



## **Hanover Planning Board**

550 Hanover Street, Hanover, MA 02339

**Meeting Minutes - Monday, March 22, 2021 – 6:45 pm - Via Zoom**

### **Committee Attendees**

MaryAnn Brugnoli, Chairman	Bernie Campbell
Ken Blanchard, Vice Chairman	Meaghan Neville-Dunne
Giuseppe Fornaro	Tony Cavallaro
David Traggorth	

### **Other Attendees**

Christine Stickney, Town Planner  
Ann Lee, Director CD & MI/Assistant TM  
Al Loomis, McKenzie Engineering  
Adam Brodsky, DT&M Law  
Jeff Puleo, 40 Oakland Avenue  
Dan Bradford, 64 Oakland Avenue  
Brian Mullin, 275 Washington Street  
Maura Longueil, 78 Oakland Avenue  
Jack Dawley, Northland Residential Corporation  
Jay Demarzo, 13 Wood Hollow Way  
Matt Sheehan, 11 Wood Hollow Way  
Jennifer Duran, 8 Wood Hollow Way  
Jennifer Adams, 5 Wood Hollow Way  
Kevin Moore, 10 Wood Hollow Way  
Dana Altobello, Merrill Engineering  
Frank Teixeira, Starland Holdings LLC  
Jeff Morrill, Planet Subaru  
Rolf Manser, 15 Cricket's Run  
J.P. Wing, 12 Cricket's Run

### **Opening**

Chairman MaryAnn Brugnoli opened the meeting at 6:45 pm and made note the meeting was being recorded.

### **Review of Meeting Minutes**

The Board voted to approve the meeting minutes from March 8, 2021 as written.

### **Other Business**

The Chair updated the Board on the outdoor seating requested by Crossroads Café & Deli. The Board of Selectmen will be looking at approving the request temporarily. In order for the outdoor seating to be permanent, the Planning Board will have to review the plan including parking spaces, lot lines and location of septic etc.

The Chair updated the Board on a possible application for 386 Columbia Road. The applicant would like to convert the space from a café to a kid haircut/party place with a small retail component. The property is in the Aquifer Protection Zone so a hair washing sink would not be allowed without a tight tank.

The Board briefly discussed the proposed outdoor courts at Pickles, 357 Columbia Road.

The Board briefly discussed the removal of junk cars at 456 Columbia Road.

Town Planner Christine Stickney explained the need for updated Board member signatures for the Registry of Deeds. A signature sheet is in the Planning Office for Board members to sign.

The Board briefly discussed the new Chipotle location on Washington Street and the need for reconfiguration of the traffic intersection.

### **Hearing Continuation - Definitive Subdivision Review – Oakland Estates – PB 20-18**

The Board continued a public hearing for the application of 32 Oakland Avenue LLC. The applicant requests definitive subdivision review under Section III B of the Hanover Planning Board Rules and Regulations for the creation of nine (9) residential lots to be known as Oakland Estates. Board member David Traggorth recused himself due to his pending status as a Board member for Cardinal Cushing which owns a portion of the land in the proposed subdivision. Al Loomis of McKenzie Engineering updated the Board on the concerns of the Hanover Conservation Commission including proximity to wetlands, location of the retaining wall and snow removal especially in the cul-de-sac. Several large boulders will be placed at the end of the cul-de-sac along with signage to prevent the piling of snow in that area in order to protect the wetlands from road salt. Mr. Loomis stated he believes the comments from CEI have been addressed. The Chair requested that Mr. Loomis provide plantings as a buffer between the entrance road and 40 Oakland Avenue. Mr. Loomis agreed to consult with a landscaper to provide a year round buffer. Mr. Loomis confirmed the final grading on each lot may be slightly different than presented on the plans, and the infiltration system on lot 4 will be maintained by the HOA.

The Board discussed the three (3) waivers being requested for the project. 1. No projection of the street to adjoining properties not yet subdivided. 2. A sidewalk on one side of the road and not both. 3. A retaining wall within the road layout. The Board discussed the location of the retaining wall and the Conservation Commissions preference that it is outside the wetland buffer. Mr. Loomis stated any future retaining wall maintenance would be the responsibility of the HOA. The Chair stated she is not in favor of allowing the retaining wall within the road layout due to concerns of Town liability once the road is accepted as a public way. Attorney Adam Brodsky of DT&M Law stated that although the retaining wall does not create an unsafe condition, the applicant is willing to forgo future public road acceptance if the Board is willing to approve the three (3) requested waivers. Board member Meaghan Neville-Dunne expressed concern that many years from now the residents could still request acceptance as a public way. Town Planner Christine Stickney stated the Board's decision with the condition of remaining private would be recorded at the Registry of Deeds, and the Hanover DPW would keep track of what roads will remain private. If the residents still wish to request public way acceptance, a hearing would need to be held and the subdivision modified accordingly. At the Boards request, Mr. Loomis explained in detail the design and construction of the proposed retaining wall.

