



## Hanover Planning Board

550 Hanover Street, Hanover, MA 02339

Meeting Minutes – Monday, November 21, 2022 – 6:45 pm

### Committee Attendees

MaryAnn Brugnoli, Chair  
Ken Blanchard *via Zoom*  
Bernie Campbell *via Zoom*

Meaghan Neville-Dunne  
Giuseppe Fornaro  
Tony Cavallaro *via Zoom*  
**Absent** - David Tragorth

### Other Attendees

Christine Stickney, Town Planner  
Thomas Burke, Affordable Housing Trust, Chair  
James, Doherty, 334 King Street  
Deborah Wessling, 61 Mann's Drive

Robert Tombari, Tombari Law Group  
Joseph Previte, Previte's Marketplace  
Mary Anne Johnson, 320 King Street  
Elizabeth Driscoll, 304 King Street

### Opening

The Chair MaryAnn Brugnoli opened the meeting at 6:45 PM and made note the meeting was being recorded.

**Roll Call Vote:** MaryAnn Brugnoli – Yes  
Ken Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes

### Review of Meeting Minutes

The Board voted to approve the meeting minutes from November 7, 2022 with an amendment under other business Giuseppe Fornaro noted – *“less complex articles”*.

**Roll Call Vote:** MaryAnn Brugnoli – Yes  
Kenneth Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes

### Discussion- Affordable Housing Trust (AHT)

Tom Burke, Chair of the Affordable Housing Trust discussed with the Board the possibility of a joint effort for an inclusionary zoning bylaw and an amendment to the existing Accessory Dwelling Unit (ADU) section of the bylaw for the 2023 Town Meeting. The Chair offered to review any proposals that the AHT were to draft and Mr. Burke noted in the past they worked with Justin DeBruin in the Planning Department of development of articles. Chair Brugnoli noted that presently the Planning Department is severely understaffed with a vacancy in a position and only a part-time planner and suggested again that the AHT prioritize which they feel is more important and attempt a draft of an article. Chairman Burke felt that input on the different elements of a zoning bylaw should be worked on together to be drafted and if they had to prioritize inclusionary would be the first effort. Chair Brugnoli explained the Select Board office can put a place holder in to meet the initial deadline and then the AHT can be working on the article – the printing of the warrant and a planning board hearing would be the deadlines the final article would be needed. Chair Brugnoli stated she had spoken with Select Board Member O'Connor as to the complexities of the ADU amendment and that the May 2023 is too soon. Town Planner Stickney noted that even with the offering of amendments the Town needs approval of a Local Initiative Program approval from DHCD for any units created under either proposal to be counted towards the 10% requirement. Member Fornaro asked what kind of changes is the AHT thinking about regarding the ADU bylaw. Chairman Burke feels it is too restrictive as to size and where on the property it can be attached/detached and possibly non-family should be considered. It was suggested those items are more multi-family and it was agreed the ADU may need more review, Chairman Burke will discuss with members of the AHT possibly new multi-family, inclusionary and amend the ADU and come back to the Planning Board with one for Town Meeting.

**Other Business**

***Request to modify Digital Message Board at 283 Columbia Road.***

Present was Mr. Previte and Attorney Tombari – the changes were explained. Chair Brugnoli noted staff reports and some current issues with the frequency of the changing sign and advertising of tenants. After some discussion it was agreed it will be used only for Previte’s Marketplace, the time frame for changes should a minimum of 3 minutes, no use of red or amber given the proximity to the traffic signals and shut off one hour before and one hour after the close of Previte Marketplace. Member Fornaro motion to approve the modification request based on the agreed terms as a result of staff’s 11/17/22 memo, seconded by Member Dunne

**Roll Call Vote:** MaryAnn Brugnoli – Yes  
Ken Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes

***Request for Revised Lot release – 295 Winter Street (Celiberti)***

Town Planner, Christine Stickney informed the Board the wrong reference was on the original lot release and a new one needed to be done to reference Lot 2A-1 – Mr. Celiberti was present via zoom. Member Campbell motion to approve the revised lot release, seconded by Member Dunne

**Roll Call Vote:** MaryAnn Brugnoli – Yes  
Ken Blanchard –Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Abstain

**Continuation - Public Hearing – 334 King Street – Definitive Subdivision – PB 22-8**

The Board continued with a public hearing for James Doherty. The applicant is requesting a Definitive Subdivision approval for a three (3) lot subdivision, serviced by a 320’ LF proposed roadway including drainage and other roadway appurtenances that will access from King Street at the former #334 King Street lot. Map 67 Lot 11 and Map 68 Lot 10. Member Blanchard recused himself from participation on this matter since he is a direct abutter. Christine Stickney informed the Board that since the last hearing it was discovered that an additional waiver may be needed re: five (5) street trees. Chair Brugnoli read into the record a letter from Paul Seaburg of Grady Engineering and Neal Merritt of the Water Department. After a brief discussion, it was agreed that the five (5) trees that should be located on the south side of the road could be relocated without a waiver per the Board’s rules and regulations. Chair Brugnoli suggested the five (5) trees be planted on Parcel A as long as they didn’t block site view thereby eliminating the need for a waiver, under the Subdivision Rules and Regulations this can be accomplished. Member Fornaro motion to add an additional condition to have the five (5) trees planted on Parcel A and if a line of sight issue shrubbery can replace the five (5) trees, seconded by Member Dunne

