



## Hanover Planning Board

550 Hanover Street, Hanover, MA 02339

Meeting Minutes – **Monday, May 22, 2023** – 6:45 PM

### Committee Attendees

Mary Ann Brugnoli, Chair  
Kenneth Blanchard, V-Chair  
Bernie Campbell  
Meghan Dunne  
Giuseppe Fornaro  
Dave Traggorth

**Absent:** Tony Cavallaro

**Others:** Christine Stickney, Town Planner

Ann Lee, CDMI Director  
Ed Callahan, Prep & Brandon Li, Kelly Eng.  
Melsi Xhengo  
Karen Sousa  
R. Gugliotta & I. Coleman Merrill Eng. (zoom)

### Opening

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

<b>Roll Call Vote:</b> MaryAnn Brugnoli– Yes	Giuseppe Fornaro - Yes
Ken Blanchard – Yes	Meaghan Dunne – Yes
Bernie Campbell – Yes	Dave Traggorth – Yes

**Minutes:** The Planning Board reviewed the minutes of 4/24/23 & 5/1/23. Member Fornaro noted a correction in the 4/24/23 minutes. Member Fornaro motion to approve 4/24/23 the minutes as amended, Second by Member Campbell.

<b>Roll Call Vote:</b> MaryAnn Brugnoli– Yes	Giuseppe Fornaro - Yes
Ken Blanchard – Yes	Meaghan Dunne – Yes
Bernie Campbell – Yes	Dave Traggorth – Yes

Member Campbell motion to approve the minutes of 5/1/23 seconded by Member Fornaro

<b>Roll Call Vote:</b> MaryAnn Brugnoli– Yes	Giuseppe Fornaro - Yes
Ken Blanchard – Yes	Meaghan Dunne – Yes
Bernie Campbell – Yes	Dave Traggorth – Yes

The Planning Board tabled the minutes of 4/10/23 until next meeting.

### **Other Business: Preliminary Subdivision Plan – 1775 Washington Street/Prep Real Estate LLC (File # 23-6)**

Present was Ed Callahan, General Manager Prep and Brandon Li, Engineer from Kelly Engineering Group. Using a copy of the Preliminary Plan, Mr. Li explained that as a result of a recent zoning changes at the Annual Town Meeting, Prep had filed a preliminary subdivision on 4/28/23 for a zoning freeze protection of the site. Mr. Li described how the proposed roadway (65' wide and 219' length) and would remain private not to be constructed just shown on the plan as Parcel A overlaying the existing main entrance of the site as is today. Prep is proposing no changes to the site as a result of this preliminary plan. Mr. Li spoke of the new improvements made on the site to date as a result of the VPUD Special Permit issued in 2019. Mr. Li commented that they had provided a swept path plan for the entire site to