Brian Mullin of 275 Washington Street expressed concern that the proposed subdivision will adversely affect the charm of the Four Corners area. Mr. Mullin also noted that past construction in the area damaged his side yard and would like any future damage repaired. The Chair stated the Board cannot deny approval of the subdivision as long as it meets the requirements of the Planning Board and Zoning Bylaws. The Board will ensure any damage to Mr. Mullin's property will be repaired.

Jeff Puleo of 40 Oakland Avenue asked if the street is never accepted as a public way does that mean it is exempt from Planning and Zoning Regulations. The Chair and Ms. Stickney stated the subdivision is still required to follow regulation regardless of its status as a private way. The HOA will simply be responsible for maintenance of all infrastructure and snow removal.

Mr. Brodsky noted in order to move forward with the Conservation Commission, the applicant would appreciate the Planning Board voting on the three (3) requested waivers this evening.

Dan Bradford of 64 Oakland Avenue stated his concerns with the timeline for construction including maintenance of the road, lot release to the HOA, maintenance of the storm water system and protection of wetlands. Mr. Bradford is concerned there will be a street with empty lots for a lengthy period of time. Mr. Loomis stated operation and maintenance plans would be provided to the Board at the end of the drainage report. Mr. Brodsky stated the maintenance would be overseen by the developer until the lots are handed over to the HOA. Mr. Bradford expressed his concern that roughly 50% of each proposed lot is wetland, and he would have liked for the applicant to be present for future hearings.

Ms. Stickney clarified the subdivision approval is not a discretionary approval if the subdivision meets the requirements of the rules and regulations.

The Board discussed and voted on the below requested waivers:

1. Streets, Location - Required: "Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivide." **Requested: No projection of street to adjoining property.**

A motion was made to approve the above waiver. Roll Call Vote:

MaryAnn Brugnoli – Yes  
Ken Blanchard – Yes  
Bernie Campbell – Yes  
Meaghan Neville-Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes  
David Traggorth – Recused

The motion was approved.

2. Sidewalks - Required: "Paved sidewalks shall be constructed along the full length of both sides of every subdivision way...." **Requested: One sidewalk is provided.**

A motion was made to approve the above waiver with the condition that mutually satisfactory mitigation is agreed upon.

Roll Call Vote:

MaryAnn Brugnoli – Yes  
Ken Blanchard – Yes  
Bernie Campbell – Yes  
Meaghan Neville-Dunne – Yes  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes  
David Traggorth – Recused

The motion was approved.

3. Typical Roadway Section – Required: “Typical Roadway Section” as shown in the Town of Hanover Rules and Regulation governing the subdivision of land in Hanover, Massachusetts. **Requested: Proposed retaining wall shown within the proposed right of way at the back edge of sidewalk.**

A motion was made to approve the above waiver. Roll Call Vote:

MaryAnn Brugnoli – No  
Ken Blanchard – Yes  
Bernie Campbell – Yes  
Meaghan Neville-Dunne – No  
Giuseppe Fornaro – Yes  
Tony Cavallaro – Yes  
David Traggorth – Recused

The motion was approved.

Maura Longueil of 78 Oakland Avenue suggested the mitigation for the sidewalk waiver could be reconnecting and/or recreating any disturbed walking trails currently on the wooded property. The Board discussed this option and the difference between walking trail access and road access beyond the proposed cul-de-sac. Ms. Stickney stated some research will be done on what mitigation would be most beneficial for the Town.

Jeffrey Puleo of 40 Oakland Avenue stated just because you can build it, doesn't mean you should. Mr. Puleo believes the project does not meet the intent of the zoning bylaw, and he mentioned a bylaw voted on in 2017 which was enacted to lessen congestion in the streets and prevent overcrowding of land and to avoid undo concentration of population.

It was noted that Board members Bernie Campbell, Meaghan Neville-Dunne and Tony Cavallaro were absent during the previous hearing on Monday, February 22<sup>nd</sup>. A mullins rule affidavit will be forwarded to these members for their signatures. The Chair made note of the abutters request that the applicant be at the next hearing. The Board voted to continue the hearing to Monday, April 12<sup>th</sup> at 7 pm.

#### **Hearing – Stable Ridge Estates – Modification – PB 21-3**

The Board opened a public hearing for the application of Stable Ridge Estates. The applicant requests a modification to the sidewalks of a previously approved definitive subdivision, case TPL-14-15, decision filed on August 12, 2014. Board member Meaghan Neville-Dunne read the hearing notice into the record. Jack Dawley of Northland Residential Corporation explained a list of required tasks has been created by the Hanover DPW in order to prepare Wood Hollow Way for street acceptance at Annual Town Meeting. The current sidewalk terminates in the cul-de-sac and crosses over multiple driveways. Mr. Dawley stated that due to the steep incline of two driveways, the portion of the sidewalk that crosses said driveways is not ADA compliant. The Hanover DPW has suggested the sections of sidewalk that connect these driveways be removed to eliminate the noncompliance. The Chair asked Mr. Dawley to submit a stamped engineer plan of the proposed sidewalk arrangement with the ramp to the street. Mr. Dawley stated he will submit the plan if the Board will consider approving the modification he is requesting. Town Planner Christine Stickney stated although it would be beneficial for the Board to have the plan already, the Board could approve the modification with the condition that a stamped engineer plan be submitted that is acceptable to the Hanover DPW and ADA compliant. The Board discussed the various alternatives to remedy the lack of ADA compliance and possible future damage to the sidewalks from tree roots.