**Roll Call Vote:**

MaryAnn Brugnoli – Yes

Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Abstain

The property owner/applicant James Doherty next spoke to his understanding that condition #19 regarding the existing structure was to be removed from the decision because the lawyers had agreed to other language and means to reconcile the issue. Town Planner Stickney commented just before tonight’s meeting, Town Solicitor Feeley was not agreeable and recommended that condition #19 remain as is in the Planning Board draft decision. Mr. Doherty commented at the 10/17/22 meeting his understanding was that the house would come down 60 days after any appeal was exhausted. Mr. Doherty commented that all along his intention was to take the structure down however the issue of a potential appeal by an abutter of a Planning Board subdivision approval he feels his right to grandfathering protection is needed if he was to take the structure down. He expressed his dissatisfaction that the public hearings had been focused on the demolition of the structure and not the subdivision – the demolition is a separate issue. Mr. Doherty said his attorney has language that is more advantageous to the

Town and suggested it should be replaced the draft condition #19. Christine Stickney noted that as of 4:30 PM today Town Solicitor said make no change to condition #19 as drafted. Mr. Doherty questioned if Town Council understood the two statements – he cited his own letter of 8/29/22 states “final approval” and the 10/22/22 meeting discussion of final approval; Mr. Doherty provided his interpretation of “final approval”. He questions the condition has not been put in other decisions.

Member Dunne commented the structure had to be discussed as to your intentions because it is in the way of the subdivision construction and in other applications it has been clear as to their intentions of razing of existing structures or creating their own lot for the structure to remain. Christine Stickney replied that other applications have stated their intentions for existing structures and most applicants put “razed” structures on their plans and states final approval is subdivision approval – Mr. Doherty disagrees and discussed his past history with the demolition of the structure before the courts and his desires. Member Fornaro noted the Planning Board is here to review a Subdivision. Member Campbell commented it was his understanding if there was no abutter appeal or town appeal the building would come down and why now is there introduction of rebuilding? Member Cavallaro commented he doesn’t understand why the Board is being drag into pending litigation. The Chair asked Members about condition #19 and what they felt the consensus was they always anticipated it would go if the subdivision was approved. Resident Deborah Wessling, 61 Mann’s Drive commented how this is not a quid pro quo and he doesn’t get to make the deals. Mary Ann Johnson, 320 King Street said she looks at the plan and see the existing house is outside the proposed new building envelope and why doesn’t he have to abide to it. Town Planner, Christine Stickney asked the Planning Board about a number of other conditions Mr. Doherty had emailed her on 11/21/22 with requests to revise. Condition #20 Mr. Doherty would like the last two sentences removed and after lengthy discussion re: accepted ways – Planning Board was not agreeable to strike; Condition #22 re: abutter 335 King Street – Mr. Doherty would like this condition be stricken - that stays until work is done - Mr. Doherty said he had a written agreement with neighbor – Staff noted the condition would be complied with once Mr. Doherty provides a copy and the work is performed – Planning Board no change; At this point in the meeting, Member Campbell expressed his concern with the applicant’s questioning of all conditions and discussion arose as to the process. Condition #25c Chair recommends having “As-Built” added to the last sentence. Condition 37 re: sidewalk will add the amount \$3,600.00 and other conditions 19, 26, 28, and 36 remain as written and a new condition re: trees on Parcel A.

MaryAnn Johnson commented again the Board should look at the existing building as it related with the proposed building envelope and it goes to the private road. The Chair said the matter will be reviewed. Elizabeth Driscoll of 304 King Street asked for clarification if the house comes down when the subdivision is approved. Chair Brugnoli explained that once the Planning Board has voted, condition #19 as written would have the house come down even if an abutter appeals. No other changes other than a condition regarding the five (5) trees to be planted on Parcel A is being added to the decision and condition #19 remains unresolved. Mr. Doherty wants to clarify, if the subdivision is approved the house will come down – this house will not be part of the subdivision what this language proposes is even if it is appealed – we just can’t be binded with the proposed language of condition #19 and his intentions do not agree with the language as to the demolition. Member Fornaro motion to continue the public hearing to 12/19/22, seconded by Member Dunne and have the applicant extend the decision deadline again.