the Fire Department. Chair Brugnoli asked if the Fire Department was ok with the plan and we will need that in writing. Member Dunne asked why does Prep need to do this if this has already been approved and you're not changing anything and why do want this? Mr. Li feels they need this for protection from zoning and Member Fornaro asked protection from what zoning? Mr. Callahan responded protection from Medical Health Care Facility use which was a use by right under the Planned Shopping Center District (PSCD) and that they do not feel the medical health care facility zoning change should apply to Hanover Crossing because of the VPUD Special Permit. Discussion pursued about the VPUD vs. the PSCD and what is and is not allowed. Mr. Callahan said they currently have Skin MD seeking a building permit for a tenant fit up and they were told they may need to obtain a Special Permit first because of zoning changes before Town Meeting. Mr. Callahan expressed his opinion that as the largest project and taxpayer in the Town, Hanover Crossing should be exempted from this zoning change but he was unable to have that happen before the Town Meeting action and so they filed the preliminary plan for zoning protection. Member Brugnoli commented the zoning change was Town wide in response to a trend for medical health care facilities moving out of the cities to suburban areas and not something unique to Hanover Crossing and getting a special permit is not a big deal. Mr. Callahan believes that under the purpose of the PSCD and the VPUD that Prep is a unique property and should not be subject to such zoning changes. He reminded the Board of the lengthy permitting process, appeal and the delays as a result of COVID that delayed the construction. He asked if the planner can speak to the PSCD and VPUD as to applicability. Town Planner Christine Stickney noted that the zoning map shows the area as the PSCD but it is the VPUD, which is not a district but a Special Permit approval, that dictates the parking and uses. Chair Brugnoli asked Christine if the parking ratios we approved based on the PSCD retail and Christine noted waivers were given for the parking and that all uses are not retail – there are restaurants that have parking by seats and she wasn't sure how the number was derived having not been the Planner at that time. Mr. Callahan commented the shopping center has ample parking and even more parking in reserved. Chair Brugnoli responded the Special Permit is not just about parking it is the use and what is proposed and the Town wanting to know what is going on in there to make sure the people running this are protected are licensed. Mr. Callahan referred the advisory report and it spoke to parking. He noted the Skin MD situation and that the shopping center has common used parking for all tenants. Member Dunne asks if medical uses are allowed in the PSCD and Christine directed the members in the section how it is classified before the change. Mr. Callahan goes back to if a medical health care facility, which by the way are in many regional shopping centers, do you think Prep would do a deal without sufficient parking? Ms. Stickney responded it is not about the parking exclusively it is also the traffic generation and other impacts that should be reviewed. Chair Brugnoli notes the intent was for large medical uses. Member Blanchard cited some hospitals and asked that under this bylaw would Prep be able to build or does prohibit you from doing this? Mr. Callahan is concerned in the future as Boards can change and he feels it opens things up to changes that were not expected. He cited an incident with the prior planner obtaining a zoning change regarding buffers to river front and the direct impact made the shopping center into non-conforming - no one notify Prep of zoning changes if it could affect them citing again the largest taxpayer in the Town. He is apprehensive when he sees zoning changes that the Town should have had a conversation with Prep you just gave us a Special Permit two years ago. Mr. Callahan noted he watched last public hearing and it was about parking and changing it from two down to one per exam room. He feels users are not going to come in and do a deal with Prep if parking or traffic is a problem and he continues to be upset Prep was not invited to a discussion and so they had to file as a protective measure. Member Blanchard said the PSCD was done so they could do certain things that other business areas couldn't do so you could keep current because retail changes a lot and this doesn't help you at all and asks the Chair if VPUD trumps the district. Chair Brugnoli noted you are subject to the VPUD that is how Prep was able to get the residential apartments. Member Campbell asked that if a medical use were to come to Hanover Crossing – and is your objection is the inconvenience of the extra work of a special

permit is that the concern? Mr. Callahan said the Advisory Board report noted parking and he doesn't think it is relevant to the Crossing because of the excessive parking and the waivers given and again the State said don't pave all of these parking spaces. Mr. Callahan said the problem is the adding of an extra layer of process and in the future a Special Permit could be a problem. Member Campbell asked do you see a future tenant that could consume all your parking commented that looking at the quantity of parking you have plus the reserve parking he didn't understand the concern. Mr. Callahan goes back to the past planner and buffer zoning and that they had it changed to exclude the shopping center and it only applied to others in the Town and he thinks this current zoning change should exclude the shopping center. Member Campbell said we are here now Town Meeting approved it and looking at the amount of the parking – I don't know what the Board can do to change it. Mr. Callahan we are not asking you to change he said that is why we are doing a preliminary for the 8-year protection and Prep can always go back to Town Meeting next year and exclude the shopping center and it took 2 years to get the Special Permit. Member Dunne asked if there are specific parking spots and added that Prep is assuming an issue that hasn't presented itself and making a mountain out of a mole hill and is there something you are not sharing with us and that is something that could happen in the mall? Mr. Li commented that when they received the VPUD Special Permit, tenants came and we hadn't filled in and they needed flexibility they projected for uses like banks with drive-thru and medical use was by right and that Prep should have that flexibility previously when they got the Special Permit and not have to be subject to zoning changes. Mr. Li feels medical uses are retail uses and are by right. Member Fornaro does it help to understand the "why" behind the proposed article and it was Town as a whole. Mr. Callahan commented said he didn't feel it was done to just the mall but it does affect the mall. Ms. Stickney clarified that Skin MD has a pending building permit before the Building Department that has not been issued.

Mr. Callahan cited the Town Meeting article is an issue of additional time for Skin MD and for example maybe we will have a dentist in the mall and now they need a special permit – Chair Brugnoli asks what is the problem? Mr. Callahan says the problem is that they have to come for a special permit – and we have already received the VPUD decision and in several locations within the decision understood by the Planning Board that flexibility is needed for shopping centers. He continued this should not be changed by Town Meeting zoning articles and filing a preliminary plan protects our rights with a zoning protection. Ms. Stickney reminded the Planning Board that it is not just the acceptance of the preliminary plan it has to be followed up within 7 months with a definitive plan approval for zoning protection so let's say that is November and you intend to go before Town meeting to change the article? Mr. Callahan said he threw that out it is not his intention just a possibility. Ms. Stickney said as a business man let's be honest you have eight years protection from any other changes and she understands you want the best for the center She commented she understands why Prep did the preliminary that would give the zoning freeze as of 4/28/23 for eight (8) years from endorsement of the Definitive. The eight (8) year protection is also excluding you from other future zoning changes and this area has growth I guess that is hard to understand as to the growth in that area and there are real concerns for traffic on route 53. The Board had seen a trend in neighboring Towns that had 60,000 SF plus buildings being built for a variety of medical related uses and the parking was problematic as well as the fact that medical is a major traffic generator. The zoning freeze protection can be a positive and negative for example if the Town presents any new uses in the zoning not listed in the VPUD Special Permit and zoning is frozen for eight years then it doesn't allow for new uses at the Mall.

