking spaces on the northern side of the building, and that a fence will be installed in front of the entry, facing the Route 53 for safety reasons. The applicant explained that the pergola will be used to store and display produce and season goods, such as Christmas trees and pumpkins.

The Board expressed their support of any plans which make the site more vibrant and wonderful for the community. The Board recognized that the building footprint will remain the same, and the use of the farmers market is allowed under zoning bylaw.

Paul Hutchins, 795 Washington Street, mentioned that he is not against the plan submitted; however, Mr. Hutchins said his previous application of coffee drive way should be amended. The Board saw that Mr. Hutchins case was different from the present application.

Maryann Brugnoli made a motion to close the public hearing. Anthony Losordo seconded the motion. All others voted in favor.

Richard Deluca made a motion to approve an outdoor pergola installation for Rosa Farm. Lou Paradis seconded the motion. All others voted in favor

**Public Hearing for Definitive Subdivision "Benjamin Estates", case TPL-16-11**

Lou Paradis, Planning Board Clerk read the public hearing notice for the record and opened public hearing for the case TPL-16-11, Benjamin Estates subdivision case. Peter Matchak presented to the Board the subdivision application, a letter of waiver request for coverage over drainage pipes, and the town consultant engineer's review of the subdivision application. Peter Matchak, town planner, briefed the Board that the site plan was still in review by Town Counsel and David Nyman, consultant engineer. The fire department and zoning enforcement officer did not have any issues relating to the submitted plan.

Dana Altobello, the engineer from Merrill, presented the site plan proposing a six lots subdivision on 9.2 acres of land. He briefed that the proposed plan meets the Department of Environmental Protection's requirements.

The Board recognized that the street trees and pedestrian plan fulfill all the requirements for the subdivision control law. The Board also recognized that the proposed lots meet the minimum square footage for subdivision lot. However, the Board wanted to hear from the Town Counsel concerning the identified lot 6 on the submitted plan.

Robert Egan, 206 Whiting Street, briefed the Board regarding the past ANR submission on the same property (Lot 6). He explained that this was the applicant's third attempt to create a buildable lot on abutting property, and that the application had previously been denied twice. Mr. Egan believed that under pre-existing non-conforming zoning bylaw, the said property does not meet the regulation. Mr. Egan said the proposed property was only 18 inches away

from his property, and the applicant has picked a very challenging lot to force within the rules. Peter Matchak, town planner, stated that he has reviewed both tracks of land and the Egan's property, and the dwelling is considered pre-existing non-conforming. The applicant's property is conforming to the current zoning regulations.

Mr. Shillington, 36 Anderson Farm Lane, the applicant, responded that they have not decided on how they are going to situate the house on lot 6. He explained that taking into an account of Egan's concern, Mr. Shillington plans to design and locate the house in a place that does not interfere with the Egan's property, while conforming to zoning regulations.

The Board questioned whether four lots, instead of six lots development, would be economically feasible. The Board recognized that the property cannot be a retreat lot from the Whiting Street because of the required two hundred feet radius from the proposed property. The Board recognized that the utility access to lot 6, in particular, will include a wetland crossing, requiring the Hanover Conservation Commission.

Dennis Lucey, 17 Anderson Farm Lane, raised concerns about traffic from the east side of his house. The Board recognized the concern and asked the audience for any further questions.

Maryann Brugnoli made a motion to continue the public hearing for Benjamin Brooks Estate on August 29<sup>th</sup> at 7PM, pending David Nyman, consultant engineer's review, and Town Counsel's written memorandum. Richard Deluca seconded the motion. All others voted in favor.

#### **Public Hearing for Definitive Subdivision "Spring Street Knoll", case TPL-16-12**

Lou Paradis, Planning Board Clerk, read the public hearing notice and opened the public hearing for case TPL-16-12, Spring Street Knoll's subdivision. Peter Matchak read the request letter from Al Loomis, the applicant's engineer, to continue the public hearing on August 29<sup>th</sup> at 7:30 PM. Richard Deluca made a motion to continue the public hearing on August 29<sup>th</sup>. Jeff Puleo seconded the motion. All others voted in favor.

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

Lou Paradis, Planning Board Clerk, read the public hearing notice and opened the public hearing for case TPL-16-13, 2001 Washington Street. Peter Matchak, the town planner, introduced Mass Organic, Inc. The town planner explained that Mass Organic, Inc. approached the town last November and met with the Police Chef, Fire Chef, and Town Manager. Mass Organic, Inc. is applying for a Special Permit and Site Plan Approval for the ability to operate a Registered Medical Marijuana dispensary (RMD). Mass Organic, Inc. presented to the Board that they are in the process of acquiring a state registered medical marijuana dispensary license, and Troy Clakson, the town manger wrote a non-opposition letter this past spring. The company acquired a permit from the department of public health to open a RMD facility in the central part of the state, and has leased the first floor of 2001 Washington Street property. Mass Organic, Inc. plans to grow medical marijuana in central Massachusetts. The town planner noted that the Town of Hanover voted in favor of the medical marijuana district in 2012, and approved the medical marijuana overlay zoning district at the 2013 annual town meeting. The town planner mentioned that the proposed property was where all Hanover municipal departments felt most comfortable locating the medical marijuana facility. The town planner read the opposition letter from Janny Fanning and explained that the public hearing notice was published on the Patriot Ledger due to the filing time.

The Board saw that the publication on the newspaper was not properly deliberated to the public and asked the town planner to repost the public hearing on Hanover Mariner. Peter Matchak proposed to continue the meeting and to post the public hearing notice on the Patriot Ledger, Hanover Mariner, and Hanover website. Maryann Brugnoli made a motion to continue the public hearing on September 12<sup>th</sup>. Richard Deluca seconded the motion. All others voted in favor.

The Planning Board's next meeting date was set for August 29<sup>th</sup>, 2016.

**The meeting was adjourned at 9:45 p.m.**

Respectfully submitted by:

Heidi Cho  
Associate Planner