**Roll Call Vote:** MaryAnn Brugnoli – Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Abstain

### **Other Business (continued)**

Members reviewed and voted proposed warrant articles for Town meeting 2023:

1. Amend Section 2.100 (Definitions) Chair acknowledge previously reviewed and member were satisfied to submit to Select Board for Town Meeting. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Member Dunne:

Roll Call Vote: MaryAnn Brugnoli – Yes  
Ken Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes

2. Amend Section 5.300 Accessory Uses – Christine provided the background of why this bylaw is needed. Member Dunne asked about temporary skating rinks? The Building Inspector deals with temp seasonal permits. Member Blanchard noted that you can buy sheds (10x12) and have them delivered no building permit – I am uneasy with the proposed bylaw. Member Campbell asked how it pertains to accessory in-law units it was explained they are a separate section of the Zoning Bylaw. Members discussed the square footage threshold, examples of existing situations were described – Members then agreed it is needed and neighbors can learn about what is proposed next to their residences. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Member Dunne:

Roll Call Vote: MaryAnn Brugnoli – Yes  
Ken Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes

Christine noted that the same language would pertain to commercial accessory structures as well and those applicable business sections.

3. Amend Section 5.040 Grandfathering Limits – this is a result of a change at the state level and it would bring the local zoning into agreement with State Laws. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Bernie Campbell

Roll Call Vote: MaryAnn Brugnoli – Yes  
Kenneth Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Neville-Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro -Yes

4. Amend the Sign Bylaws by deleting 5.1.1 Digital Message Board – Christine briefly summarized the Attorney General’s issue when this original reviewed and nothing had been done it belongs in the Zoning Bylaw. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Member Dunne:

Roll Call Vote: MaryAnn Brugnoli – Yes  
Ken Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes

5. New Section 5.900 – Digital Message Boards to be within the Zoning Bylaw – This would create a new section in the Zoning Bylaw that requires a Special Permit to erect and install a Digital Message Board. Christine noted previously item (g) the Board change from 15 minutes to 3 minutes. There was discussion under Prohibitions as to the reference of 5.890 which was addressed and under (c) a lengthy discussion between members as to the radial distance across streets, allowing or not allowing waivers and the fairness of a distance of 500’ LF – noting waivers could be addressed – in the end the Board members agreed to leave the language as written. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Member Dunne:

Roll Call Vote: MaryAnn Brugnoli – Yes  
Ken Blanchard - Yes  
Bernie Campbell – Yes  
Meaghan Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes

6. **Amend Section 6.110, 6.130 and 6.220 require Special Permit for Medical Health Uses** – one correction to 6.110 should be “k” not “d” as noted by the Chair. Member Blanchard asks if this would include Assisted Living Facilities – Christine noted no we already have a definition for Assisted Living Facilities. Member Cavallaro commented folks at Assisted Living Facilities are not always coming and going – how do you assign parking? Member Blanchard noted the issue at Benchmark they had to come in a VPUD. Christine noted we have a definition for assisted living facilities and they are by Special Permit – she assumed that the VPUD was needed for relief on parking.
  
7. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Member Dunne  
 Roll Call Vote: MaryAnn Brugnoli – Yes  
 Kenneth Blanchard - Yes  
 Bernie Campbell – Yes  
 Meaghan Dunne – Yes  
 Giuseppe Fornaro – Yes  
 Tony Cavallaro -Yes
  
8. Amend Section 9 Medical Health Care Facilities Parking – At the last meeting Member Cavallaro suggested to require two (2) parking spaces per exam room, plus employee parking areas and adequate loading and service areas. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Member Dunn  
 Roll Call Vote: MaryAnn Brugnoli – Yes  
 Kenneth Blanchard - Yes  
 Bernie Campbell – Yes  
 Meaghan Neville-Dunne – Yes  
 Giuseppe Fornaro – Yes  
 Tony Cavallaro -Yes
  
9. Amend Section 13.200 new time limits Special Permit – previously agreed to submit result of change in state law bringing Zoning into agreement. Member Fornaro Motion to approve the proposed amendment being submitted to Town Meeting, seconded by Bernie Campbell  
 Roll Call Vote: MaryAnn Brugnoli – Yes  
 Kenneth Blanchard - Yes  
 Bernie Campbell – Yes  
 Meaghan Neville-Dunne – Yes  
 Giuseppe Fornaro – Yes  
 Tony Cavallaro -Yes
  
10. E-code will be handled by the CDMI Director through other article – no vote needed (Voted on 9/12/22)
11. Proposed new fees for Planning Department – previously approved for submission (Voted on 8/29/22).

**Adjournment**

The Chair opened the floor to public comment, seeing and hearing none. The Board voted to adjourn at 9:15 pm.

**Upcoming Meetings**

Monday, December 5<sup>th</sup> & 19<sup>th</sup>, 2022