Jay Demarzo of 13 Wood Hollow Way stated he does not want the sidewalk sections removed and would rather have a waiver of the ADA compliance or have the two driveways regraded. Ms. Stickney stated the Board does not have the authority to waive ADA compliance which is federal and state mandated. Matt Sheehan of 11 Wood Hollow Way does not want the sidewalk sections removed and stated the residents should not be penalized for the mistakes of the developer. Mr. Sheehan would like the two driveways regraded. Jennifer Duran of 8 Wood Hollow

Way stated it is her understanding the sidewalk was a requirement for the development of the neighborhood, and the removal would penalize the neighborhood because of poor development checks and balances. Ms. Duran also stated her concern that terminating the sidewalk half way through the cul-de-sac will look bad and could adversely affect homes values. Ms. Duran would like the two driveways regraded. The Chair noted that the street cannot be accepted as a public way at Annual Town Meeting unless the required corrections are complete so the development is built to plan. Mr. Dawley stated the proposed removal of sections of sidewalk was the suggestion of the Hanover DPW which prompted his modification request to the Planning Board. Jennifer Adams of 5 Wood Hollow Way stated her preference that the two driveways be regraded and would also like some compensation to the HOA for future sidewalk damage from tree roots. Mr. Dawley and the HOA stated their intention to arrange a meeting to discuss the issues and come to a mutually agreed upon solution. Kevin Moore of 10 Wood Hollow Way would like Mr. Dawley's contact information. It will be forwarded to him.

Board member Giuseppe Fornaro noted that whatever agreement is made between Mr. Dawley and the HOA needs to meet the requirements of the Planning Board and ADA. The Board discussed their reluctance to recommend street acceptance at Town Meeting without the trees being moved from between the sidewalk and roadway due to the position of liability the Town could be put in. Board member David Traggorth noted the bond of roughly \$100,000 is incentive for the developer to satisfactorily complete the required work. Ms. Duran suggested the bond funds be turned over to the HOA for future sidewalk repairs if a resolution is not reached. Ms. Stickney noted the bond is an agreement between the Town and developer and would not be turned over to the HOA. If the Town used the bond funds to complete the work, they would be subject to prevailing wage, and the work would likely cost more than the bond amount. It is more cost effective for the developer to complete the required work. The Board discussed what it would cost to move the trees and sidewalk. The Chair stated she will contact the Hanover DPW to get an estimate. A separate hearing regarding road acceptance has been scheduled for Monday, April 12<sup>th</sup> at 7 pm. The Board voted to continue the hearing for the requested modification to Monday, April 26<sup>th</sup> at 7 pm.

#### **Hearing – Starland - Site Plan Review & Modification – PB 21-4**

The Board opened a public hearing for the application of Starland Holdings LLC. The applicant is requesting a modification of a previously approved special permit PB12-13SP dated May 9, 2012 and site plan review for the proposed installation of a drop tower amusement ride. Board member Meaghan Neville-Dunne read the hearing notice into the record. The Chair read a letter requesting a withdrawal for a previous case PB-20-7. A motion was made to accept the letter of withdrawal.

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

The motion was approved.

Dana Altobello of Merrill Engineering reviewed the details of the plans and proposed drop tower amusement ride with the Board. Town Planner Christine Stickney discussed the safety requirements during construction with Mr. Altobello. The Board discussed various details of the proposed ride including height, noise level and lighting. Jeff Morrill of Planet Subaru stated he is not opposed to the drop tower but would like the applicant and Board to keep in mind traffic congestion when considering future changes. The Board discussed traffic and parking issue with the owner of Starland Frank Teixeira. Mr. Teixeira stated the facility is currently seeing about 60% of its pre-Covid activity. Board member David Traggorth stated in order to make changes to the road to alleviate traffic issues; business owners, Board members and residents should contact their State Senators and Representatives. Rolf Manser of 15 Cricket's Run expressed his concern about traffic congestion. J.P. Wing of 12 Cricket's Run asked if speakers

would be mounted to the proposed ride. Mr. Teixeira stated no. The Board discussed the previous agreed to plantings on the left side of the building that have yet to be planted. Mr. Teixeira stated the plantings are scheduled for April. A motion was made to approve the site plan review and modification for the proposed installation of a drop tower amusement ride with the condition that the plantings are in the ground prior to the issuance of a building permit.

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

The motion was approved.

### **Other Business**

The Board scheduled their May meeting for Monday the 17<sup>th</sup>.

### **Adjournment**

The meeting ended and adjourned at 10:19 pm.

### **Next Meetings**

Monday, April 12, 2021 - Monday, April 26, 2021 – May 17, 2021