Member Campbell asked for an example – Christine suggested Breweries –we don't have a definition for breweries therefore not allowed as of 4/28/23 – but in the future you want a straight up Breweries you are tied to the 4/28/23 zoning and she noted zoning changes all the time and it is evolving and she feels it is a lack of communication on where Prep wants to go in the future. Christine said it is what it is and they are

entitled to file the preliminary however she said the existing conditions (2019) is not a current existing plan and the Board should not vote the waivers – Mr. Callahan said things change every day and at what point of time is existing? Christine went through the subdivision rules and regulations and listed deficiencies. Christine responded existing is at the time of filing of a plan and a current existing should be with the Definitive subdivision submission. She noted changes since 2019 such as the apartments and three lots have been taken out of the main parcel and the ratios of the site at the time of the VPUD approval have changed.

Chair Brugnoli said we don't have to do anything tonight? Christine noted the preliminary plan has a deadline in 45 days (business day - 6/9/23) that you have to act before that date and if you want to continue it has to be a mutual continuance between the applicant and the Board our next meeting is 6/12 after the deadline. Chair Brugnoli asked if we don't act what happens - then the Town Clerk can certify constructive approval for the preliminary after the 45-day deadline passes – Chair Brugnoli asked what if we disapprove what happens and Christine said it doesn't matter if the preliminary is denied or approved it is the Definitive that is crucial to protect zoning. Ms. Stickney recommended that no waivers be voted tonight because of deficiencies and especially since the zoning freeze is being asked on a deficient 2019 existing conditions plan that is not accurate. Chair asked for comments from zoom and the audience – no one spoke. Member Campbell asked should we allow time for them to correct the preliminary and Chair Brugnoli noted the deficiencies would be addressed in the Definitive Plan.

Member Dunne Motion to disapprove/deny the preliminary plan based on the deficiencies outlined in the staff report of 5/18/23, seconded by Member Fornaro. Member Blanchard asked can they not come back and the Chair said they can address in the Definitive and come back.

<b>Roll Call Vote:</b> MaryAnn Brugnoli– Yes	Giuseppe Fornaro - Yes
Ken Blanchard – No	Meaghan Dunne – Yes
Bernie Campbell – No	Dave Traggorth – Not voting/A-Member

The Chair noted the Motion carries and the Preliminary Plan is denied.

**Approval Not Required (ANR) – 30 Laurel Lane/Shellington (PB #23-7)** – Present on zoom was Robert Gugliotta and Irene Coleman from Merrill Engineering for the applicants. Members were provided a staff report. Mr. Gugliotta informed the Board it is a land court plan creating a nonconforming parcel to be eventually conveyed from 30 Laurel Lane to the abutters. He added there is no change to the frontage of either lot. Member Campbell asked about a house on the lot and after a brief discussion on where the parcel is located, Member Fornaro Motion to approve endorsement of the ANR, seconded by Member Blanchard,

<b>Roll Call Vote:</b> MaryAnn Brugnoli– Yes	Giuseppe Fornaro - Yes
Ken Blanchard – Yes	Meaghan Dunne – Yes
Bernie Campbell – Yes	Dave Traggorth – Yes

**Public Hearing – 303 Columbia Road Special Permit/Site Plan Review Starbucks (PB #23-5)**

Only one present was the direct abutter, Karen Sousa. The Chair informed Ms. Sousa a request has been made to withdraw the application from Dan Brennan in a memo dated 5/17/23.

Member Campbell motion to allow the applicants to withdraw without prejudice, seconded by Member Dunne,

<b>Roll Call Vote:</b> MaryAnn Brugnoli– Yes	Giuseppe Fornaro - Yes
Ken Blanchard – Yes	Meaghan Dunne – Yes

Bernie Campbell – Yes

Dave Traggorth – Yes

**Request for Lot releases from Covenant – Nathan’s Hill Estates off Broadway/Xhengo (PB #21-2)**

Present for the request was the applicant Melsi Xhengo. The Chair read a letter dated 5/15/23 from Mr. Xhengo that provided a surety estimate (\$ 226,000) value of the remaining work to be done and release of lots 2, 3, 4, and 5. Mr. Xhengo will leave Lot 1 under the Covenant. In addition, members had a letter from the Town’s peer engineer – CEI dated 5/17/23 concurring with the estimate and adding the typical 25% contingency for surety to be set at \$282,500.00. Member Fornaro motion to accept \$282,500.00 as the established surety amount for remaining work to be completed with the subdivision, seconded by Member Blanchard

**Roll Call Vote:** MaryAnn Brugnoli– Yes

Giuseppe Fornaro - Yes

Ken Blanchard – Yes

Meaghan Dunne – Yes

Bernie Campbell – Yes

Dave Traggorth – Abstain

Member Dunne motion to release Lots 2, 3, 4, and 5 at Nathan Hill Estates from the recorded Covenant, seconded by Member Blanchard

**Roll Call Vote:** MaryAnn Brugnoli– Yes

Giuseppe Fornaro - Yes

Ken Blanchard – Yes

Meaghan Dunne – Yes

Bernie Campbell – Yes

Dave Traggorth – Abstain

The Planning Board acknowledged that the retention of Lot 1 under the Covenant was sufficient value to not require the applicant to post a cash surety or performance bond in the amount of \$282,500.00 for the lot release. The Planning Board signed the lot release. Member Campbell asked about the paving and the distance – Mr. Xhengo explained that the base coat is the whole road. Members signed the lot release.

**Re-Certification of Approved Definitive Plan – # 1410 & #1420 Washington Street (PB #22-10)**

Members were provided a staff report dated 5/16/23. The applicants had not recorded the endorsed approved Definitive Subdivision within the required six-month deadline pursuant to MGL Chap. 41 Section 81X therefore the Planning Board had to be certified and re-endorse. Staff had also suggested since the work was completed that the applicants be told to file an As-Built plan within 60 days so the project could be closed out. Member Fornaro motion to re-endorse certification of the original mylars that no changes have occurred, seconded by Member Blanchard:

**Roll Call Vote:** MaryAnn Brugnoli– Yes

Giuseppe Fornaro - Yes

Ken Blanchard – Yes

Meaghan Dunne – Yes

Bernie Campbell – Yes

Dave Traggorth – Yes

Members signed the Certification Form for the Registry of Deeds

**Return of Peer Escrow funds for the following projects:**

- Stable Ridge Estates/ Wood Hollow Way (PB #22-14) in the amount of \$2,000.59  
Member Blanchard Motion to return escrow funds in the amount of \$2,000.59 for the Stable Ridge Estates Subdivision, seconded by Member Fornaro

**Roll Call Vote:** MaryAnn Brugnoli– Yes

Giuseppe Fornaro - Yes

Ken Blanchard – Yes

Meaghan Dunne – Yes

Bernie Campbell – Yes

Dave Traggorth – Yes

- Benchmark Assisted Living – 1143 Washington Street (PB #19-19) in the amount of \$652.76  
Member Fornaro Motion to return escrow funds in the amount of \$652.76 for Benchmark Assisted Living, seconded by Member Campbell

**Roll Call Vote:** MaryAnn Brugnoli– Yes

Giuseppe Fornaro - Yes

Ken Blanchard – Yes  
Bernie Campbell – Yes

Meaghan Dunne – Yes  
Dave Traggorth – Yes

- Sconset Landing (PB#13-24) in the amount of \$11,305.38  
Member Blanchard Motion to return escrow funds in the amount of \$11,305.38 for Sconset Landing, seconded by Member Fornaro

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

Ms. Stickney reported only one new application to date and we will schedule it for 6/26/23 – so there maybe no business for the 6/12/23 meeting – Chair Brugnoli suggested we wait closer to the date before canceling.

### **Reorganization of the Planning Board:**

Chair Brugnoli nominated Megan Dunne for Planning Board Clerk – no other nominations for position. Member Fornaro Motion to have Meagan Dunne as **Planning Board Clerk**, seconded by Member Campbell

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

Member Blanchard made a statement that he is not seeking to be vice chairman that he believes a younger member should move into the position – he nominated Giuseppe Fornaro - no other nominations. Member Blanchard Motion to have Giuseppe Fornaro as Planning Board **Vice-Chair**, seconded by Member Dunne

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

Chair Brugnoli noted the upcoming year her term is due and she doesn't want to be Chair. Member Dunn nominated Maryann Brugnoli for Chair – no other nominations. Member Dunn Motion to have MaryAnn Brugnoli as **Chair**, seconded by Member Blanchard

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

Member Dunne motion to close the Board meeting, seconded by Chair Brugnoli:

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

Meeting Adjourned at 8:05 PM